

Appendix H - Summary of Relevant Submission Discussion from Earlier Hearings

UF&D - Hearing Stream 1

- UF&D and Integration (Hearing Stream 1) relating to general submission points regarding halting the PDP review and the need for economic analysis (s137.001, s3.114, s68.001, s113.114, s118.114, s18.116, s19.116, s20.116, s24.116, s68.118,s127.150, s117.114, s66.001, and FS31.002);

Airport Zone - Hearing Stream 2

- Airport Zone (Hearing Stream 2) relating to setbacks from SNAs (Forest and Bird s110.081 – submission rejected as SNAs will be mapped via variation and the ECO chapter will address this. (para 43 and 44)

Open Space – Hearing Stream 2

- NOSZ – para 86 and 87 – NOSZ-P2 does not need to include “ensuring indigenous vegetation is not disturbed or cleared” as sought by Forest and Bird (s110.066) as the ECO chapter has sufficient protection. Para 114 and 118 Forest and Bird (s110.068 &110.069) seek a new MoD for NOSZ-R11and R12 to be “any adverse effects on indigenous biodiversity or ecological corridors is rejected because provisions relating to the management and protection of indigenous biodiversity are addressed in ECO chapter. Para 131 and 132 (forest and Bird (s110.070) seek a new provision requiring a 10m setback from SNAs which is supported by DoC (FS31.021) is rejected noting that this may be further considered in the ECO hearing (para 136 and 137). Forest and Bird s110.073 seeking amendment to SARZ-P6 to include reference to indigenous biodiversity and ecological corridors is rejected as this is better addressed in the ECO chapter. Forest and Bird submissions (s110.074, s110.075, s110.076 and s110.077) seeking permitted standards and matters of discretion to SARZR1 to SARZ R4 are rejected because the management and protection of indigenous vegetation is better suited to the ECO chapter (para 202 and 203)

Rural Zones (Hearing Stream 3)

- Forest and Bird (s110.049) seek a new standard requiring 10m setback to SNA in the GRUZ and RLZ. This is further submitted by Hamish Weir (FS5.170 and FS5.166), Federated Farmers (FS17.090, FS17.091, FS17.087) and Stoney Creek (FS25.135). the Forest and Bird submission is rejected but consequential changes may be required following the ECO chapter hearings (para 220). DoC submission (s190.122) is accepted in part to include matters of discretion to GRUZ-S7 to include reference to threatened or at risk indigenous species and the management of adverse effects through a Council Authorised Biodiversity Management Plan and it is noted that consequential changes may be need to other stream setback standards across the PDP (para 290 and 291).

- Stoney Creek Station Limited (s3.046), Peters Farm Ltd Karen Peters (s127.082), Trudy Bokser (s113.046), Nathan Bokser (s116.046), AW+ JA Johnston Family Trust (s118.046), Reaby Downs Farm Ltd (s18.048), Karen Temple (s19.048), Sarah and Peter Barclay (s20.048), Helen McIntosh (s24.048), John Baynes (s68.050), and Greg Bokser (s117.046) seek a new precinct is included in the GRUZ chapter called 'Hokonui Hills Special Precinct'. Further submissions have been lodged by Federated Farmers (FS17.088), Heritage NZ (FS11.039) and DoC (FS31.020). These matters have been deferred to HS9 and HS10 (para 392 and 393).
- New Vale Mine submission seeking New Vale precinct includes reference to a enhancing ecological vales as well as ecology values including indigenous biodiversity and the potential for compensation or offsetting (para 421)
- DoC submission (s109.120) seeks changes to GRUZ-R3 with a further submission from Federated Farmers (FS17.078). It is recommended to amend GRUZ-R3 matters of discretion to include reference to "Effects on ecology values, including indigenous biodiversity and the potential for compensation or offsetting." (para 677).
- DoC (s109.119) oppose GRUZ-R1 noting there should be restrictions for sites that propose primary production in areas where there are SNAs which has a further submission from Federated Farmers (FS17.077). It is noted that the ECO chapter will manage this so the submission is rejected (para 653).
- DOC have requested that RLZ-PREC11-O1 and RLZ-PREC11-P1 be amended to include reference to ecological values of the Hokonui Hills Rural Lifestyle Precinct through submission s109.123, s109.124 and a typo (limited) be corrected in RLZ-PREC11-P1. This submission is rejected on the basis that the ECO chapter will address biodiversity matters in Hearing Stream 10 (para 857).
- DOC (s109.127) support in part RLZ-R2 – Residential Activity but seek the following amendment: Matters of Control (...) 2. to reference ecological values of PREC11. This is rejected on the basis that the ECO chapter will provide appropriate protection.
- Note – Setbacks from stream controls reference Council Authorised Biodiversity Management Plan (EG - see GRUZ-S7)

Industrial (Hearing Stream 4)

- – Forest and Bird submissions seeking – SNA setback (s110.065, 110.058, FS5.182, and FS5.176) and Amend GIZ-P4, LIZ-P3, DEV1-O1 & DEV1-P2 to refer to the adverse effects on indigenous biodiversity and ecological corridors (s110.059, 110.052, 110.083, FS29.055, and FS29.085),. Amend GIZ-R1 to GIZ-R5, LIZ-R10 to LIZ-R14 and DEV1-R1 to include a condition relating to adverse effects on indigenous biodiversity and ecological corridors(s110.082 and FS29.082). Rejected as already addressed in Eco Chapter and SNAs unlikely in Industrial zone. Consequential amendment to align stream setback matters of discretion with Rural zones as outlined above.

Residential Zones (Hearing Stream 4)

- 486. Forest and Bird (s110.086) seek amendments to DEV2-P2 to include: 7. The avoidance and mitigation of impacts on indigenous biodiversity and ecological corridors
- 514. In relation to Forest and Bird, currently there are two SNAs identified in the Operative District Plan. It is proposed to map additional SNAs as a PDP variation (see ECO-P1) which may include areas within DEV2. If development is proposed on a site, in proximity to an SNA (located on the same site), it is very likely the ECO Chapter will be reviewed for compliance. Any requirement for setbacks from SNAs should be located within the ECO Chapter as I consider the management of indigenous vegetation is a District Wide matter. The PDP ECO Chapter has appropriate provisions to protect significant natural areas from inappropriate disturbance or clearance through rules, matters of discretion and a policy framework.
- 515. There are matters of discretion in relation to land use, requiring the retention of natural features, and for subdivision: 'impacts on and access to cultural, natural and ecological value areas, including the impacts on any wetland' is a matter of discretion. I recommend the submission from Forest & Bird is rejected on this basis, however it may be that following the Ecosystems and Indigenous Biodiversity Chapter hearing, consequential relief may apply to the DEV2 Chapter.

Hazardous substances and contaminated land (Hearing Stream 6)

Sensitive Environments

- 79. Mercury (s130.007) opposes the definition of 'sensitive environments' because it is unclear what an 'area' is or how it is defined. The submitter seeks the following amendment: Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity
- 80. Transpower (FS30.051) and Contact Energy (FS24.004) both support the submission from Mercury (s130.007) because they also consider that 'area' is not sufficiently understood and therefore creates uncertainty.
- 81. Powernet (s95.008) opposes the definition of sensitive environments because they consider the definition is uncertain and captures areas that are not defined. The definition should be amended to refer to specifically mapped and identified areas on the district planning maps. The submitter seeks the following amendment: Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity
- 82. DOC (FS31.006 & FS31.008) further submitted opposing in part the submission from Mercury (s130.007) and Powernet (s95.008) and seek that the submissions are disallowed on the basis that they consider it appropriate to include areas of indigenous biodiversity as a sensitive environment in relation to the use of hazardous substances. Furthermore, they note that areas of indigenous biodiversity may be outside of

significant Natural Areas (SNAs) and may not be mapped. DOC states that these areas should be managed by applying the effects management hierarchy in accordance with the NPS-IB clause 3.16. In addition, the submitter identifies that section 31(1)(b)(iii) of the RMA assigns territorial authorities with the function of the control of any actual or potential effects of the use, development, or protection of land for the purpose of the maintenance of indigenous biodiversity. Referring to 'Areas of Indigenous Biodiversity' within the plans policies and indigenous vegetation rules enables the Council to achieve this purpose.

Sensitive Environments

- 88. In response to Mercury (s130.007) and Powernet (s95.008) and the further submitters Transpower (FS30.051) and Contact Energy (FS24.004) I note that the term 'sensitive environments' is only used in the PDP within the Hazardous Substances (HAZS) Chapter. The term is defined as follows: Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity
- 89. The intent of the definition was to provide a streamlined means of referring to the individual areas, landscapes, and features which relate to Section 6 matters covered in the Ecosystem and Indigenous Biodiversity (ECO) Chapter and Natural Features and Landscapes (NFL) Chapter. However, I note that whilst other chapters, such as the Energy Chapter have not used the term 'sensitive environments' instead includes a disaggregated version of the definition to reference the relevant Section 6 matters.
- 90. In this report I will consider the submissions on the definition only as they relate to the HAZS Chapter.
- 91. The term 'sensitive environments' is used in the following places within the HAZS Chapter: Overview However, resource management issues are not considered through this other legislation, therefore, the purpose of the Hazardous substances Chapter is to manage the effects of hazardous substances on sensitive environments and on environments where sensitive activities are located in higher densities. HAZS-O1 Locate, design and operate significant hazardous facilities to prevent significant adverse effects on the health of people, the values of sensitive environments..... HAZS-P1 Manage adverse effects from new significant hazardous facilities locating in the General Industrial Zone and Rural Industry Precinct by: 2. locating significant hazardous facilities outside of, and setback from, sensitive environments..... HAZS-P2 Avoid adverse effects from new significant hazardous facilities by: 2. locating significant hazardous facilities outside of, and setback from, sensitive environments..... HAZS-P3 Allow extensions of existing significant hazardous facilities located outside of sensitive environments where the risks associated with hazardous substance storage, use or disposal are not increased. HAZS-R1 Extension or upgrade of existing significant hazardous facility are permitted where the site is not located within a sensitive environment.

- 92. The rule framework within the HAZS Chapter is intended to manage the effects from significant hazardous facilities and through the framework encourage facilities to locate within the General Industrial Zone or Rural Industry Precinct. These areas have been assessed through the PDP process as being more suitable for accommodating these facilities which may generate higher degrees of noxious discharge or effects¹.
- 93. I acknowledge that 'areas of indigenous biodiversity' are not defined within the PDP. However, while any landowner could obtain an ecologist report to provide guidance on the levels of biodiversity present on site, in the context of the PDP it may be unclear whether the levels of biodiversity constitute an 'area'.
- 94. In reviewing the Indigenous Biodiversity and Ecosystems (ECO) Chapter I note that it refers variously to the following:
 - Areas of significant indigenous biodiversity (ECO-P7(4) & (5))
 - 1 Section 32 Evaluation Report: Industrial Zones, Section 32 Evaluation Report: Rural Zones and Section 32 Evaluation Report: Hazardous Substances.
 - Areas of indigenous vegetation or habitat (ECO-P9(4))
 - Areas of indigenous biodiversity (ECO-P10(4))
- 95. ECO-R1 gives effect to the policies and provides restrictions on the clearance of indigenous vegetation. Indigenous vegetation is defined in the PDP as follows: "Has the same meaning as per the National Planning Standard for Indigenous Biodiversity – means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located."
- 96. Removing the reference to 'areas of indigenous biodiversity' from the definition of 'sensitive environments' would mean that extensions to existing facilities where the location or quantity of hazardous substance storage, use or disposal does not change would be permitted even if it were in an area of indigenous biodiversity. However, there would be no change in relation to new significant hazardous facilities which would still require either a discretionary or noncomplying resource consent and as decision makers are not limited in the range of matters they can consider the PDP would be read as a whole and the objectives and policies of other Chapters, such as ECO, would be relevant.
- 97. Therefore, in response to the submissions and further submissions from Mercury (s130.007), Powernet (s95.008), Transpower (FS30.051) and Contact Energy (FS24.004) I accept that it is difficult to know where these 'areas' are. Furthermore, I note that there are rules within the ECO Chapter (ECO-R1) which will aid in maintaining indigenous biodiversity through managing indigenous vegetation clearance which would apply regardless of any provisions within the HAZS. Accordingly, it may be the case that the provisions within the HAZS Chapter do not need to further manage adverse effects on areas of indigenous biodiversity because ECO-R1 will apply to any land to be developed for a new significant hazardous facility and will also apply to any indigenous vegetation clearance required to extend an existing facility.
- 98. In response to DOC (FS31.006 & FS31.008), I accept that areas of indigenous biodiversity may be outside an SNA; that Council has obligations under section

31(1)(b)(iii) of the RMA to maintain indigenous biodiversity/biological; and that under the NPS-IB areas of indigenous biodiversity should be managed by applying the effects management hierarchy in accordance with clause 3.16. However, until the submissions on the ECO Chapter have been assessed and considered there is some degree of uncertainty as to how these obligations will be achieved through the PDP.

- 99. Given the hearing on the ECO Chapter is not until early 2025 it is unclear what amendments to that Chapter may be recommended in response to submissions. Therefore, references to 'areas of indigenous biodiversity' may evolve through definitions and/or clearer articulation. In which case it may be appropriate to retain the reference in the definition of 'sensitive environment'.
- 100. Therefore, in summary, for the purposes of this report I accept the submissions and further submissions from Mercury (s130.007), Powernet (s95.008), Transpower (FS30.051) and Contact Energy (FS24.004) and reject the submission from DOC (FS31.006 & FS31.008) on the basis that there is a rule (ECO-R1) in the ECO Chapter which will achieve the purpose of maintaining indigenous biodiversity regardless of provisions in the HAZS. Furthermore, as the PDP does not currently make it expressly clear where areas of indigenous biodiversity are I accept that it would be difficult for Plan users to understand if they are compliant with the rules. However, I recommend that the panel reserve final decisions on these submissions until the ECO Chapter has been considered as part of hearing stream 9.

Transport (Hearing Stream 5) – TRANS-R1(3)(a)(b) and (d)

- 132. Waka Kotahi NZ Transport Agency (S112.035), the Department of Conservation (S109.040) and the Fuel Companies (S16.033) support TRANS-P12 and seek that it is retained as notified. The Royal Forest and Bird Society of NZ Inc (S110.020) seeks amendments as follows: TRANS-P12 Managing the adverse effects from the use, design and location of the transport network and land transport infrastructure on the natural environment by ensuring appropriate stormwater treatment and management, and limiting the presence and avoiding, remedying, or mitigating effects on outstanding natural features and landscapes, ecosystems and indigenous biodiversity unless there are no practical alternatives. Waka Kotahi NZ Transport Agency has further submitted (FS14.013) to oppose the changes sought by Forest and Bird as they consider it goes beyond the NPS-IB, which allows functional or operational need to be taken into account in determining practicable alternative locations.
- TRANS-P12 135. The support of Waka Kotahi NZ Transport Agency (S112.035), the Department of Conservation (S109.040) and the Fuel Companies (S16.033) of TRANS-P12 is acknowledged. The Royal Forest and Bird Society of NZ Inc (S110.020) seeks changes to use the wording from the purpose of the RMA in relation to avoiding, remedying, or mitigating effects¹¹ and the deletion of references to "limiting the presence ... unless there are not practical alternatives" in relation to outstanding natural features and landscapes, ecosystems and indigenous biodiversity. However, I consider that the proposed changes provide less direction to plan users as they merely repeat

the purpose of the RMA rather than how it is sought to be achieved and I therefore do not agree with the proposal. Moreover, Waka Kotahi NZ Transport Agency (FS14.013) opposes the Forest and Bird change as the NPS-IB allows functional or operational need to be taken into account in determining practicable alternative locations. I agree with the Waka Kotahi NZ Transport Agency further submission that the policy is consistent with the listed exceptions to managing adverse effects on SNAs of new subdivision, use, and development¹² and reject the (S110.020) submission.

- 141. The Department of Conservation (S109.042) oppose TRANS-R1 and seek changes to extend the permitted activity condition criteria under TRANS-R1.3(d) to include or unmapped SNA that has been assessed as significant against the criteria in Appendix 4, highly mobile fauna area or within a riparian margin, and that the activity status for non-compliance is changed to non-complying. NZ Transport Agency Waka Kotahi (FS14.0010) and Contact Energy Ltd (FS24.024) has further submitted that the change to the activity status should be disallowed and should not apply to SNAs that have not been identified in the plan.
- 144. In relation to the Department of Conservation (S109.042) submission point to include a reference to unmapped SNAs, the definition of Significant Natural Area (SNA), shown in full below, already includes reference to unmapped SNAs Has the same meaning as per the National Policy Statement for Indigenous Biodiversity and means: (a) Areas identified as SNA-1 (Waterfall Range) and SNA-2 (Pukerau Red Tussock Reserve) on the planning maps until a suitably qualified ecologist engaged by Gore District Council determines that it is not an SNA (b) any area that is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 4 SNA also includes areas meeting the criteria outlined in Appendix 4 including those identified at resource consent stage or as part of a Farm Environment Plan assessment or as part of a Biodiversity Covenant.
- 145. As unmapped areas are already included in the Significant Natural Area definition, I consider it unnecessary to include the reference in the rule, and as the definition is consistent with the NPS-IB, I disagree with NZ Transport Agency Waka Kotahi (FS14.0010) and Contact Energy Ltd (FS24.024) that it should not apply to unmapped areas. However, it should be noted that this may need to be changed as a consequential amendment following Hearing Stream 9, as we are awaiting the outcome of the Resource Management (Freshwater and Other Matters) Amendment Bill relating to the SNA mapping requirements under the NPS-IB.
- 146. In terms of including a reference to highly mobile fauna areas in the rule, these are defined separately to SNAs under the NPS-IB and are required to be to be mapped and identified. Furthermore, adverse effects of subdivision, use, and development must be managed consistent with the NPS-IB (Section 3.20). I therefore consider it appropriate to include reference to highly mobile fauna areas in the rule together with Significant Natural Areas.

- 147. In terms of riparian margins, although these areas may provide habitat for both indigenous flora and fauna, their identification and management is not a specific requirement under the NPS-IB. However, buildings, structures and earthworks in riparian margins are already managed in the PDP through setback standards with a matter of discretion in relation to indigenous biodiversity and habitats. In relation to the change sought to the activity status, the rule relates to a range of matters, of which indigenous biodiversity is only one aspect of the Transport rule and the overall policy direction to manage activities aligns with a Discretionary Activity status. Moreover, the Discretionary Activity status allows consideration of the objectives and policies of other chapters of the plan to provide direction, including the Ecosystems and Indigenous Biodiversity chapter.

ASW (Hearing Stream 7)

- 59. DOC (s109.099) and Jet Boating NZ (S64.004) support ASW-O1 and seek it is retained as notified.
- 60. Forest and Bird (s110.041) seek to ensure that ecosystems, habitats and biodiversity are not harmed due to activities on the surface of water with the following addition to ASW-O1: 4. Do not adversely affect aquatic and riparian ecosystems, wildlife habitats and indigenous biodiversity. NZTA (FS14.020) oppose Forest and Bird's submission as it goes beyond the scope of directives of the NPS for Freshwater and Indigenous Biodiversity.
- ASW-O1 47. The ASW-O1 objective sets out the overarching outcomes sought to achieve the purpose of the Act in relation to activities on the surface of water. In relation to the values associated with waterbodies on which surface water activities take place these are sought to be maintained and enhanced, as per ASW-O1.2. The values of the waterbodies, which includes aquatic and riparian ecosystems, wildlife habitats and indigenous biodiversity, and directions around these are set out in more detail in the policies, including ASW-P4 and ASW-P5. Although the Forest and Bird submission (s110.041) to a degree links to the values listed in ASW-P4 and ASW-P5 I consider that the wording directive is too specific for the objective. Further the direction 'do not adversely affect' sets out a policy direction to 'avoid' that would align with a noncomplying or prohibited rule status, which is not reflected through the provisions. I also agree with the NZTA (FS14.020) submission that the proposed amendment goes beyond the scope of directives of the national policy directions for freshwater and indigenous biodiversity, and I therefore reject the Forest and Bird (s110.041) submission.
- 48. Support from DOC and Jet Boating NZ for ASW-O1 is acknowledged and accepted as the objective is proposed to be retained.

Subdivision (Hearing Stream 6)

- SUB-P11

- 192. ES (s85.105) support in part SUB-P11 but seek the activity is uplifted to non-complying and include boundary adjustment. The submitter considers subdivision is a precursor to further development. Subdivision can fragment ecological areas and landscapes. New subdivision boundaries should go around high value locations in the district not through.
- 193. Hamish Weir (FS5.86) and CFMA (FS22.009) oppose this submission. The further submitters reason that rules allowing subdivision and boundary adjustments on parcels that contain ONLs & SNAs should be discretionary at most as long as new boundaries do not bisect the features. The submission is completely impractical and incorrectly assumes that all subdivisions are a precursor to further development. Many subdivisions, particularly in rural areas, are not related to any development or change of land use but are for other reasons such as land management, sale and purchase, succession planning.
- 197. SUB-P11 discusses connectivity through establishing esplanades reverses and strips over time. ES discuss the need to uplift the activity status to non-complying however it is not clear how this relates to SUB-P11. I therefore do not propose any amendments to SUB-P11.
- 219. Stoney Creek (s3.030) seeks the deletion of condition 6 from SUB-R1. Stoney Creek questions why sites containing SNAs or ONLs are not afforded controlled activity status when the environmental effects of these activities are negligible.
- 220. Hamish Weir (FS5.90), Federated Farmers (FS17.055) and CFMA (FS22.014) support this submission by Stoney Creek. There is no reason to restrict boundary adjustments from controlled activity status just because there is an SNA or ONL within the same large site, if the SNA or ONL is not adversely affected by the boundary adjustment.
- 228. In relation to Stoney Creek, subdivision containing areas of ONL, ONF or SNAs are provided for as a discretionary activity through Rule SUB-R11. Boundary adjustments, while often seen as administrative changes to property lines, can have significant implications for land use and the relationship between different land uses. I consider the activity status is proportionate to the SUB-R1 significance of the RMA Section 6 matters¹². Subdivision (including boundary adjustments) of land including ONLs, ONFs and SNAs, require assessment to ensure they do not result in adverse effects on the ecological values, visual integrity, or biodiversity of these areas. The Council should consider whether the subdivision could compromise or undermine the conservation or protective measures or result in the loss of values or degrade the quality of the area. The matters of control listed in SUB-R1 do not extend to cover these considerations and as such I do not support the removal of this requirement from the boundary adjustment rule. I recommend the submission and further submission are rejected.
- 250. Hamish Weir (s74.017) supports in part SUB-R4 but seeks the following changes: Subdivision resulting in no additional lots records of title created (...) Activity Status:

Controlled Where: (...) 6. The site does not contain a proposed new boundaries do not bisect a Significant Natural Area or Outstanding Natural Landscape or Feature;

- 256. In relation to Mr Weir's submission, I accept the minor changes to align the rule with the intention of enabling subdivisions that do not create additional records of title. I do not accept the proposed changes to clause (6) relating to ONLs and SNAs for the reasons outlined above in relation to SUB-R1.
- SUB-P18
- 207. DOC (s109.094) support SUB-P18 as drafted.
- 208. Forest and Bird (s110.039) seek the following amendments to SUB-P18: Protect and enhance landscapes, vegetation, ecological connections and indigenous biodiversity that are of a sufficient value that they should be retained.
- 209. Forest and Bird state there is no definition or explanation of what test landscapes, vegetation or indigenous biodiversity will need to go through to deem if they hold 'sufficient value'. This means that it is ambiguous and up to the discretion/opinion of the person applying for and/or the person processing the resource consent. Forest & Bird is of the opinion that all indigenous biodiversity is of sufficient value, and should be enhanced and protected. The addition of ecological connections adds in the important aspect of keeping areas connected to allow native fauna to be able to expand their range, or to easily get from one area of their range to another. NPS-IB 1.7(v)11 requires connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity.
- 210. Hamish Weir (FS5.87) and CFMA (FS22.011) oppose this submission as the ECO rules manage indigenous biodiversity and it is simply not practical or feasible to protect and enhance all landscapes, vegetation, ecological connections and indigenous biodiversity.
- 214. Policy SUB-P18 is supported by SUB-R11 which requires a discretionary resource consent for any subdivision of land containing an area of Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area. Taking this into account, and the submission and further submissions, I consider the policy would benefit from being reworded to be specific to areas mapped or described in the PDP. Outstanding Natural Landscape and Outstanding Natural Features are mapped and so ambiguity over what constitutes 'sufficient value to protect' is removed. Significant Natural Areas, although unmapped at this time, are described in the PDP and would include ecological connections.
- 216. I recommend, for the reasons given above, that SUB-P18 be amended as follows: SUB-P18 Protect and enhance landscapes, vegetation and indigenous biodiversity that are of a sufficient value that they should be retained outstanding natural landscapes,

outstanding natural features, and significant natural areas by ensuring appropriate subdivision design.

- 263. Forest and Bird (s110) seek the addition of the following matter of discretion as it enables ecology and/or indigenous biodiversity to be taken into account as a matter of discretion when new development is occurring to ensure development (especially greenfield) does not adversely impact on ecology and/or indigenous biodiversity. This is in alignment with NPS-IB clause 1.7: 15. Effect on ecological values or indigenous biodiversity 264. Hamish Weir (FS5.98) opposes this submission.
- 275. In relation to the submission from Forest and Bird I consider matter of discretion (11) as notified is sufficient to enable consideration and assessment of ecological values and indigenous biodiversity.

Earthworks (Hearing Stream 7)

- 133. The Department of Conservation (S109.109) supports EW-P5 and seek that it is retained. Alliance Group Limited (FS27.019) further support the submission.
- 134. Royal Forest and Bird Society of NZ Inc (S110.042) considers that the EW-P5 policy needs to make reference to the outcomes sought for terrestrial ecosystems/biodiversity as well as in relation to stream values, and seeks an additional matter as follows: 7. Indigenous biodiversity and ecological connections are maintained or enhanced, including consideration given to nesting/roosting times of rare or threatened indigenous species or taonga species.
- 135. Federated Farmers (FS17.062) oppose the Forest and Bird S110.042 submission and note that 'ecological connections' is not a defined term, and raises the implication of the potential restriction in relation to farming activities as a concern.
- EW-P5 141. EW-P5 relates to the earthworks activities that are managed, the potential adverse effects, and the outcomes sought. The matters listed in EW-P5 relate to permitted activity breaches and the assessment matters. In terms of the Forest and Bird (S110.042) submission to include consideration of indigenous biodiversity values, these matters are primarily managed through the Ecosystems and Indigenous Biodiversity chapter and include ECO-P6, ECO-P7 and ECO-P10 relating to maintaining and enhancing indigenous biodiversity and ecological connections and highly mobile fauna. Ensuring indigenous biodiversity is maintained, replaced or enhanced is also included in EW-P5.4 and the intrinsic values of ecosystems in relation to river margins are included under EW-P5.2. As the matters are already addressed elsewhere in the PDP and in EW-P5 I reject the submission.
- 142. The support for EW-P5 by Waka Kotahi NZ Transport Agency (S112.086), the Department of Conservation (S109.109) and Alliance Group Limited (FS27.019) is acknowledged and accepted as the policy is generally retained.

- 212. Royal Forest and Bird Society of NZ Inc (S110.043) (S110.044) seeks the inclusion of an additional matter of discretion for EW-R10 and EW-R11 in relation to the effects on indigenous biodiversity and ecological connections. Hamish Weir (FS5.125) (FS5.126) and Stoney Creek Station (FS25.121) have further submitted in opposition to the proposal.
- 215. In relation to the Royal Forest and Bird Society of NZ Inc (S110.043) (S110.044) submission to include an additional matter of discretion for consideration of the effects on indigenous biodiversity and ecological connections, these matters are primarily managed through the Ecosystems and Indigenous Biodiversity chapter and include ECO-R1 relating to indigenous vegetation clearance and land disturbance for roads and network utilities. As the matters are already addressed elsewhere in the PDP I reject the submission.
- EW-R13 Flood Hazard 227. Royal Forest and Bird Society of NZ Inc (S110.045) seek the inclusion of an additional matter of discretion in relation to the effects on indigenous biodiversity and ecological connections. Hamish Weir (FS5.127) has further submitted in opposition to the proposal.
- 232. In relation to EW-R13 and the Royal Forest and Bird Society of NZ Inc (S110.045) submission to include an additional matter of discretion for consideration of the effects on indigenous biodiversity and ecological connections, these matters are primarily managed through the Ecosystems and Indigenous Biodiversity chapter and include ECO-R1 relating to indigenous vegetation clearance and land disturbance. Moreover, earthworks in proximity to waterways is managed by EW-S3 river and stream setbacks and include a matter of discretion in relation to indigenous biodiversity. As the matters are already addressed elsewhere in the PDP I reject the submission.
- EW-R14 General 246. Royal Forest and Bird Society of NZ Inc (S110.046) seek the inclusion of an additional matter of discretion in relation to the effects on indigenous biodiversity and ecological connections.
- 251. In relation to the Royal Forest and Bird Society of NZ Inc (S110.046) submission to include an additional matter of discretion for consideration of the effects on indigenous biodiversity and ecological connections, these matters are primarily managed through the Ecosystems and Indigenous Biodiversity chapter and include ECO-R1 relating to indigenous vegetation clearance and land disturbance, and in relation to river margins through EW-S3. As the matters are already addressed elsewhere in the PDP I reject the submission.
- EW-S3 River and Stream Setback 272. The Department of Conservation (DoC) (S190.112) supports the EW-S3 setback from stream and rivers but recommends that a setback also applies to wetlands, and that the assessment matters are amended, as shown below, to align with higher order document including NPS-IB and NPS-FM. Matters of Discretion ... 2. The effects on water quality and the stability and health of the stream bed and banks or wetland, including erosion and sedimentation control measures. 3. The nature

of existing riparian vegetation and the effects opportunities for enhancement and restoration of proposed planting or modification on for indigenous biodiversity and /or habitats. (...) 6. The effects on public and customary access to the stream, or river, or wetland. 7. ... X. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures. Y. methods proposed to monitor or inspect the works undertaken z.the timing of works to minimise adverse effects on threatened or at risk indigenous species. x. management of potential adverse effects through a Council Authorised Biodiversity Management Plan.

- 275. In relation to the DoC submission point to expand on the matters of discretion in relation to indigenous biodiversity to align with the NPS-IB, I agree that the changes provide additional guidance for plan users in relation to management of effects, and a Council Authorised Biodiversity Management Plan is a defined term within the PDP that seeks to give effect to the NPS-IB. However, I consider that these considerations should be incorporated in to Clause 3 that directly relate to indigenous biodiversity, rather than as additional stand-alone matters. In addition, the changes sought to clause 3 would restrict consideration of planting or modification to opportunities for enhancement and restoration, rather than the effects, which can be both positive or negative and I therefore do not agree with the change as it narrows the scope of consideration. I do however accept that opportunities for enhancement and restoration is a relevant consideration. Moreover, biodiversity is defined, as per the RMA, to mean “the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.” The definition of biodiversity encompasses both vegetation and fauna and it is therefore not necessary to refer to indigenous fauna, as it would be covered within indigenous biodiversity. I therefore recommend that the submission is accepted in part with amendments

Infrastructure and Energy (Hearing Stream 7)

- 175. Forest and Bird (S110.019) seek the additional standard is included to avoid SNA's: INFR-S10 - Minimum Setbacks from Significant Natural Areas All zones 1. Any infrastructure building or structure must be set back 10 metres from the closest boundary of any identified Significant Natural Area. Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Whether there is a functional need for the building or structure to be located in the Significant Natural Area, and the extent to which alternative practicable options have been considered and their feasibility. 2. The effects on the indigenous biodiversity, habitats and eco-system within the Significant Natural Area. 3. Impacts on Ngāi Tahu cultural values, including those listed in MW.2.3. 4. Landscape effects 5. Social effect
- 176. Transpower (FS30.069), Yrless (FS21.066) and Contact (FS24.023) oppose this submission.
- 177. The submission from Forest and Bird requesting setbacks from SNA's is rejected on the basis that there is no clear rationale provided detailing what effects would be

managed by including a setback requirement, rather than more direct interference with an SNA. Any clearance of vegetation within SNA's is managed within the ECO chapter.

- INFR-O4 237. DOC (S109.031) oppose the objective and seek amendments which have regard for the management of adverse effects and application of the effects management hierarchy.
- 245. DOC's submission is supported in part. It is unclear what aspects of the objective they believe do not provide for the management of effects. It is noted that the effects management hierarchy relates to indigenous biodiversity and the NPS-FM, however, is not applied universally throughout national direction, and therefore I consider it inappropriate to include in a broader Infrastructure objective. Adverse effects associated with Section 6 matters are managed through their respective chapters, such as ECO and NFL. It is considered appropriate to broaden the objective to reference infrastructure, rather than just critical infrastructure, as effects from infrastructure more generally should be considered. Based on this the submission is accepted in part.
- INFR-P7 306. DOC (S109.033) support the policy in part and seek that it is amended as follows: Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated. and, where there are no practicable alternative locations, applying the effects management hierarchy where adverse effects cannot be avoided.
- 308. Forest and Bird (S110.018) seek to amend this policy to include indigenous biodiversity as follows: Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, indigenous biodiversity, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated.
- 309. Mercury (FS26.022) supports in part this submission but considers that if reference to indigenous biodiversity is added, this should be in a separate policy which references the effects management hierarchy and the principles for biodiversity offsetting and compensation should be consistent with the approach in the NPS-IB.
- 311. The submission from DOC is rejected on the basis that the NPSET is enabling of electricity transmission and does not direct that adverse effects are to be avoided or include a test of 'no practicable alternative locations'. Rather a manage approach is utilised throughout the NPSET. The effects management hierarchy relates to the NPS-IB and is managed through the ECO chapter, specifically ECO-P4 and as such additional inclusion within the INFR Chapter is considered unnecessary.
- 312. Mercury's submission to include 'offset or compensated for' is rejected on the basis that the NPSET does not require offsetting, while these measures could be offered to satisfy section 104 of the RMA, it is not appropriate to include the requirement within a policy. Further, offsetting and compensation formed part of the trend of the draft suite of national planning directions to replace the RMA, however, with these are now set to be replaced, reliance on that draft policy direction is considered inappropriate.

- 314. Regarding Forest and Birds submission requesting the addition of indigenous biodiversity to the wording on INFR-P7, this is accepted in part in that as outlined within the assessment above it is considered appropriate to consider sensitive environments in order to tie in better with INFR- R9, however the ECO chapter does still apply and typically the management of indigenous biodiversity is better dealt with within that chapter.
- INFR-R3 335. DOC (S109.036) support the rule in part and seek that it is amended to include the following matter of discretion as the D-G considers that matters of discretion should include impacts on indigenous biodiversity values: Impacts on indigenous biodiversity values including at risk and threatened species and their habitat.
- 336. Mercury (FS26.027) opposes the submission and seeks tailored matters of discretion for upgrading and removal of above ground infrastructure.
- 343. The submission from DOC is rejected on the basis that the ECO chapter rules will apply and duplicating with a matter of discretion for indigenous biodiversity values is not necessary. As discussed above, ECO-R1 any new critical infrastructure or network utility that requires indigenous vegetation clearance would require consent as a discretionary activity if located outside of a Significant Natural Area or as a non-complying activity if within a Significant Natural Area. As such I consider the plan provides protection of these areas and changes to INFR-R3 are not necessary.
- INFR-R9 375. Chorus (S35.030), One NZ (S32.030), FortySouth (S33.030), Connexa (S37.030) and Spark (S154.030) support the rule in part and seek the activity status in the specified areas is restricted discretionary and the matters of discretion are 'the effect on' the specified areas listed in the rule, as well as the functional needs and operational needs of, and benefits derived from critical infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken as matters of discretion. Further, an update is required to INFR-R9.1 to include contaminated land, hazardous substances, natural hazards (excluding telecommunications), ecosystems and indigenous biodiversity and public access chapters.
- 379. DOC (S109.037) oppose the rule and seek that is amended. The D-G considers that the consenting process for new infrastructure within specified areas is assessed as a non complying activity. Further the rule should be amended to identify any unmapped areas of significant indigenous biodiversity, and areas of highly mobile fauna and riparian margins. Activity status: Discretionary Non complying Where: (...) (b) a Significant Natural Area or unmapped SNA that has been assessed as significant against the criteria in Appendix 4, areas of highly mobile fauna (c) 20m of the Maitai River, or within a riparian margin (...)
- 388. DOC's submission is rejected as a non-complying activity status is considered inconsistent with the NPSET and the objectives and policies of this chapter. The requested relief, that specified areas include unmapped areas of significant biodiversity,

areas of highly mobile fauna and riparian margins is also rejected. The definition of significant natural area includes unmapped areas and as such this relief is considered to already be granted. INFRA-S5 addresses riparian margins sufficiently and as such it is not recommended that this is also included within this rule. In regards to areas of highly mobile fauna, these are not mapped and without evidence demonstrating where these are located would require infrastructure providers to provide a site specific ecological assessment to prove compliance. DOC are invited to provide further information demonstrating where these areas are and further consideration can be undertaken through the hearings process.

- 389. The submission from Chorus, One NZ, FortySouth, Connexa and Spark are rejected. A restricted discretionary activity status is considered inappropriate within specified areas. Given the wide range of specified areas detailed in the rule, it is necessary for the activity status to enable flexibility, and the ability to address a wider scope of matters.
- 390. The submitters further seek that the following specific area are include in the plan: contaminated land, hazardous substances, natural hazards (excluding telecommunications), ecosystems and indigenous biodiversity and public access.
- 394. I consider including 'Ecosystems and indigenous biodiversity' in the rule, to be too broad. The inclusion of 'Significant Natural Area' is sufficient as this is a Section 6 matter.
- Energy Overview 515. Forest and Bird (S110.008) seek additions to the Energy Overview as follows: The Gore District has the potential to provide for large scale energy production utilising wind. The district also contains substantial lignite reserves. However, the adverse environmental effects arising from its extraction, production and use, particularly its contribution to climate change, rules out the development of lignite under current technology.
- 516. Forest and Bird (S110.009) seek the need for energy development to be appropriately located taking account of biodiversity, environmental, landscape and social factors. They seek the following: (...) This limits the geographic areas where renewable electricity generation activities can occur. Logistical or technical practicalities, and the need to integrate with existing supporting infrastructure, may also place constraints on the location of these activities, as does potential effects on natural landscape, amenity, biodiversity and ecosystems.
- 518. Forest and Bird (S110.089) seek the following amendment to ensure the full range of biodiversity and ecological effects need to be adequately considered. They seek the following: Adverse environmental effects, including discharges to air, visual impacts, and noise, and indigenous biodiversity among others can arise from the investigation, development and utilisation of both renewable and non-renewable energy resources. Equally, the development and use of energy resources, including the generation of electricity, can be compromised by the location of incompatible land uses. DOC (FS31.009) support this submission.

- 519. Regarding Forest and Bird's submissions, seeking an amendment to add extraction to the overview, and adding the potential effects on natural landscapes, amenity, biodiversity and ecosystems as a potential constraint, is supported as it better articulates the intent of this portion of the overview and recognises the constraints on energy generation. I highlight however that the NPS-IB does not apply to REG activities.
- Energy – General and Mapping 528. SDC (S146.010) supports in part but seeks that the Energy unique identifier is aligned with NPS and/ or other Councils. Further, to mitigate the impact on the Southland District, it is essential to avoid prominent ridgelines, significant natural areas, and zones of indigenous biodiversity shared with Southland District Councils. Contact (FS24.006) opposes this submission.
- 534. SDC's submission regarding the avoidance of prominent ridgelines, SNAs, and indigenous biodiversity lacks clarity on the specific changes sought. The NFL, ECO, and ENRG Chapters do address these concerns by balancing energy generation with managing or mitigating adverse environmental effects, including visual impacts on ridgelines, with particular attention to the Hokonui Hills. Wind farms, for instance, often require elevation above ridgelines to function effectively. If all district ridgelines were to be avoided, rather than just those explicitly identified, energy generation could be unnecessarily restricted.
- 535. Contact Energy further submission to this point opposes the relief sought, as there are instances where locating energy infrastructure in these areas may be appropriate. In such cases, provisions should allow for applying the effects management hierarchy when effects cannot be fully avoided, particularly given the national and regional importance of energy generation infrastructure. This further submission is supported.
- ENRG – Additional provisions sought 541. Contact (S144.006) seek the inclusion of provisions which relate to the management of indigenous biodiversity so that it is a standalone and comprehensive chapter for renewable energy. DOC (FS31.0010) support in part this submission as it recognises that the NPSIB does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities. Mercury (FS26.017) supports this submission.
- 546. In relation to Contacts submission requesting that the energy chapter should include provisions relating to the management of indigenous biodiversity is not supported. Creating a standalone, chapter would be inconsistent with the National Planning Standards which emphasizes the need for district-wide chapters, such as Ecosystems, Natural Features and Landscapes, and Historic Heritage, to manage activities in relation to district-wide issues. While a dedicated chapter might provide convenience for some users, it introduces a risk of creating gaps in resource management by fragmenting policies and oversight that are meant to apply across multiple areas. A district-wide approach ensures a more integrated and cohesive management of resources, which is crucial for maintaining consistency and avoiding potential oversight in managing indigenous biodiversity, particularly in relation to other district-wide activities and environmental considerations.

- 547. DoC and Mercury's support for the above is acknowledged, however the management of indigenous biodiversity is best managed through the ECO Chapter.
- ENRG-P7 614. Greenbriar (S128.017) support ENRG-P7 in part but seek the following amendment: ENRG-P7 Avoid the location of renewable and non-renewable electricity generation activities within the following areas unless adverse effects can be mitigated: 1. outstanding natural features and landscapes 2. significant natural areas 3. areas of indigenous biodiversity
- 615. Mercury (S130.018) oppose ENRG-P7 and seek the following: Provide for Avoid the location of renewable and non-renewable electricity generation activities whilst managing within the following areas unless adverse effects can be remedied, mitigated, or residual effects offset or compensated: 1. outstanding natural features and landscapes 2. significant natural areas 3. areas of indigenous biodiversity
- 616. Alliance (FS27.006) supports this submission.
- 617. Contact (S144.004) oppose in part the policy and seek consistency with the NPS-REG. Mercury (FS26.011) support this submission.
- 618. DOC (S109.023) support in part ENRG-P7 but seek the following amendments: Avoid the location of renewable and non-renewable electricity generation activities within the following areas unless adverse effects can be mitigated managed by applying the effects management hierarchy: 1. outstanding natural features and landscapes 2. significant natural areas 3. areas of indigenous biodiversity 4. areas of highly specified mobile fauna 5. riparian margins
- 619. Mercury (FS26.0010) and Contact (S144.004) oppose this submission.
- 620. Greenbriar and Mercury Energy submissions to remove reference to "areas of indigenous biodiversity" is supported as clause 1.3(3) of the NPS-IB5 excludes the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities.
- 621. It is acknowledged that the same policy test for renewable and non-renewable is not logical given the policy direction set by the NPS-REG. Additionally, an avoid policy is too strong a requirement given the national direction to encourage renewable energy. However, a "provide" policy is inappropriate as it would appear to encourage locating these activities within sensitive environments. The PDP in general has been drafted so that policies managing district wide matters are dealt with in their respective Chapters, however this policy relates directly to ENRG-R1. ENRG-R1 specifically aims to manage small scale renewable electricity generation within Outstanding Natural Features and Landscapes and Heritage buildings. As such it is considered that ENRG-P7 is appropriate, with the removal of the reference to SNAs and Indigenous Biodiversity as they relate to REG, to reflect the direction of the NPS REG and the cascaded rule ENRG-R1.

- 622. DOCs submission is acknowledged and the intent behind it supported, however as outlined within Mercury's and Contacts further submission the effects management hierarchy applies to SNAs as outlined within the NPS-IB, excluding REG activities (Clause 1.3 (3)), and does not extend to ONLS. The NPS-REG through Policy C2 does provide direction for off setting measures, or environmental compensation, a similar tool to that of the effects management hierarchy, however it is considered these tools are sufficiently provided through ENRG-P9
- 623. Furthermore, ECO policies ECO-P3, ECO-P4, ECO-P8, and ECO-P9 reflect the need to manage adverse effects of development on SNA's while recognising provision of critical infrastructure, specified infrastructure and renewable electricity generation activities in accordance with the requirements of the NPS-IB. The impacts of non-renewable infrastructure would be addressed in these policies in the absence of reference in the INFRA chapter. This matter can be further considered in Hearing Stream 9 and may result in consequential changes.
- 624. Additionally ,the use of terms such highly mobile fauna and could be considered too broad with unintended exclusion of large areas.
- ENRG-P11 642. Forest and Bird (S110.012) seek amendments to ENRG-P11 as large scale renewable energy activities and the location of structures and the infrastructure supporting them, can potentially cause devastating effects to indigenous biodiversity through loss of habitat, vegetation clearance, bird/bat strike (with turbines and power cables). Therefore, in order to ensure sustainable development, adverse effects on indigenous biodiversity and ecosystems must be considered when locating large scale renewable energy. 10. adverse effects on indigenous biodiversity and the eco-systems that support them
- 643. Mercury (S130.022) oppose ENRG-P11 and seek the following changes to give effect to NPSREG 2011 Require large scale renewable electricity generation activities are provide for in the General Rural Zone, or required to demonstrate they are located appropriately having regard to relevant land use zone, also considering the following: 1. any practical constraints, including functional, or technical needs logistical or technical constraints to developing, upgrading, operating or maintaining the activity, including essential activities such as distribution to the national grid; 2. effects on existing infrastructure; the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, and connections to distribution networks, and the efficient use of land 3. the scale, intensity, duration or frequency of the activity's effects; 4. the design and site layout of the activity and its ability to internalise effects; 5. earthworks and construction effects; 6. adverse amenity effects, including but not limited to visual, traffic generation, safety, light spill, shadow and noise effects; 7. effects on adequate separation distances from sensitive activities and Outstanding Natural Features and Landscapes to effects acceptable ensure conflict and reverse sensitivity effects are minimised 8. Effects on significant environmental values, such as Outstanding Natural Features and Landscapes (...)

- 644. Alliance (FS27.008) oppose in part the submission as amendment to direct the REG to the General Rural Zone is not necessary. Contact (FS24.013) (FS24.014) support the submission.
- 645. Alliance (S121.027) seek amendments to ENRG-P11 as they operate a hydro-electric scheme on the Mataura River and structures associated with this scheme are likely to have been in place since the 1920's or 1930's. The Mataura Falls have been identified in Appendix 5 of the PDP as an ONF. They seek the policy be amended to reflect this as follows: Require large scale renewable electricity generation (...) 7. adequate separation distances from sensitive activities and, where not already located within an identified Outstanding Natural Feature overlay, Outstanding Natural Features and Landscapes to ensure conflict and reverse sensitivity effects are minimised;
- 646. DOC (S109.024) support in part ENRG-P11 but recommends the following are considered: Require large scale renewable electricity generation activities to demonstrate they are located appropriately having regard to relevant land use zone, also considering the following: (...) x. best practice techniques for managing adverse effects on highly mobile fauna and their habitats; 4. the design and site layout of the activity and its ability to internalise effects; 5. earthworks and construction effects; 6. adverse amenity effects, including but not limited to visual, traffic generation, safety, light spill, shadow and noise effects; 7. adequate separation distances from sensitive activities, SNAs or unmapped areas identified as SNAs in accordance with the criteria in Appendix 4 specified highly mobile fauna areas, riparian margins and Outstanding Natural Features and Landscapes to ensure conflict and reverse sensitivity effects are minimised; (...)
- 647. Mercury (FS26.012) and Contact (FS24.012) oppose the submission
- 652. Regarding Forest and Bird's submission that ENRG-P11 be amended to incorporate indigenous biodiversity and ecosystem consideration, this is not consistent with the NPS-IB. As such it is recommended that this relief be rejected. It is acknowledged that this policy continues to consider effects on ONF/.
- 653. Regarding Alliance's submission to provide for activities already located within an ONF/Ls, management of energy generation within an ONFL should be managed within the NFL chapter, specifically NFL-R4 as notified provides for the maintenance of critical infrastructure.
- 654. Regarding Mercury's submission for ENRG-P11, this is supported in part, the reference to provision within the rural zone is considered appropriate in this instance as that is the most appropriate zone for large scale renewable energy generation and therefore it does not require additional provisions in each zone of the district plan. The ability for REG to internalise effects within a subject site, is still something that should be considered and allows for effects based assessments to be considered. The remainder of the relief is supported as aligning better with national direction than the notified version of the policy.

- 655. Alliance's further submission pointing out consistent wording regarding logistical or technical practicalities is acknowledged and supported, as does keeping the reference to the location of existing structures and infrastructure. However, I agree with Mercury that the list of inclusions relating to infrastructure is unnecessary and Mercury requested relief provides for a cogent alternative. Overall, a combination of Mercury and Alliances' relief is recommended for a revised ENRG-P11, noting I have recommended some changes to the order of the text for increased clarity.
- 656. Regarding DoC's submission on ENRG-P11, the NPS-IB does not apply to REG activities.
- ENRG-S1 686. DOC (S109.027) support in part ENRG-S1 but seek the following amendments: Matters of discretion: 1. The type, scale, form and location of the turbine and any adverse effects on the character, amenity, indigenous biodiversity values or Ngāi Tahu cultural values of the locality
- 687. Forest and Bird (S110.014) seek the following addition to ENRG-S1: 5. a comprehensive ecological assessment must be completed by a suitably qualified person. 6. No structure is to be located in a Significant Natural Area
- 688. Hokonui Rūnanga (S139.043) support ENRG-S1 in part subject to the consequential amendments sought for ENRG-O3. ENRG-S2
- 689. DOC (S109.028) support in part ENRG-S2 but seek the following changes: Matters of discretion: (...) 4. Adverse effects on Ngāi Tahu cultural values, including those listed in MW2.3 5. Adverse effects on indigenous biodiversity values and riparian margins
- 690. Hokonui Rūnanga (S139.044) support ENRG-S2 in part subject to the consequential amendments sought for ENRG-O3.
- 691. DOC's submission (109.027) is rejected on the basis the NPS-IB is not relevant to REG. I therefore do not recommend the inclusion of indigenous biodiversity values in the matter of discretion. I do however consider that stream setbacks are a relevant consideration for matters such as fresh water quality and riparia margins. As such I recommend the stream setback standard is added into the Energy Chapter.
- 692. I am of a similar view in relation to the Forest and Bird submission (s110.014). The proposed relief sought that a comprehensive ecological assessment is required is considered unnecessarily onerous for the development of small-scale wind turbines.
- 693. The Hokonui Rūnanga submissions seeking consequential amendments to ENRG-S1 and S2 are supported.
- 697. DOC (S109.029) support in part ENRG-S4 but seek amendments to the matters of discretion as follows: Matters of discretion: 1. The type, scale, form and location of the turbine and any adverse effects on indigenous biodiversity values including threatened and at risk species and their habitats, the character and amenity values of the locality.

- 698. Mercury (FS26.016) and Contact (FS24.015) oppose the submission.
- 700. DOCs requested relief is not supported as the NPS-IB does not apply to REG activities.

Landscape (Hearing Stream 9)

- Submissions for a Hokonui Hills Special Precinct 43. Stoney Creek (S3.016), Helen McIntosh (S24.018), Sarah and Peter Barclay (S20.018), Karen Temple (S19.018), Reaby Downs Farm Ltd (S18.018), Peters Farm Ltd Karen Peters (S127.052), AW+ JA Johnston Family Trust (S118.016), Nathan Bokser (S116.016), Trudy Bokser (S113.016), John Baynes (S68.020), and Greg Bokser (S105.001) seek the chapter is withdrawn in its entirety and redrafted in consultation with key stakeholders, including Stoney Creek, and consider appropriate relief would be to create a Hokonui Hills Special Precinct, within which rural activities associated with pastoral farming are permitted with appropriate and practical limits set. The provisions of other chapters of the PDP would not apply to farming activities within the Hokonui Hills Special Precinct. Heritage NZ (FS11.001) request Stoney Creek's submission is disallowed in part as there are a significant amount of archaeological sites across the Hokonui Hills, therefore, in order to give effects to section 6(f) of the RMA, provisions of the precinct should provide for acknowledgment of the cultural landscape and the conservation of historic heritage, including archaeology and sites of significance to Māori.
- Federated Farmers (FS17.046) support Stoney Creek's submission.
- 44. Trudy Bokser (S113.046), Nathan Bokser (S116.046), Peters Farm Ltd Karen Peters (S127.082), Reaby Downs Farm Ltd (S18.048), Karen Temple (S19.048), Sarah and Peter Barclay (S20.048), Helen McIntosh (S24.048), John Baynes (S68.050), Greg Bokser (S117.046), AW+ JA Johnston Family Trust (S118.046), and Stoney Creek (S3.046) request the insertion of the Hokonui Hills Special Precinct with appropriate provisions for said precinct in consultation with key stakeholders which reflect the site-specific conditions and challenges of this area. DOC (FS31.020) oppose Stoney Creek's submission as they consider they would need to review the precinct area and provisions in the Hokonui Hills to determine whether they are consistent with higher order documents in relation to biodiversity values, significant natural landscapes and features, and significant natural areas. Heritage NZ (FS11.039) request that Stoney Creek's submission is disallowed in part as there are a significant amount of recorded archaeological sites across the Hokonui Hills, therefore, provisions relating to the Precinct should provide for acknowledgement of the cultural landscape and the conservation of historic heritage, including archaeology and sites of significance to Māori. Federated Farmers (FS17.088) support AW+ JA Johnston Family Trust's submission as they consider a new Hokonui Hills map layer would allow activities to be determined in relation to the unique environment of the Hokonui Hills.
- 45. Trudy Bokser (S113.047), Nathan Bokser (S116.047), AW+ JA Johnston Family Trust (S118.047), Peters Farm Ltd Karen Peters (S127.083), Reaby Downs Farm Ltd (S18.049),

Karen Temple (S19.049), Sarah and Peter Barclay (S20.049), Helen McIntosh (S24.049), John Baynes (S68.051), Greg Bokser (S117.047), Stoney Creek (S3.047) seek the insertion of an exemption in the preamble of the GRUZ chapter for any activities within the Hokonui Hill Special Precinct. Federated Farmers (FS17.071) support Stoney Creek's submission.

- 46. Reaby Downs Farm Ltd (S18.001), Helen McIntosh (S24.001), Karen Temple (S19.001) and Sarah and Peter Barclay (S20.001) seek the relief sought in the entirety of the Stoney Creek submission and are concerned that limits on development potential are not proportionate to the potential environmental effects. The provisions do not recognise the benefits of farming activities which have low environmental effects.
- 50. Trudy Bokser (S113.111), Nathan Bokser (S116.111), AW+ JA Johnston Family Trust (S118.111), Peters Farm Ltd Karen Peters (S127.147), Reaby Downs Farm Ltd (S18.113), Karen Temple (S19.113), Sarah and Peter Barclay (S20.113), Helen McIntosh (S24.113), John Baynes (S68.115), Greg Bokser (S117.111), and Stoney Creek (S3.111) seek the inclusion of a new map layer to be called the Hokonui Hills Special Precinct which is to replace the underlying zoning of this area (General Rural) and where rural activities associated with pastoral farming are permitted. DOC (FS31.022) oppose Stoney Creek's submission as they consider they would need to review the proposed area and provisions for any new precinct in the Hokonui Hills to determine whether it is consistent with higher order documents in relation to indigenous biodiversity values, significant natural landscapes and features, and significant natural areas.
- 51. A number of submissions have requested a Hokonui Hills Special Precinct with bespoke provisions in order to be able to provide for farming activities whilst protecting landscape values. It is agreed that a more nuanced approach is likely appropriate to reflect the unique nature of the Hokonui Hills ONL with both landscape and biodiversity values, particularly when considering the scale of the farming operation.
- 52. As a result of these submissions a working group was formed with Stoney Creek (SCSL), McLeod- Wantwood Trust (MWT) and Gore District Council. Consequently, a record of consensus was reached on bespoke landscape (NFL Chapter) and Biodiversity (ECO Chapter) provisions as agreed between the parties. These provisions were informed by experts, specifically Mike Moore (Landscape Architect representing GDC), Ben Espie (Landscape Architect representing SCSL), Andrew Wells (Ecologist representing GDC), Glenn Davis (representing SCSL), Mishka Banhidi and Matt Heale (Planners representing GDC) and Claire Perkins (Planner representing SLSC).
- 53. For the purpose of this report the ECO chapter has not been included, as this will be addressed through Hearing Stream 10 (ECO chapter), however the record of consensus and agreed provisions of the NFL Chapter have been included as Appendix D to this report.
- NFL-P3 221. DOC (S109.074) oppose the policy and seek it is amended to include reference to the effects management hierarchy in the NPS-FM and NPS-IB and

consideration of Indigenous Biodiversity values. Consideration should also be given to all infrastructure, not just critical infrastructure. DOC request changes as follows, or words to similar effect: NFL-P3: Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless 1. There is no reasonable alternative due to the operational or functional need for the location; and 2. Adverse effects on landscape and indigenous biodiversity values can be avoided or appropriately mitigated by applying the effects management hierarchy.

- 222. Hamish Weir (FS5.51) opposes the submission as they do not consider it practical to avoid these areas for infrastructure. Transpower (FS30.024) oppose this submission as there is no rationale to extend the policy to address indigenous biodiversity nor extending the effects management hierarchy. Contact Energy (FS24.040 & FS24.042) oppose the submission as they consider indigenous biodiversity is beyond the scope of this chapter and is addressed in the ECO chapter.
- 223. Mercury (S130.052) oppose the policy and seek it is amended to ensure development within these areas are well justified in terms of functional need. The following amendments are sought: Avoid the placement of critical infrastructure within identified outstanding natural features and landscapes, unless 1. There is a no reasonable alternative due to the operational or functional need for the location; and 2. Adverse effects on landscape values can be avoided or appropriately mitigated.
- 224. Contact Energy (FS24.041) support in part the submission but considers it important to retain the reference to “operational need”.
- 227. DOCs submission regarding the specific inclusion of indigenous biodiversity and the effects management hierarchy is not supported. While indigenous biodiversity loss can result in adverse landscape effects, I consider that this consideration is already provided for within NFL-P1, with reference Appendix 5. The management of indigenous biodiversity outside of landscape effects is more appropriately located within the ECO chapter.
- 236. DOC (S109.075) oppose this policy and seek it is amended to consider indigenous biodiversity and apply the effects management hierarchy in line with the NPS-IB and NPS-FM as follows, or words to similar effect: When assessing resource consents within Outstanding Natural Features and Landscapes, consider the following matters; 1. The extent to which adverse effects on landscape and indigenous biodiversity values can be managed, avoided or appropriately mitigated through the application of the effects management hierarchy; and 2. The extent to which the proposed activity recognises and provides for Ngāi Tahu cultural values, rights and interests; and 3. The operational or functional need for the activity to be undertaken within an Outstanding Natural Feature or Landscape. Alliance Group Limited (FS27.017) and Stoney Creek (FS25.083) oppose this submission as they consider indigenous biodiversity to be addressed in the ECO chapter. Transpower (FS30.025) oppose this submission as they consider indigenous biodiversity better addressed in the ECO chapter and there is no rationale for extending the effects management hierarchy.

- 237. Transpower (S101.059) support in part this policy but seek limited amendments to clause (3) to better refer to operational needs and to delete the superfluous reference to Outstanding Natural Features or Landscapes. Transpower seek the inclusion of reference to the benefits of the proposed activity consistent with the NPS-ET. The following changes are requested: NFL-P4: (...) 3. The operational needs or functional needs of for the activity to be undertaken within an Outstanding Natural Feature or Landscape. x. The benefits of the proposed activity to the health, safety and wellbeing of people and communities." Stoney Creek (FS25.082) support this submission.
- 240. DOCs submission regarding the specific inclusion of indigenous biodiversity and the effects management hierarchy is not supported. While indigenous biodiversity loss can result in adverse landscape effects, I consider that this consideration is already provided for within NFL-P1, with reference Appendix 5. The management of indigenous biodiversity outside of landscape effects is more appropriately located within the ECO chapter.
- 311. Kevin Robertson (S115.109), Rural Ratepayers Group (S143.120), Alistair & Bernadette Hunt (S148.121), Ronald Crispin (S60.111), John Baynes (S68.229), and Federated Farmers (S126.108) oppose this rule and seek it is deleted as it duplicates ECO-R1. Hamish Weir (FS5.64) supports Federated Farmer's submission. Stoney Creek (FS25.108) support Federated Farmer's submission as they support the deletion of NFL-R5 in relation to indigenous biodiversity removal.
- 313. Nigel Cowburn (S152.009) support in part this rule and requests provision for removal of trees with a large DBH of 200mm as a non-complying activity, unless covered by NFL R6.2, as this represents major canopy loss and attendant effects on catchment hydrology. Stoney Creek (FS25.107) oppose this submission and do not support a non-complying activity status for vegetation removal.
- 314. The submissions requesting the NFL-R6 be deleted due to duplication with the ECO chapter is acknowledged, and it is agreed the provisions as notified do provide for unnecessary duplication and could result in confusion. However, vegetation clearance has the potential to result in adverse landscape effects separate to any direct biodiversity effects that will be considered under the ECO chapter. As outlined within Appendix C small levels of indigenous vegetation clearance, aligning with the ECO chapter, set appropriate controls to ensure landscape values such as naturalness and landscape coherence are not adversely impacted.
- 315. Through the working group process Mike Moore had the opportunity to undertake more in-depth site visits throughout the Hokonui Hills and as outlined within Appendix C, considers the proposed settings within ECO R1 and ECO R2 to be fit for purpose in terms of landscape protection from indigenous vegetation clearance. Based on this it was considered unnecessary to have a bespoke indigenous vegetation clearance provision within the NFL Chapter, and instead provide for a cross reference to the ECO Chapter. The reason NFL-R6 cross references through to the ECO Chapter, rather than deleting NFL-R6 and relying on the ECO chapter is the ability to provide for matters of

discretion tailored to the NFL-Chapter, specifically consideration of the NFL-APP Appendix 5.

- 316. The submissions raising concerns about the control of gorse broom and noxious weeds is acknowledged and it is agreed that these activities need further consideration. While weed species do have the ability to result in adverse landscape effects, this is also a district wide issue. The cross referencing through to the ECO chapter enables this matter to be dealt with at the same time, specifically within the ECO chapter.
- 317. Nigel Cowburn's submission is acknowledged, however as the diameter of trees is not a specific landscape concern, it is recommended that any specific consideration for clearance of a specific size of trees is addressed within the ECO chapter.