

BEFORE THE WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND of the proposed Waimakariri District Plan

**Evidence of Amy Louise Young on behalf of
the Director-General of Conservation / *Tumuaki Ahurei*
Hearing Stream 4: Public Access, Natural Features and Landscapes, Coastal
Environment, Natural Character of Freshwater Bodies.
Submitter ID: 419, Further Submitter ID: 77
dated 4 July 2023**

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Introduction

1. My full name is Amy Louise Young.
2. I have been asked by the Director-General of Conservation / *Tumuaki Ahurei* ('the D-G') to provide planning evidence on the proposed Waimakariri District Plan (pWDP)
3. This evidence relates to Hearing Stream 4: Natural Features and Landscapes, Public Access, Coastal Environment, Natural Character of Freshwater Bodies

Qualifications and experience

4. I am employed by the Department of Conservation (DOC) as a Resource Management Act (RMA) Planner. I have worked for DOC for three years. Prior to that I was employed by the Dunedin City Council as a Resource Consent Planner for 12 years. Prior to taking up a planning role, I was Landscape Architect in Auckland for SOUL Environments for two years and LA4 Landscape Architects for two years. I have experience in resource consent processing, planning advice, and landscape assessment and design.
5. I have previously given expert planning evidence for the D-G on the Proposed Selwyn District Plan: Ecosystems and Indigenous Biodiversity Chapter, the Waste Management New Zealand proposed plan change and consent application for the Auckland Regional Landfill, and for the Minister of Conservation on Proposed Plan Change 5 Southland Regional Coastal Plan: Surface Water Activities on the internal waters of Fiordland from Yates Point to Puyseger Point.
6. I have a Bachelor of Landscape Architecture qualification from Unitec Institute of Technology (2005).

Code of Conduct

7. I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court Practice Note 2023. I have complied with the Practice Note when preparing my written statement of evidence and will do so when I give oral evidence before the hearing.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

9. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

10. This evidence covers:
- a) Public Access
 - b) Natural Features and Landscapes
 - c) Coastal Environment
 - d) Natural Character of Freshwater bodies
 - e) Interpretation/Definitions.

Material Considered

11. I have read the following documents:
- a) Proposed Waimakariri District Plan 2021;
 - b) The s32 Evaluation Reports:
 - Natural Character of Freshwater Bodies, September 2021;
 - Natural Features and Landscapes, September 2020
 - Coastal Environment, September 2021
 - c) The D-G's submission dated 26 November 2021;
 - d) The D-G's further submission dated 21 November 2022;
 - e) Other submissions where they are referred to in my evidence;
 - f) The s42A Officer Reports:
 - Tomonga mārea - Public Access, 15 May 2023
 - Āhuratanga o te whenua - Natural Features and Landscapes, 15 June 2023
 - Te taiao o te takutai moana – Coastal Environment, 14 June 2023
 - Āhuratanga o te awa - Natural character of freshwater bodies ('NATC'), 14 June 2023

Hearing Stream 4 – PUBLIC ACCESS

12. The s32 Report identifies that the maintenance and enhancement of public access to and along the Coastal Marine Area (CMA) and rivers and lakes is recognised as a matter of national importance under Section 6(d) of the RMA. Public access is also a key requirement of the New Zealand Coastal Policy Statement 2010 (NZCPS). The District Plan has an important role in providing for public access to and along water bodies and the CMA through the Waimakariri District. The s32 report anticipated that the Proposed Public Access chapter will better meet the purpose of the RMA by maintaining and enhancing public access, restricting public access where appropriate to preserve natural and cultural values, where there are risks to health and safety, and where the rights of private property owners are significantly compromised.
13. The D-G generally supports the Public Access provisions in the proposed plan with further specific assessment relevant to public access provided in the S32 and s42A Report.
14. The D-G submitted in support of PA-O1, PA-P1, PA-P2 and no changes were made to the notified provisions.
15. The D-G submitted in support of PA-P3(419.113). This has been accepted in part subject to amendments in response to Hort NZ (295.97)

Public Access- Policy 3 (PA-P3)

16. This policy sets out when it is necessary to restrict public access to and along the CMA and water bodies with high values.

PA-P3	<p>Adverse effects of public access Restrict public access to and along the CMA and water bodies with high values where it is necessary to protect:</p> <ol style="list-style-type: none"> 1. naturally rare or threatened indigenous flora and fauna; or 2. dunes, estuaries, the margins of rivers, lakes and wetlands, or any other sensitive environments; or 3. sites of cultural significance to Māori, including archaeological sites; 4. public health or safety; or 5. the rights of private property owners, where providing for public access would significantly compromise these rights; <u>or</u> 6. <u>land-based primary production where potential reverse sensitivity effects cannot otherwise be mitigated².</u>
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17. The s42A Report in response to Hort NZ has recommended the following additional restriction to PA-P3:

6. land-based primary production from potential reverse sensitivity effects where it cannot otherwise be mitigated.

18. I do not accept the requirement for this restriction as it should be covered by PA-P3(4) which seeks to restrict public access to and along the CMA and waterbodies with high values where it is necessary to protect public health or safety.
19. I am generally comfortable with other assessments in the s42A report in relation to the other provisions of the Public Access chapter that the D-G submitted on, there are no other matters I wish to raise in relation to this chapter.

Hearing Stream 4 – NATURAL FEATURES AND LANDSCAPES

20. The s32 Report identifies that the management of important landscapes and features is required under section 6 and 7 of the RMA and Chapter 12 of the Canterbury Regional Policy Statement (CRPS). The S32 report noted that the Operative District Plan provisions do not identify all the important landscapes and features in the District using current best practice criteria. A review of these landscapes and features in the District has identified three additional areas for identification and management, and amended the boundaries of the existing Outstanding Natural Landscape.
21. The S32 report anticipated that the Natural Features and Landscapes chapter rules will be generally more targeted and pragmatic, and better support the continued rural use of sites located within landscape and feature overlays.

NFL-R11

22. The D-G supported all NFL provisions in the notified plan with the exception of NFL-R11 activity status of planting pest species where the D-G was seeking non-complying activity status. (submission point 419.106) As noted in the S42A report this submission point was accepted.
23. I support this recommendation and am comfortable with other assessments in the s42A report in relation to the other provisions of the Natural Features and Landscape chapter that the D-G submitted on, there are no other matters I wish to raise in relation to this chapter.

Hearing Stream 4 – COASTAL ENVIRONMENT

24. The s32 Report recommends the inclusion of a map showing the extent of the coastal environment in the Proposed Plan. The s32 report proposed activities-based chapter and the provisions revised to give effect to the New Zealand Coastal Policy

Statement 2010 (NZCPS). The provisions manage activities such as vegetation clearance, planting of vegetation, public amenities, buildings and structures within, and in close proximity to the natural character areas. The s32 report writer anticipated that the outcome of the proposed provisions will better preserve the natural character of the coastal environment.

25. The D-G generally supports the Coastal Environment provisions in the proposed plan with further specific assessment provided in the s42A Report.

Coastal Environment CE-O1

26. The D-G supported the CE provisions in the notified plan with the exception of Coastal Environment Objective 1 (CE-O1, Submission point 419.115). The D-G opposed the objective in part. CE-O1 is intended to implement Objective 2 of the New Zealand Coastal Policy Statement which seeks to 'preserve the natural character of the coastal environment and protect natural features and landscape values'. NZCPS Policy 14 refers to restoration or rehabilitation of the natural character of the coastal environment and NZCPS Policy 13 refers to preservation of natural character. The D-G sought the following amendment to CE-O1: *"The natural character attributes of the coastal environment of the District are preserved, ~~maintained, and enhanced~~ restored and rehabilitated."*
27. The s42A report writer supports the D-G's submission and notes the notified plan fails to give effect to NZCPS Objective 2 and Policy 14 by its lack of an explicit restoration objective. The cascade from Part 2 RMA to the NZCPS is not complete, as the notified NATC-O3 uses different verbs to the NZCPS. They also note that policy CE-P3 uses the NZCPS verbs of restoration and rehabilitation, which would not be supported by its objective CE-O1 unless amendments are made.
28. I agree with the s42A report writers' recommendation that a minor change to the D-G's relief replacing "and", with "or", would achieve the NZCPS restoration or rehabilitation requirements:
- NATC-O1: "The natural character attributes of the coastal environment of the District are preserved, ~~maintained, and enhanced~~ restored or rehabilitated."*
29. I also agree with the s42A report writers' recommendation *to include the additional matter of discretion CE-MD1:*

8. Whether any restoration or rehabilitation of the natural character of the coastal environment is proposed.

Hearing Stream 4 – NATURAL CHARACTER OF FRESHWATER BODIES

30. The D-G generally supports the Natural Character and Freshwater Bodies provisions in the proposed plan and the further specific assessment recommended in the s42A Report.
31. The D-G made one submission on this chapter on policy NATC-P6 and supports the s42A report writers' recommendation not to accept the proposed changes. The D-G supports the S42A report recommended wording.

Hearing Stream 4 –INTERPRETATION/ DEFINITIONS

32. The D-G submitted on *the* definitions of 'Riparian Margin' and 'Shelterbelts'
33. *Riparian Margin- means any vegetated strip of land which extends along streams, rivers and the banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems.*
34. The D-G sought consistency in how the terms 'river corridor' and 'margin of waterbody' were used. The D-G sought to replace these terms with 'riparian margin'.
35. I agree with the s42A report writers' assessment that the term 'margin of a water body' should remain as notified as it does not only refer to riparian margins.
36. I also agree with the S42A report writers' assessment that the use of the term 'river corridor' in the Natural Features and Landscapes section: NFL-APP1 is appropriate and changing to the term 'riparian margin' will have no material difference to the plan function.
37. *Shelterbelts- means a row or rows of trees or hedges planted to partially block wind flow.*
38. I support the s42A report writers' recommendation to retain the definition as notified.



Amy Young

RMA Planner

DATED this 4th day of July 2023