

Natural features and landscapes - s42A Officer's hearing speaking notes

17 July 2023

I prepared the s42A report on Natural Features and Landscapes chapter and can confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order policies. I would like to provide you with an overview of the NFL chapter, the s32 report, submissions received, and the s42A report. Then I will go through my preliminary responses to the Panel's written questions.

I'm also the reporting officer for the Ecosystems and Indigenous biodiversity chapter. The hearing for this chapter was moved from this stream to Stream 11 partly to provide more time for this National Policy Statement for Indigenous Biodiversity to be gazetted, and while this was recently gazetted, I haven't turned my mind to it yet.

Minor s42A report errors to correct

I would like to correct four errors that I have noticed since my s42A report was circulated.

The first one relates to incorrect reference to further submission 84, by the Ohoka Residents Association, on two Rolleston Industrial Developments Ltd submissions – these are submission number 326.2 and 326.3. These errors are in the following 3 locations in the report:

- on page 8, paragraph 54, reference to FS84 should not apply to submissions 326.2 and 326.3 so should be deleted. The sentence: "*The Ohoka Residents Association [FS84 and FS137] oppose RIDL [326.2] and [326.3] via further submission*" should not reference FS84, only FS137.
- on page 80 in Appendix B, the final row on this page – delete this entire row for FS84 as it does not relate to 326.2.
- on page 81 in Appendix B, 5th row in table, delete the entire row for FS84 as it should not relate to 326.3.

The next error is on page 10, paragraph 65, refers to the Strategic Directions Right of Reply – this should refer to the '*Council Officer's Preliminary Response to written questions on Strategic Directions*' (not the right of reply).

The next error is on page 22, paragraph 130, the recommended text should include reference to NFL-R8 and NFL-R9 still applying to infrastructure activities. This same would correction would also apply on page 55 in Appendix A. (*except for NFL-R8 and NFLOR9 which do apply*)

And the last error I have noticed is on page 25, paragraph 151, the word '*addition*' should be '*deletion*'.

RMA

s6(b) of the RMA requires Councils to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

RPS

Chapter 12 of the RPS relates to the management of ONLs, ONFs and SALs. The RPS objectives and policies seek to consistently identify and protect ONLs, ONFs and identify and manage other (2nd tier) landscapes.

The RPS requires identification of these features at a district level, based on the landscape values set out in by the RPS, which relate to biophysical, sensory, and associative values.

The RPS identifies the lower Waimakariri River and Gorge as an Outstanding Natural Feature/Landscape at a regional scale, its the only site identified in the District.

District Plan

The Operative District Plan has just one ONL that encompasses the Puketeraki Range, Lees Valley and Oxford foothills.

In the Proposed District Plan – the Natural Features and Landscapes chapter is an overlay chapter. This overlay comprises 4 areas, these are:

1. There is one ONL which is the Puketeraki Range and Oxford Foothills. This is similar to that in the Operative Plan however has a slightly reduced extent due to land use change and now excludes the Lees Valley floor.
2. There are two Outstanding Natural Features (the Waimakariri River, and Ashley River / Rakahuri Saltwater Creek Estuary).
3. And there is one Significant Amenity Landscape which is the Ashley Rakahuri River, this is a second tier landscape due to its biophysical attributes not being high enough for outstanding status.

These areas were identified by a district-wide landscape evaluation by Boffa Miskell in 2018 used the RPS landscape criteria. This landscape evaluation report also identified threats to the landscape values of these areas, and these threats helped to inform the provisions for the chapter.

The section 32 report for the NFL chapter outlines two key resource management issues. These are:

1. the identification of these areas, and;
2. managing development within them to protect from adverse effects on the landscape values.

The majority of the areas are owned by DoC, LINZ, Environment Canterbury or the Council. Some areas are privately owned and are primarily used for rural activities.

The NFL chapter is not subject to Variation 1 as all the ONL/ONFs are located outside urban areas and therefore are not qualifying matters.

s42A summary

- 126 submissions points were received from 22 submitters. 45% were in support, while 55% were in opposition or seek amendments.
- 94 further submission points from 9 further submitters were received.

The key issues raised in submissions are:

- Provision for energy and infrastructure, and quarrying;
- Alignment with higher order documents;
- Clarity regarding whether provisions apply to existing activities;
- Exclusion of specific properties from the Waimakariri River ONF;
- Inclusion of the Lees Valley floor within the ONL; and
- Addition of restrictions on vegetation clearance and pastoral intensification within the ONL.

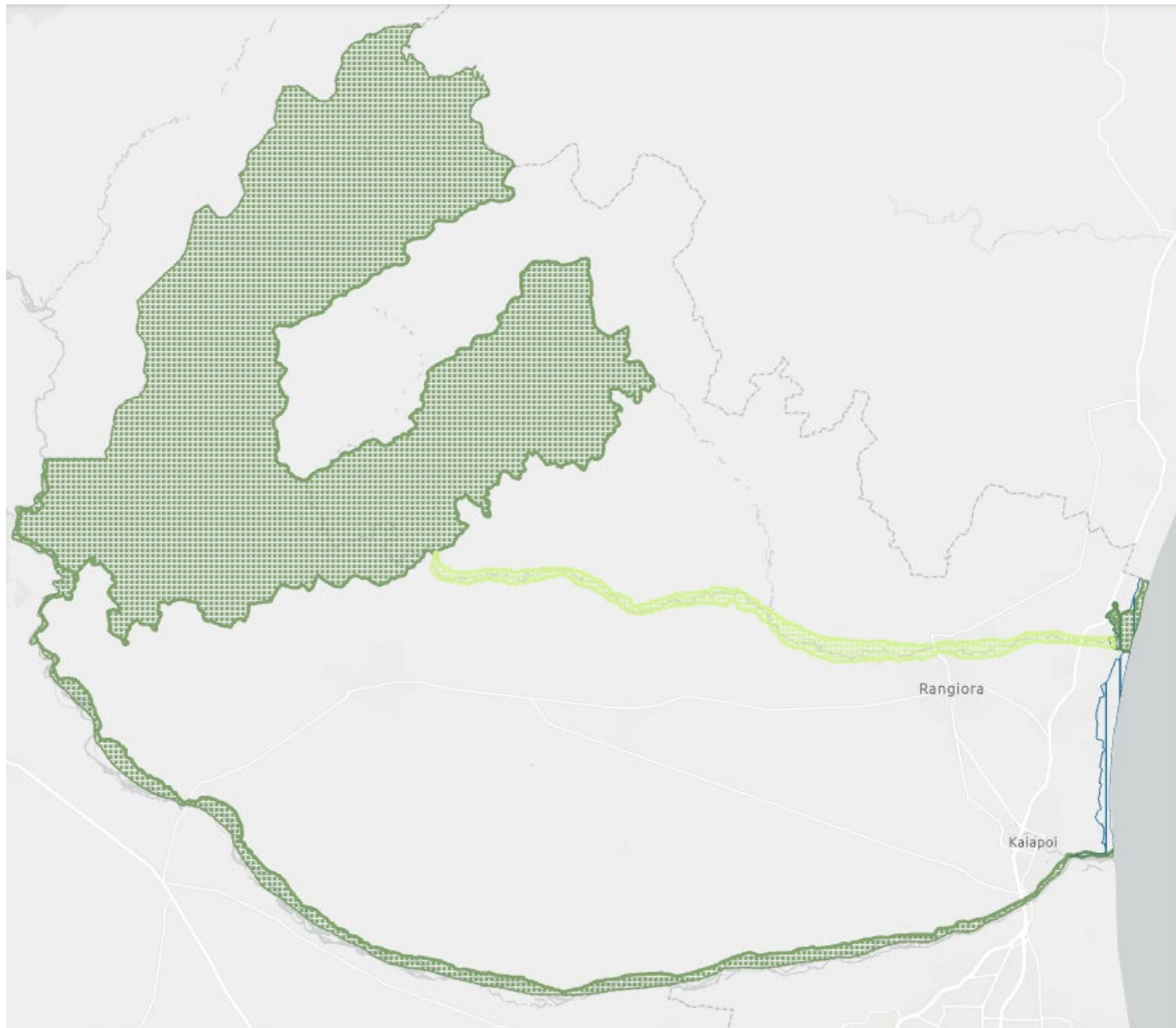
I recommended amendments to the Proposed District Plan to address matters raised in submissions. The key ones are:

- Removal of the absolute protection required by NFL-O1, NFL-O2, NFL-P1, and NFL-P3 by limiting this protection to be from 'inappropriate' use or development, thereby improving alignment with s6(b) of the RMA and providing a clearer 'carve-out' pathway for infrastructure with a functional or operational need.
- Removal of the application of the Natural Features and Landscapes chapter's rules (except for rules NFL-R8 and NFL-R9 which will still apply) to energy and infrastructure activities as these are provided for within the Energy and Infrastructure chapter rules.
- Removing parts of the Waimakariri River ONF within specific properties where a more detailed reassessment determined landscape values do not warrant ONF status; and
- Amendment of 'plantation forestry' definition to align with National Environmental Standard for Plantation Forestry.

Submitter evidence

I have read all submitter evidence received on this topic. Most of it is agreeable with my recommendations. The following are the areas where four submitters do not agree:

1. Evidence on behalf of Fulton Hogan:
 - It reiterates its request to reduce the stringency applied to quarrying within ONF/SAL.
2. Evidence on behalf of Federated Farmers:
 - It notes their continued support for the request by Waimakariri Irrigation Ltd for a new policy that recognises existing and future irrigation and stockwater activities within ONL/ONF/SALs.
 - It reiterates its opposition to the approach for carbon forestry; and
 - It reiterates its opposition to the centre pivot and travelling irrigator restrictions on the basis that they are linked with water allocation and discharge which are Regional Council responsibilities.
3. Evidence on behalf of Transpower:
 - It requests a direct cross-reference to EI-P5 within the protective NFL policies to provide a clearer 'carve-out'.
4. Evidence on behalf of Chorus, Spark, Connexa, and OneNZ:
 - It reiterates concerns that the specific language in the NFL policies may be given more weight due to its directive nature regarding avoidance of effects.
 - It seeks a more explicit recognition of infrastructure in accordance with EI-P5 in the NFL policies to avoid any conflicts or unintended consequences and clearly show the relationship between the protective NFL policies and the practical considerations that may justify works in sensitive environments set out in EI-P5.



Legend

Proposed District Plan

Natural Environment Overlays

Natural features and Landscapes

ONL

-  Ashley River / Rakahuri SAL
-  Ashley River/Rakahuri and Saltwater Creek Estuary ONF
-  Puketeraki Range and Oxford Foothills ONL
-  Waimakariri River ONF

General District-Wide Matters Overlays

Coastal Environment

