



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Hearing Commissioners - Te Tai o Poutini Plan

Prepared by: Lois Easton, Principal Planner

Date: 30 December 2024

Subject: s42A Author Right of Reply Natural Features and Landscapes

Purpose of Report

1. The purpose of this report is to respond to the questions raised by the Hearings Commissioners during Hearing 9: Natural Features and Landscapes, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan above those recommended in the Officers s42a evidence reports.

Hearing Panel's Questions to the s42a Reporting Officer and their Response

2. The following questions were received from the Hearing Commissioners for the Natural Features and Landscape topic which sat on 4-5 March and 19 March 2024.

[1] Are any Outstanding Natural Features under areas of pastoral farming or horticulture.

3. Yes. ONF 5 includes a pastoral farmed area in the Maruia Valley (see map below) although the lands are part of the DOC estate and zoned Open Space Zone. I have been unable to determine whether this might be a pastoral lease area. All other ONFs are on public conservation or other Open Space Zoned land (e.g. esplanade reserve) and are not farmed.



Location of ONF 5

[2] How are Coastal ONLs managed within the Plan?

4. Are the objectives, policies and rules in the ONLF chapter in relation to the Coastal ONLs as well as or instead of the ONFL provisions.
5. The intention of the Plan is that where the ONLs and ONFs are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply. This is outlined in the

Overview section to the chapter and through the provision of Advice Notes linking to the provisions in that chapter.

6. Advice notes are provided in the proposed Plan for NFL – R5 and NFL – R6 which state “Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.”
7. A similar advice note is recommended in the s42A report to be added to NFL – R8.
8. Westpower have sought an amendment to this advice note in relation to NFL – R6 to clarify this statement and that the ONFL rules do not apply where the activity is located in the coastal environment. I have supported that submission but I have not recommended similar amendments to the other advice notes.
9. I consider that a consistent wording for the advice notes is appropriate and recommend that the advice notes for NFL – R5, NFL – R6 and NFL – R8 are consistently amended to read
“Where activities are located in the Coastal Environment, the provisions are located in the Coastal Environment Chapter and this rule does not apply.”

[3] Provide a discussion of offsetting vs compensation in terms of landscape.

10. I am not aware that Landscape offsetting and compensation is routinely applied currently in New Zealand. It appears that landscape offsetting is used in other parts of the world, but there is no body of practice within New Zealand that I am able to draw upon.
11. Landscape compensation has been more widely applied, because, as for biodiversity it is easier, and often cheaper, than an offsetting framework.

[4] Is the effects management hierarchy appropriate for ONFL? How does this link back to higher order instruments

12. As is discussed above offsetting and compensation on landscape matters is not commonly applied in New Zealand. Evidence provided by the Department of Conservation for other topics provides an insight into the practical difficulties with applying the effects management hierarchy to natural character, natural features and landscape.
13. In light of this and the evidence provided by other submitters in relation to the Ecosystems and Biodiversity topic, I now consider that it is not appropriate to refer to the effects management hierarchy in relation to ONFL. This affects my recommendations in relation to NFL – P2 where I no longer support the addition of the reference to the effects management hierarchy. I have shown the recommended amendments to this policy where I discuss this policy further below.

Objectives

[5] In relation to Objective 1 –what is my view on the term “maintain and enhance” and whether this gives effect to Section 6B of the RMA. Can I consider the evidence of Stephanie Styles in relation to this,

14. The reference to “maintain and enhance” in this Objective relates to the values which make a landscape outstanding and whether activities are appropriate or not. This links to the notified plan provisions which provided for landscape offsetting. As I have outlined in this Right of Reply elsewhere, the experience of landscape offsetting in New Zealand is very limited and I no longer support reference to the “effects management hierarchy” in policies within this topic. Consequently I am comfortable with deletion of the term “enhance” from this objective.
15. In relation to the other objection in Ms Styles evidence – she considers that “maintaining the values” does not give effect to Section 6 of the RMA and provides an additional hurdle beyond the Section 6 protective requirements. I do not necessarily agree that is the case, as I consider that maintaining the values is effectively a way in which the overall section 6 direction is achieved. This is fleshed out further in Policies 2 and 3 of the WCRPS landscape chapter and with Policy 2 directing that the values are protected, and Policy 3 specifying that

when determining whether an activity is appropriate or not considering whether it will cause the loss of those values.

16. As the TTPP needs to give effect to both the RMA and the WCRPS I consider the objective wording around maintaining values is appropriate.
17. My recommended Objective 1 wording is as follows (further amendments from s42A report highlighted in yellow):

NFL – O1 ~~To protect~~ The values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini are protected from inappropriate subdivision, use and development, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.

Policies

[6] Policy NFL – P1 talks about maintaining the values – what is appropriate in terms of grouping these values

18. While I have recommended in the s42A report the use of the term “together” in relation to the values in order to be consistent with the WCRPS, I agree with the argument put forward by Bathurst Resources legal counsel that “individually and together” or, as suggested by Ms Gilbert “individually and collectively” is more appropriate. I therefore recommend the following amendment to NFL – P1 (new amendment highlighted in yellow):

NFL – P1

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ maintain the values that individually and together contribute to a natural feature or landscape being outstanding and are for:

a.....

[7] Can you consider the evidence of Ms Styles and how this alters your view in terms of the deletion of clause g. of policy NFL – P1.

19. I have reviewed this evidence and also considered the wider evidence presented over the course of the hearings around renewable electricity generation. Given the direction of the NPS REG I agree that there should be provision for new renewable electricity generation within Policy NFL – P1.
20. I recommend the following amendment to NFL – P1 (new amendment highlighted in yellow):
21. Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ maintain the values that individually and together contribute to a natural feature or landscape being outstanding and are for:
 - a.....
 - ...f.g. Operation, maintenance and upgrading of network infrastructure, and regionally significant infrastructure;
 - g.h. Upgrading and/or nNew infrastructure and renewable electricity generation activities facilities where there is a functional need for it them to be located in these areas;
 - h. Poutini Ngāi Tahu ~~uses~~ activities; or
 - i. The alteration, maintenance or removal of existing buildings or structures

[8] Is Policy NFL- P1 intentionally covering existing land uses as opposed to buildings and structures.

22. Yes. The definition of “activity” (national planning standards definition) includes building activities, subdivision and development and is deliberately used as being very wide. This policy links to Rule NFL – R1.

[9] Can I provide a response to the KiwiRail tabled evidence with regard to NFL – P1 & NFL – P3 and the use of the term “maintain” vs “protect”

23. KiwiRail in their tabled evidence has sought that the recommended amendment of replacing "do not adversely affect" with "maintain" is not carried through. I do not support this and consider my recommendations in the s42A report are appropriate for the reasons outlined there in response to the Westpower submission that sought this change.
24. The panel have asked is there scope to change "maintain" to "protect" in this context. I have reviewed the submissions on this policy and do not think there is scope to make this amendment.
25. The panel also asked whether there should be a consistency of wording between P1 and P3. In P3 I have recommended that the reference to "not adversely affected" be changed to "maintained and enhanced".
26. I agree that there should be consistency of wording between these two policies and prefer the term "maintain" without the reference to "enhance".
27. I note that Westpower have expressed concern in their evidence that P3 as the "allow" policy relates primarily to Permitted Activities and that the term "enhance" in this context is not appropriate.
28. I therefore propose the following amendment to NFL – P3:

NFL – P3

Recognise that there are settlements, farms, land uses, and infrastructure and other activities located within outstanding natural landscapes features or outstanding natural landscapes features and ~~provide for allow~~ new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are ~~not adversely affected~~ maintained or enhanced.

[10] Can I provide a response to the matters discussed in Ms Styles evidence in relation to the criteria and methodology in relation to identification of Outstanding Natural Landscapes.

29. I have considered the evidence of Ms Styles and also other submitters who presented at the hearing. Given the high level nature of the ONL identification, and the fact that as a result of scope for mapping amendments there are likely to be ONLs not mapped within the Plan, I consider that the addition of a Policy outlining the criteria for ONLs would be useful. This would support both further analysis at the resource consent stage, or the future identification of additional ONL areas should they be identified and included in a Plan Change.
30. I recommend the following new Policy NFL – PXXX and agree that it should be the first policy in the chapter. I have not used the exact wording sought in the Manawa submission, but focussed the policy on Outstanding Natural Landscapes rather than landscapes more widely.

NFL- PXXX

To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:

- a. Assessing the values and characteristics of the landscapes according to the following factors:
 - i. Physical characteristics and values;
 - ii. Perceptual characteristics and values;
 - iii. Associative characteristics and values
- b. Including these on the planning maps as Outstanding Natural Landscapes; and
- c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.

[11] Please comment on the matters raised in paragraph 7.27 of Ms Styles evidence in relation to NFL – P2.

31. I have reviewed this evidence and also further reflected on the use of the term "effects management hierarchy" as discussed in the first part of the report. While there are many

instances where the effects management hierarchy may be appropriate, there may also be situations where offsetting and compensation may not be appropriate. I therefore support the proposal in this evidence that the phrase "where appropriate" be included within the policy as follows:

NFL – P2

Where possible practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are otherwise minimised, remedied, mitigated or where appropriate offset or compensated in accordance with the effects management hierarchy.

[12] Is the amended NFL – P2 consistent with the "no more than minor" threshold in the RPS

32. Policy 4 of Chapter 7 Natural Features and Landscapes of the WCRPS states

"4. Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects."

33. I consider that this WCRPS policy specifically provides direction for Permitted Activities and therefore speaks to Policy NFL – P3 which relates to activities that are "allowed" in ONFLs.

34. Policy NFL – P2 relates to activities that might have "significant adverse effects" which will then be subject to a resource consent process and this policy would be used as part of that assessment.

35. I therefore do not consider that this is inconsistent with the WCRPS direction in Policy 4 of Chapter 7.

[13] Should NFL – P3 differentiate between new and existing lawful uses and activities that have no more than minor adverse effects?

36. I have considered this matter carefully in relation to how NFL – P3 links to NFL – R6, NFL – R7 and NFL - R8 which are the Permitted Activity rules that relates to new activities within ONFL. These rules provide for very limited circumstances for new earthworks, buildings and structures and I consider link appropriately to NFL – P3. In that light I do not consider that there is a need to differentiate between new and existing activities within this policy.

[14] Re Policy NFL – P4 clause e – is there alternative wording to "soften outlines"

37. Buller Conservation Group and Frida Inta sought this amendment, however I agree with the evidence presented to the hearing that "landscaping buildings and structures to reduce visual effects" is more appropriate wording as this is intended to capture screening of buildings or filtering of views. I recommend the following amendment to NFL – P4.

NFL - P4

Require that new buildings, and structures within outstanding natural features or landscapes minimise avoid, remedy or mitigate any adverse visual effects including by:

- a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;
- b. Using naturally occurring building platforms, materials and colour that blends into the landscape;
- c. Limiting landform modification through earthworks; and
- d. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; and
- e. Landscaping buildings and structures with appropriate vegetation to soften outlines reduce visual effects

Where these mitigation measures are practicable.

[15] NFL – P5 – should the new clause be expanded to include associated or ancillary activities?

38. I consider that Policy 5 provides a very wide range of circumstances whereby an activity could be assessed as being appropriate to gain resource consent. I do not think it is necessary to expand clause K to include ancillary activities to a lawfully established activities. I also could not find a submission that gives scope to such an amendment.

[16] Office of Te Tumu Paeroa/The Māori Trustee – can you provide a detailed response to their proposal as tabled.

39. The tabled statement from Te Tumu Paeroa addresses a number of matters. Since the hearing the following submissions from the Māori Trustee on this topic have been withdrawn:

- S440.029 (seeking the addition of Māori Landowners to NFL – P1)
- S440.030 (seeking the addition of Māori Landowners to NFL – P5)
- S440.031 (seeking the addition of Māori Landowners to NFL – P7)

40. The first matter dealt with in Te Tumu Paeroa's tabled statement is the status of Māori Landowners in relation to NFL – P5 and NFL – P7. These submissions have now been withdrawn and I will not comment further on their merits. However the withdrawal of these submissions affects my response and my recommendations in relation to NFL – P5 as I had accepted their submission point S440.030. My revised recommended NFL -P5 is as follows:

NFL - P5

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:

- a. The nature, scale and extent of modification to the landscape;
- b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;
- c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;
- d. The temporary, short term or permanent nature of any adverse effects
- e. The functional, technical, operational or locational need of any activity to be sited in the particular location;
- f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu or Māori Landowners who whakapapa to Poutini Ngāi Tahu;
- g. Any positive effects the development has on the identified characteristics and qualities
- h. Any positive effects at a national, regional and local level;
- i. Any relevant public safety considerations; and
- j. The measures proposed to mitigate the effects on the values and characteristics, including:
 - i. ~~The location, design and scale of any buildings or structures, or earthworks;~~
 - ii. ~~The intensity of any activity; and~~
 - iii. ~~he finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~
- k. The extent to which an activity or structure is lawfully established; and
- l. The management of effects on natural character, amenity, recreation, historical and biodiversity values

41. The second matter in the tabled statement relates to NFL – P1 and NFL – R1. The submission point on NFL – P1 has also been withdrawn. As a result I consider there is not scope for the consequential change sought by Te Tumu Paeroa to NFL – R1 as they did not make a specific submission on this rule.

42. There are no other matters covered in the statement of Te Tumu Paeroa.

Rules

[17] Can you consider the evidence of Westpower in relation to Rule NFL – R5 – will this mean that Westpower cannot upgrade its lines as a Permitted Activity.

43. I agree with the assessment that upgrades to Westpower lines would not be provided for within this Permitted Activity. I note that they advise the height of a 66kV line is 21-25m and a 33kV line is 15m. Since the hearing I have reflected at length on the issue of upgrading within the Natural Environment overlays.
44. While I understand the s42A author and caucusing for the Energy Infrastructure and Transport chapter concluded there is not a need for a “minor upgrading” term, I consider that this analysis was incomplete, as while the term may not be necessary in that chapter it would be exceedingly useful in the natural environment (and potentially historic and cultural) overlays.
45. I have considered what might be an appropriate definition of minor upgrade and discussed this with the RMA planners representing Westpower and Manawa Energy in order to get their input. I note that Westpower specifically sought the inclusion of a definition for minor upgrade in their submission so there is scope to include this definition. I propose the following definition:

Minor upgrade means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity and scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.

46. With a definition for minor upgrade in place I now feel that it would be possible to specifically include a provision within Rule NFL – R5 for the minor upgrade of Renewable Electricity Generation Activities (recognising that since this hearing s42A authors have agreed that the term Energy Activities is not being used in plan drafting) and Network Utility Infrastructure without the need for cross referencing to the Energy and Infrastructure Chapters and propose the following amendments to the rule: (amendments from this Right of Reply highlighted in yellow):

NFL - R5

Additions or alterations to buildings and structures including minor upgrades to Energy Renewable Electricity Generation Activities and Network Utility Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. This is a minor upgrade of infrastructure undertaken by a Network Utility Operator or of a Renewable Electricity Generation Activity; or
2. For all other activities:
 - i. The maximum height of any addition or alteration to buildings and structures above ground level is 5m; and
 - ii. The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater; and
3. Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.

[18] Can you provide a response to the matter raised in paragraph 7.60 of Ms Style’s evidence in relation to NFL – R6

47. I acknowledge the evidence of Ms Styles with the recommended deletion of clause b in Rule NFL – R6. Manawa and other electricity generators do not meet the definition of network utility operator, so they are not adversely affected by this deletion.
48. The original submission of Manawa sought that “ancillary earthworks and vegetation clearance” associated with the additions/alterations to buildings and structures Permitted in Rule NFL – R5 be added to that Rule. I continue to consider that this is not appropriate, as Rule NFL – R5 relates to buildings and structures.

49. However on reflection I do agree that ancillary earthworks associated with additions and alterations to buildings and structures should be provided for in Rule NFL – R6. I therefore recommend that the following amendment is made to the rule:

NFL - R6

Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and
2. This is ancillary to:
 - a. An infrastructure activity undertaken by a network utility operator or in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; ~~or~~
 - b. ~~An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;~~ **Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.**
3. For other earthworks, the following standards are complied with:
 - a. The cut height or fill depth does not exceed one metre vertically; and
 - b. No more than 500m³ of earthworks are undertaken/12 month period/site.; ~~and~~
 - c. ~~The earthworks are undertaken outside of the Coastal Environment.~~

Schedules

[19] Given that the schedules of values are very brief can Ms Gilbert provide some draft wording to frame up the scale of modifications of values to assist Plan users.

50. I support the approach proposed in the evidence of Mr Bentley in relation to the detail provided in the schedule as per the example given.
51. However this would involve a significant exercise of re-evaluation to address this for every ONL, many of which cover large areas of Open Space lands held by the Department of Conservation. I consider that the preamble provided by Ms Gilbert provides an appropriate context for the schedule and she has indicated in her evidence that this is a not uncommon approach taken to the level of detail provided within such schedules in other plans.
52. Ms Gilbert has considered this matter and recommends the insertion of a pre-amble to Schedule 5 as follows:

Te Tai o Poutini Plan Schedule Five: Preamble

Schedule Five identifies and describes 55 Outstanding Natural Landscapes (ONLs).

The ONL Schedules are a tool to assist with the identification of the landscape values that are to be protected within an area. They contain both factual information and evaluative content and are to inform plan development and plan implementation processes and assist technical landscape assessment.

The ONL Schedules are based on the scale of the relevant ONL and form a relatively 'high-level' summary of the more natural landscape values of the area. This means that the landscape values identified in an ONL Schedule may not apply to a site within the ONL.

The ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, rural buildings, farmhouses, roads, pastoral land use and production forestry. It is acknowledged that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL.

Given the scale of the landscape assessment underpinning the ONL schedules and the high-level

nature of the schedules themselves, a finer grain proposal-specific assessment of landscape values will typically be required for plan development or plan implementation purposes (including plan changes or resource consent applications). Through any proposal-specific landscape assessment, landscape modifications and/or additional landscape values may be identified that are not recorded in the ONL Schedules.

Maps

[20] Can you provide the updated maps from the landscape architect review of the ONL boundaries. Can you identify the properties affected by the new ONL mapping that weren't under the notified Plan? Are these areas at a low or high level of risk from development?

- 53. Ms Gilbert has worked with the Council GIS consultant to refine the mapping of the ONLs. Appendix 2 of this Right of Reply contains her recommendations in relation to refining the mapping.
- 54. Ms Gilbert's recommendations to increase the area of ONLs are largely restricted to public conservation land.
- 55. In most circumstances the review undertaken by Ms Gilbert has reduced the area of ONL that affects private land, and this is consistent with the relief sought in the submission of the Te Tai o Poutini Plan Committee (S171.001) however, in the following locations her recommendation is to increase the extent of ONL that affects private land. The areas where the recommendation is to increase the extent of ONL that affects private land are shown in the maps below.
- 56. There are four areas where Ms Gilbert has recommended an ONL extension across private land.
- 57. At Kongahu this area has been subdivided into a lifestyle/bush lot subdivision, but the houses have not yet been built. Approximately 13 properties are affected.
- 58. At Little Wanganui and Inchbonnie the areas are riverflats and I would consider are of low likelihood of residential development, however modification for improved farming (e.g. vegetation clearance and humping and hollowing) is possible.
- 59. At Whataroa the area is a wetland, and has a low risk of development as any development would be substantially restricted by the NES – Freshwater provisions around wetland modification.

Key

BG Landscape Areas October2024_v9

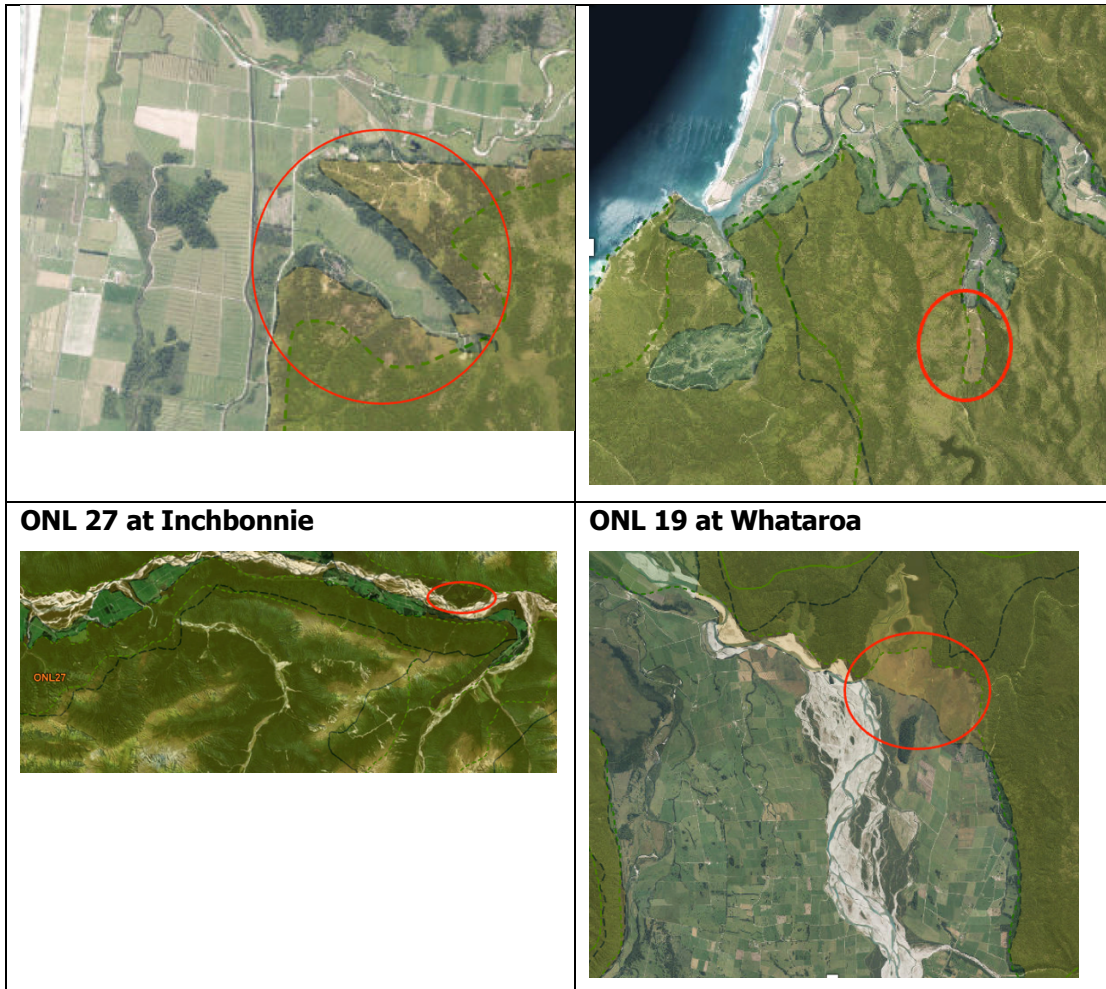
ONL



Outstanding Natural Landscape (Notified)



| | |
|----------------------------------|----------------------------------|
| ONL 52 at Kongahu/Karamea | ONL 54 at Little Wanganui |
|----------------------------------|----------------------------------|



ONL 27 at Inchbonnie

ONL 19 at Whataroa

[21] What is the scope on changes to the Outstanding Natural Landscape maps?

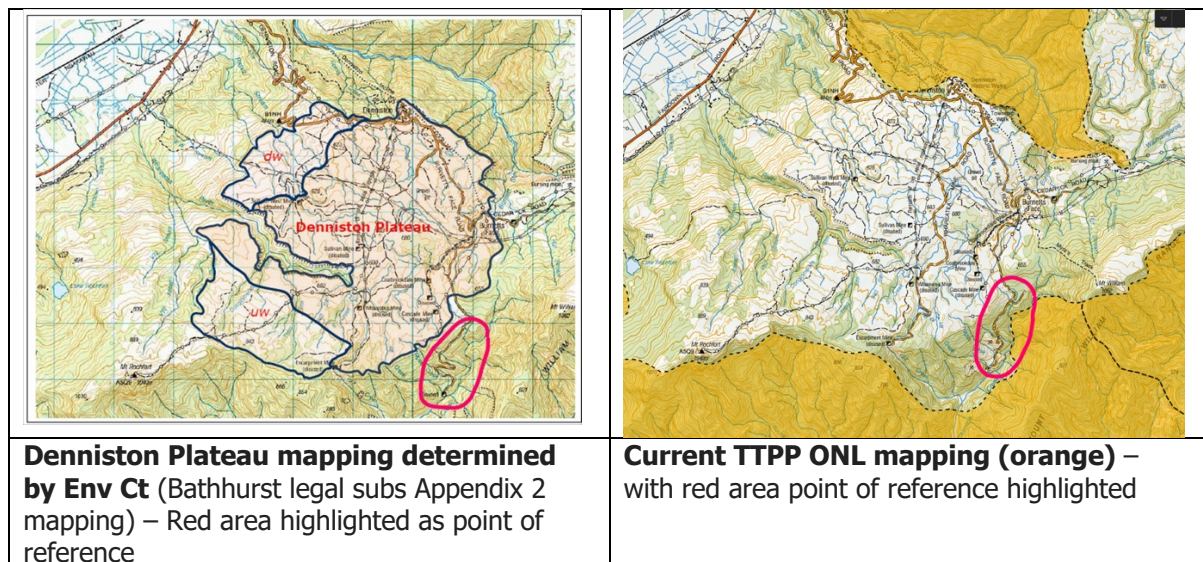
60. I refer to the legal advice attached to this Right of Reply. Refining the ONL boundaries where this reduces the extent is within scope, however where this would expand the area covered by an ONL there is very limited scope.

61. I consider that the submission of Brian Anderson (S576.007) which seeks to amend the boundaries to objectively identify areas with particular values provides some scope for increasing ONLs. I also consider that the submission point of Manawa Energy (S438.142) also provides scope for this as it states "Review and amend the entire landscape study methodology and outputs to follow best practice and to include the necessary assessment against national guidance including review of all of the ONFL mapping to improve accuracy and appropriate identification of areas."

62. As is outlined above, there are only four areas of private land where Ms Gilbert has recommended an increase in ONL extent. There are other increases proposed, but these are all across public conservation land, and I consider that the issues of natural justice raised in the legal advice are of lesser concern in these instances. The Department of Conservation has not indicated any concern with regard to their lands being mapped as ONLs and has sought that more restrictive provisions apply in these locations.

[22] Can you confirm your view on the landscape evidence presented in relation to the Denniston plateau and landscape units from the Environment Court Hearing on this matter.

63. I have reviewed the evidence presented and discussed this with Ms Gilbert who has also reviewed it.
64. Ms Gilbert has noted that the evidence relates to a resource consent hearing and the context was not the establishment of the location of the Outstanding Natural Landscape values in the wider Denniston Plateau area. It follows that the court determined that the resource consent area was not an ONL.
65. Ms Gilbert also notes that the Denniston Plateau boundary as determined in that case is actually smaller than the area outside of the ONL in the TPP maps. This is illustrated in the maps below.



66. Ms Gilbert agrees that there is an overlap of the Buller Coalfield Zone with the ONL boundary but there are numerous overlaps in many locations between the Mineral Extraction Zone and ONLs across the TPP area
67. In light of this review I do not recommend the removal of the ONL from that part of the Buller Coalfield Zone.

[23] Could we include the existing maps of the Westpower Network in the plan acknowledging that those are existing parts of the environment that were present when the ONL was assessed.

68. I have approached all three electricity distribution companies about providing the GIS data files to enable a non-statutory information layer to be built. NZ Energy and Westpower have indicated a willingness to provide this information, at the time of writing I am yet to hear back from Buller Electricity. Provided all the files are able to be provided it should be relatively simple to include an information layer. Because it would be a non-statutory information layer it could be updated outside of a Plan Change process, in the same way/times that other non-statutory layers (e.g. the Property Boundaries provided by LINZ) are updated.

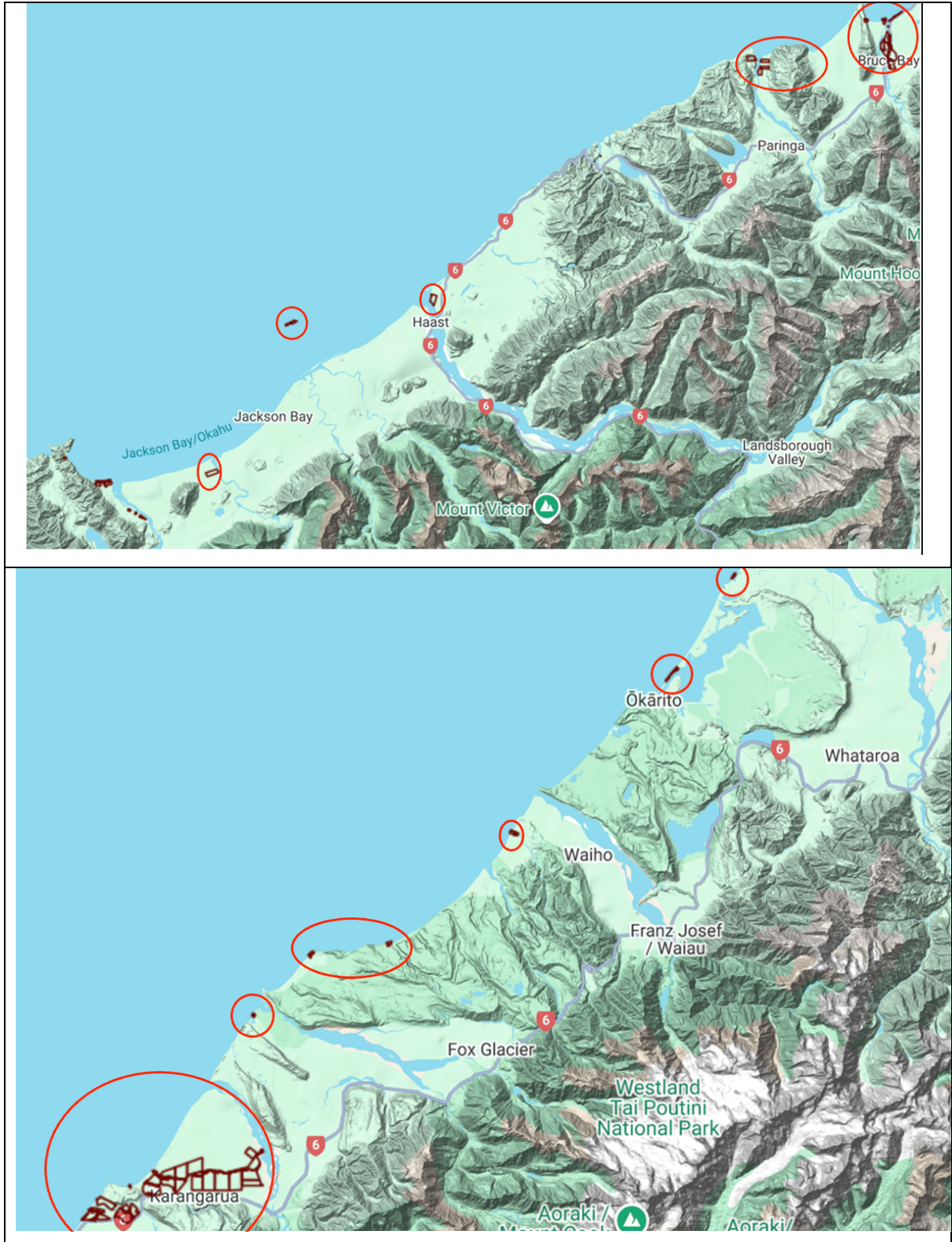
[24] Can I address the issue of consistency in the Plan in relation to renewable electricity generation vs energy generation.

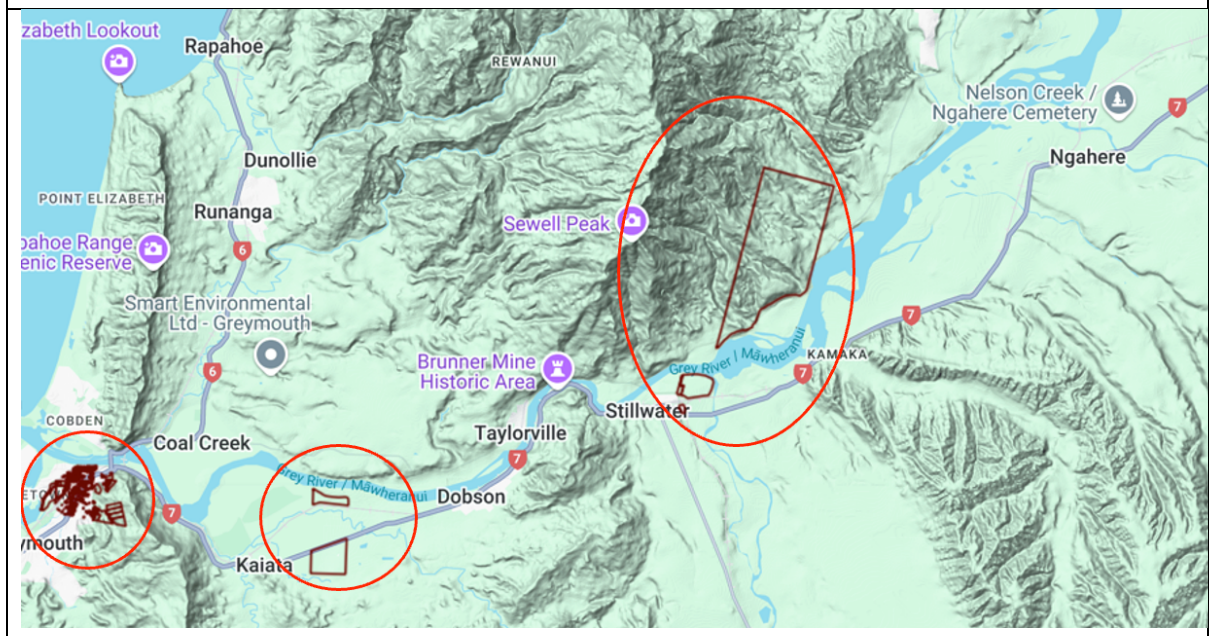
69. I agree that the correct term is renewable electricity generation and recommend that this is used consistently throughout the Plan.

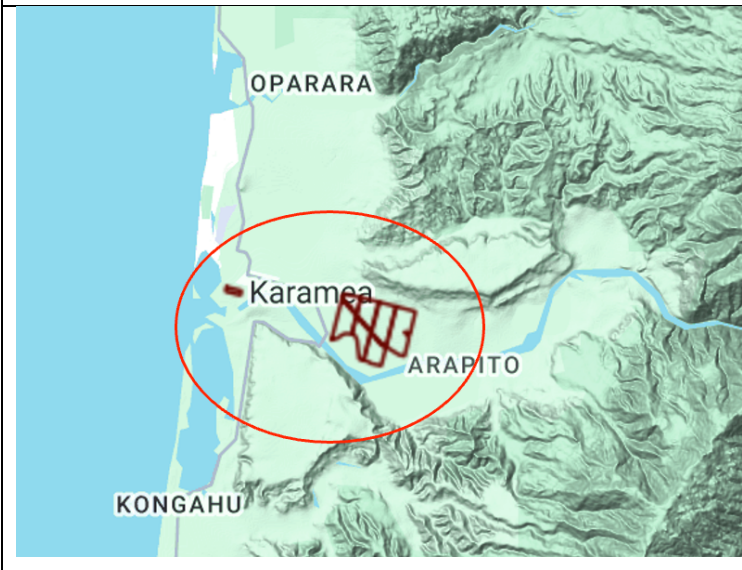
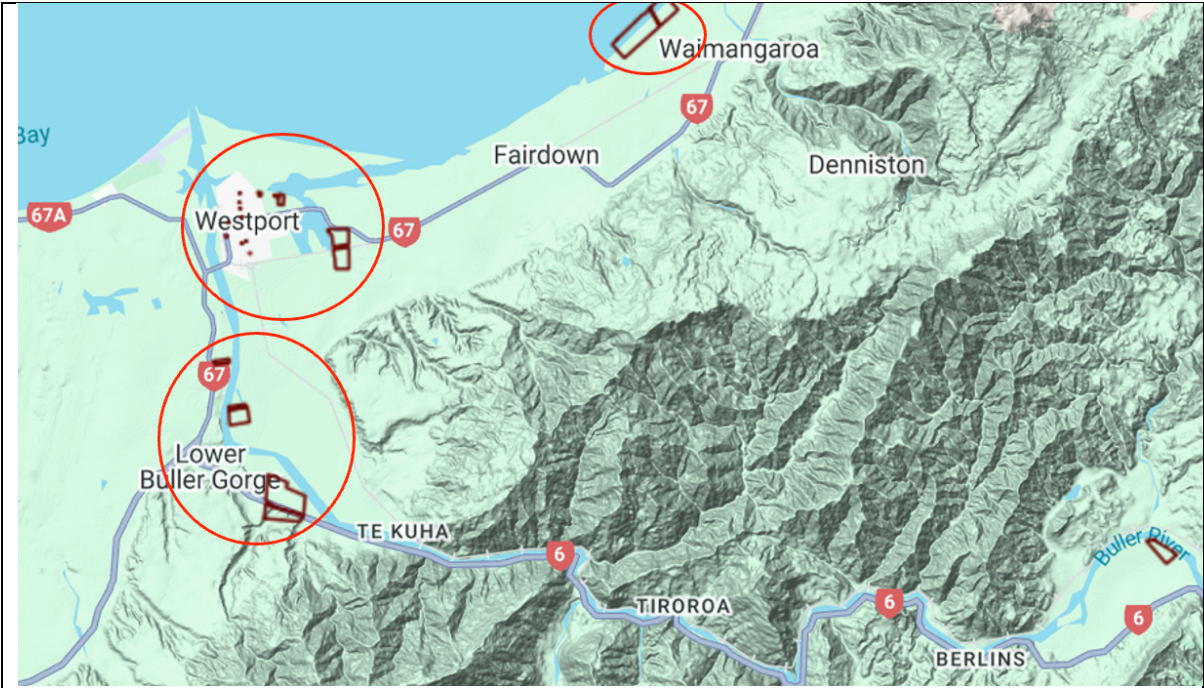
[25] Provide a map of the Māori Freehold Land on the West Coast – where is Poutini Ngāi Tahu Land vs Maori Freehold Land.?

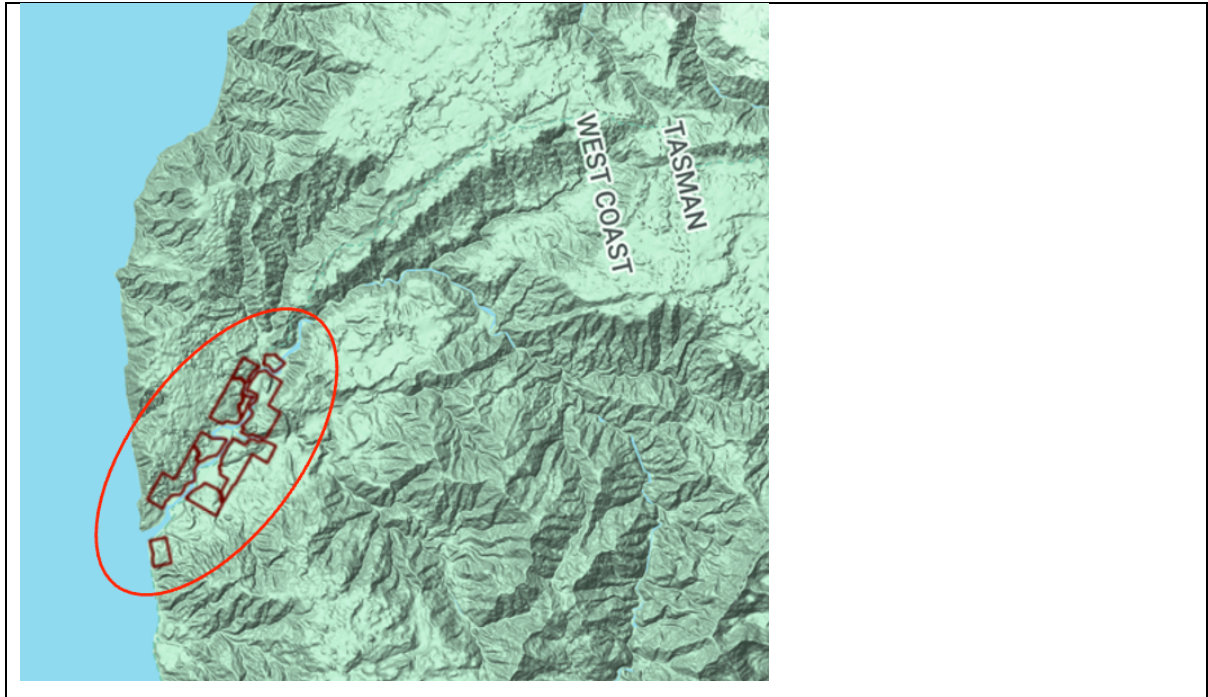
70. The maps below show Māori Land on the West Coast held under Te Ture Whenua Act– this can be more easily viewed at the website link Visualising Māori Land. <https://whenuaviz.landcareresearch.co.nz> . This gives details about who are the landowners,

and whether Te Tumu Paeroa or any other entity manages the land on behalf of the landowners.









71. I note this does not include all the lands owned by Poutini Ngāi Tahu that are not held under Te Ture Whenua Act. The list below was provided for me from Ngāi Tahu of the additional lands that they hold, but I have not been able to source a map showing these lands.

| Identified Property | Legal description | Sites and Areas of Significance to Māori | ONL ref | Outstanding Coastal Natural Character | Zone | |
|--|---|---|---------------------|--|---|---|
| Kahuraki (called Kahurangi Point in Plan) | SO 15490 | SASM1 | ONL55 | NCA61 | Map 1: Natural Open Space Zone | Statutory instruments - site Kahurangi |
| Ōtūkoro Iti Historic Reserve | Sect 1 SO 15229 | n/a | ONL55 | NCA61 | Map 1: General Rural Zone | Tribal Property - vested as Historic Reserve |
| Ōtūkoro Iti, Kahurangi | SO 15489 | n/a | ONL55 | NCA61 | Map 1: Natural Open Space Zone | Statutory instruments - site |
| Whakapoai - Heaphy | SO15493 | SASM2 | ONL55 | NCA61 | Map 2: Open Space Zone | Part of Settlement (Ancillary Claim SILNA)- to be returned to owners once identified by TRONT. Currently held by Te Arawhiti. |
| Ngai Tahu Forest Estates Limited | Lot 1 DP 16754 Lot 2 DP 16754 Lot 1 DP16755 | n/a | DP16755 is in ONL41 | n/a | Map 26: General Rural | Crown Forestry - adjoins ONL |
| Ngai Tahu Forest Estates Limited | Lots 1-3 DP 16756 | n/a | ONL44 | n/a | Map 30: General Rural & Natural Open Space Zone | Crown Forestry - settlement protection |
| Ngai Tahu Forest Estates Limited (south of Pounamu) | Lot 1 Deposited Plan 2859 | n/a | ONL29 | n/a | Map 64: General Rural Zone | Crown Forestry - settlement protection |
| Ngai Tahu Forest Estates Limited | Lot 1 Deposited Plan 2836, Lot 3 Deposited Plan 2887, | n/a | Lot 1 Deposited | n/a | Map 63,64, 69, 70: General Rural, | Crown Forestry - settlement protection |

| Identified Property | Legal description | Sites and Areas of Significance to Māori | ONL ref | Outstanding Coastal Natural Character | Zone | |
|---|---|---|-----------------------------------|--|---|--|
| (between Kumara and Hokitika) | Part Lot 4 Deposited Plan 2887, Lot 1-2 Deposited Plan 410212, Lot 8-9 Deposited Plan 382020, Lot 4 Deposited Plan 382020, Lot 1-2 Deposited Plan 2843, , Lot 1 Deposited Plan 382020 and Lot 1 Deposited Plan 3172, Lot 3 Deposited Plan 3159, Section 2-4 Survey Office Plan 11734 (and others) | | Plan 2836 - ONL25 | | | |
| Ngai Tahu Forestry Estates Limited (between Hokitika and Ross) | Lot 1 Deposited Plan 3156, Lot 2 Deposited Plan 3199, Lot 5,8 Deposited Plan 3012, Lot 2 Deposited Plan 495108, Lot 1 Deposited Plan 373687 and Lot 1-2, 4, 12 Deposited Plan 3012, Rural Section 3157 | n/a | Lot 1 DP 3156 - ONL22 | n/a | Map69 & 74-75: General Rural, Special Purpose Zone - Mineral Extraction | Crown Forestry - settlement protection |
| Ngai Tahu Forestry Estates Limited (between | Lot 1 Deposited Plan 2898 and Lot 1 Deposited Plan 437291, Lot 2-3 | n/a | ONL17 - significant parts of site | Top corner of main lot | Map 79,80,81 &85: General Rural and Mineral Extraction Zone | Crown Forestry - settlement protection |

| Identified Property | Legal description | Sites and Areas of Significance to Māori | ONL ref | Outstanding Coastal Natural Character | Zone | |
|---|--|---|-------------------------------------|--|--|---|
| Waitaha River and Poerua River) | Deposited Plan 3111, Lot 1 Deposited Plan 3157 | | | | | |
| Ngai Tahu Forestry Estates Limited (The Forks) | Lot 1 Deposited Plan 3135 | n/a | ON15 - entire site | n/a | Map 89, 90, 96 - General Rural Zone | Crown Forestry - settlement protection. |
| Ngai Tahu Property Limited (near Lake Brunner) | Lot 101 Deposited Plan 389323 | only lake identified | Most of site covered in ONL 29 | n/a | Maps 65 Precinets Rural Residential, Settlement Zone | Noho site adjoining statutory acknowledgement (lake) ONL assessment needs to consider Associational Values for this site |
| Ngai Tahu Forestry Estates Limited (between Lake Hochstetter and Lake Haupiri) | Lot 9 Deposited Plan 464514, Lot 7 Deposited Plan 464514, Lot 6 Deposited Plan 464514, Lot 8 Deposited Plan 464514, lot 5 Deposited Plan 464514, Lot 4 Deposited Plan 464514 | n/a | ONL32 (part) | n/a | Map:53, 60: General Rural | Crown Forestry - settlement protection |
| Ngai Tahu Forestry Estates Limited (sites around Reefton) | Lot 1 Deposited Plan 15307, Part Lot 8 Deposited Plan 17174, Lot 1 Deposited Plan | n/a | ONL33 on Lot 1 Deposited Plan 15307 | n/a | Maps 36&42 : General Rural Zone | Crown Forestry - settlement protection |

| Identified Property | Legal description | Sites and Areas of Significance to Māori | ONL ref | Outstanding Coastal Natural Character | Zone | |
|---------------------------------|--|--|---------|---------------------------------------|---------|-------------------------------------|
| | 17446, Lot 1&2 Deposited Plan 415798, Lot 2 Deposited Plan 15036, Lot 2 Deposited Plan 11921 and Lot 1 Deposited Plan 15036 | | | | | |
| Moeraki Lake site (s159) | Moeraki Lake site Westland District, comprising 4.6 hectares, approximately, being Part Section 2, SO 11969. Part <i>Gazette</i> 1993, page 1394. Subject to survey, as shown on Allocation Plan A 204 (SO 12493). | n/a | ONL10 | n/a | Map 144 | Historic Reserve owned by Ngāi Tahu |

Recommended Amendments to the Plan

1. The following are my recommended amendments from this Right of Reply. An updated Appendix 1 is also attached.

Consistent Use of Terms

That anywhere in the Plan where the term "renewable energy generation" is used this is replaced with "renewable electricity generation"

New Definition

Minor upgrade means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity and scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.

Amendments to Objectives

NFL – O1 To protect the values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini are protected from inappropriate subdivision, use and development, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.

Amendments to Policies

NFL- PXXX

To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:

- a. Assessing the values and characteristics of the landscapes according to the following factors:
 - i. Physical characteristics and values;
 - ii. Perceptual characteristics and values;
 - iii. Associative characteristics and values
- b. Including these on the planning maps as Outstanding Natural Landscapes; and
- c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.

NFL – P1

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ maintain the values that individually and together contribute to a natural feature or landscape being outstanding and are for:

- a.....
 - f.g. Operation, maintenance and upgrading of network infrastructure, and regionally significant infrastructure;
 - g.h. Upgrading and/or nNew infrastructure and renewable electricity generation activities facilities where there is a functional need for it them to be located in these areas;
 - h.i. Poutini Ngāi Tahu uses activities; or
 - i.j. The alteration, maintenance or removal of existing buildings or structures

NFL – P2

Where possible practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the

adverse effects are otherwise minimised, remedied, mitigated or where appropriate offset or compensated in accordance with the effects management hierarchy.

NFL – P3

Recognise that there are settlements, farms, land uses, and infrastructure and other activities located within outstanding natural landscapes features or outstanding natural landscapes features and ~~provide for allow~~ new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are ~~not adversely affected~~ maintained or enhanced.

NFL - P4

Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise avoid, remedy or mitigate~~ any adverse visual effects including by:

- a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;
- b. Using naturally occurring building platforms, materials and colour that blends into the landscape;
- c. Limiting landform modification through earthworks; ~~and~~
- d. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; and
- e. Landscaping buildings and structures with appropriate vegetation to soften outlines reduce visual effects

Where these mitigation measures are practicable.

NFL - P5

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:

- m. The nature, scale and extent of modification to the landscape;
- n. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;
- o. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;
- p. The temporary, short term or permanent nature of any adverse effects
- q. The functional, technical, operational or locational need of any activity to be sited in the particular location;
- r. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu or Māori Landowners who whakapapa to Poutini Ngāi Tahu;
- s. Any positive effects the development has on the identified characteristics and qualities
- t. Any positive effects at a national, regional and local level;
- u. Any relevant public safety considerations; and
- v. The measures proposed to mitigate the effects on the values and characteristics, including:
 - iv. ~~The location, design and scale of any buildings or structures, or earthworks;~~
 - v. ~~The intensity of any activity; and~~
 - vi. ~~the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~
- w. The extent to which an activity or structure is lawfully established; and
- x. The management of effects on natural character, amenity, recreation, historical and biodiversity values

Amendments to Rules

NFL - R5

Additions or alterations to buildings and structures including minor upgrades to Energy Renewable Electricity Generation Activities and Network Utility Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. This is a minor upgrade of infrastructure undertaken by a Network Utility Operator or of a Renewable Electricity Generation Activity; or

2. For all other activities:

i. The maximum height of any addition or alteration to buildings and structures above ground level is 5m; and

ii. The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater; and

3. Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule INF – R7 and Energy Rule ENG – R4.

NFL - R6

Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and

2. This is ancillary to:

a. ~~An infrastructure activity undertaken by a network utility operator or in accordance with the Permitted Activity standards in Infrastructure Rule INF – R7; or~~

b. An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4; **Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.**

3. For other earthworks, the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; and

b. No more than 500m³ of earthworks are undertaken/12 month period/site.; and

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~

Amendments to Schedule 5

Preamble

Schedule Five identifies and describes 55 Outstanding Natural Landscapes (ONLs).

The ONL Schedules are a tool to assist with the identification of the landscape values that are to be protected within an area. They contain both factual information and evaluative content and are to inform plan development and plan implementation processes and assist technical landscape assessment.

The ONL Schedules are based on the scale of the relevant ONL and form a relatively 'high-level' summary of the more natural landscape values of the area. This means that the landscape values identified in an ONL Schedule may not apply to a site within the ONL.

The ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, rural buildings, farmhouses, roads, pastoral land use and production forestry. It is acknowledged that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL.

Given the scale of the landscape assessment underpinning the ONL schedules and the high-level nature of the schedules themselves, a finer grain proposal-specific assessment of landscape

values will typically be required for plan development or plan implementation purposes (including plan changes or resource consent applications). Through any proposal-specific landscape assessment, landscape modifications and/or additional landscape values may be identified that are not recorded in the ONL Schedules.

Amendments to the Maps

That the extent of ONLs on the planning maps are modified in accordance with the recommendations of the review undertaken by Ms Bridget Gilbert and as outlined in her attached evidence dated 13 December 2024.