

Full name: Lynette M Worsfold

Physical address: 79 Peka Road ohingaiti

Postal address:
(if different from above) 79 peka road RD 54 Kimbolton

Contact phone number (day):

Mobile number: 0212053905

Fax number:

Email address (Please note, email is our preferred mode of contact with our submitters): lynworsfold1@hotmail.co.nz

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of the submission that:
(a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition? No

The specific provisions of the proposal that my submission relates to are as follows (please give details): Area of land affected has not been identified

My submission is that:
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) oppose until issues have been altered to reflect the current Landscape features which is currently not correct Currently the process is fragmented by only one authority changing the plan so Rangitikei and Regional are not currently involved.

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required): Review of proposed changes and clarity by Landscaper

I/we wish to speak in support of my/our submission: Yes

If others make a similar further submission I/we will consider presenting a joint case with them at the hearing? Yes

Full name: Barbara Thomasen

Physical address: 471 Otara Road RD 54 Kimbolton

Postal address:
(if different from above)

Contact phone number (day): 0277652826

Mobile number:

Fax number:

Email address (Please note, email is our preferred mode of contact with our submitters): btangiahua@gmail.com

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition? No

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*: All of the proposed provisions

My submission is that:
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) That Council undertake full consultation with Runanga, Hapu and Iwi of Ngati Hauiti, and the records of consultation documented. That consultation be undertaken with the Council's representatives and the Maori Liaison Officer. Positive on maintaining the mana of the awa landscape.

I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required)*: That my submission be accepted and completed by Council.

I/we wish to speak in support of my/our submission: Yes

If others make a similar further submission I/we will consider presenting a joint case with them at the hearing? Yes



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name Karen Jane Fallaver

Physical address 207 Mangawere Road
Mangaweka 4797

Postal address
(if different from above)

Contact numbers 06-3825805 0272110519
Phone (day) Mobile Fax

Email address kjfallaver@xtra.co.nz

I ~~could~~ **could not** [select one] gain an advantage in trade competition through this submission.

I am ~~am not~~ [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

The Council's Criteria needs to be challenged to ensure the boundary delineated on the map is correct.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

- What is the actual land mass involved
- What farming activities or future activities are allowed for eg cropping or grazing
- John Hudson needs to re-visit all interested parties or affected parties with criteria
- Regional Council needs to be involved as currently this process is fragmented by three authorities not working together.

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

Council needs to amend the proposed plan change to reflect the true landscape features

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
 I/we **do not wish** to speak in support of my/our submission
 If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)

IF Fallaver *27.2.20*
Signature Date

OB Fallaver *27.2.20*
Signature Date

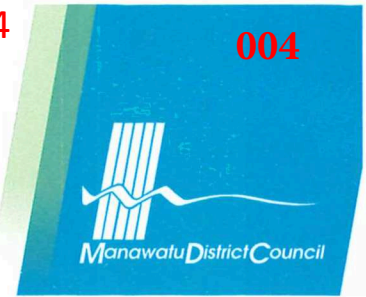
Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

post hand delivered

Received at the Council on date time



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name Jack Baker

Physical address 462 Otara Road

Postal address (if different from above) R.D 54
Kimberley
4774

Contact numbers 0273222889
Phone (day) Mobile Fax

Email address jbaker471@gmail.com

~~could~~ / **could not** [select one] gain an advantage in trade competition through this submission.

I am / am not [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

Carroll criteria needs to be challenged.
6.2km or more is delineated and is
not delineated correctly

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

• What is the Land Mass involved is it
100 ac, 200 or 400

• What activities will change in the future

• Currently only Manawatu council is
involved resulting in a fragmented
process

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

Changes to the current proposal
to have a realistic land use and
identification

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)

J. Butler

Signature

27-2-2020

Date

Signature

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

- post hand delivered

Received at the Council on date time

- Lake Kaikokopu no Longer exists
- We own Mahoe Farm where Lake Kaikokopu WAS.
- We object to the inclusion of Lake Kaikokopu in the Plan
- There is a great deal of INCORRECT information in archive material at HRC and MDC about Lake Kaikokopu, including;

1. It is a natural feature (It is not)

The Lake was created by Major Bob Wilson for Duck Shooting, by building a weir across Drain No 27 (exits to sea at Himatangi Beach), and a flood bank across farmland to the East to contain the lake before filling it. A flood pump was used to fill the lake, pumping from the borrow pits (created to build the dam) over the flood bank into the newly created lake. To the east the Lake floor is above pasture level.

Most of the land drains of the Oroua Downs Drainage district were drained into the newly formed lake and the main arterial drains No 22 and 8 had to have flood banks built to contain them because of the elevated artificially high water level created by Major Bob Wilson's new lake.

2. Lake Kaikokopu is covered by QE2 covenant (It is not)

This mistake is perpetuated through archives about Lake Kaikokopu incorrectly elevating its status.

3. Lake Kaikokopu is a ONL (It is not)

Lake Kaikokopu is not natural but was man made by Major Bob Wilson

4. Lake Kaikokopu still exists (It does not)

Lake Kaikokopu was drained 21st June 2015 when a flood caused by heavy rainfall washed away the weir that created the Lake in the first place. Open water has gone. Regenerated pasture has replaced birdlife.

5. The wetland around Lake Kaikokopu has died out and disappeared as it never gets wet now.

The wetland is well drained because of the drain through the middle of where the lake was.

The Drain is number 8 and is maintained by the Oroua Downs Drainage District Committee under the control of the Manawatu District Council.

All Drains are regularly machine cleaned and sprayed by MDC contractors.

Conclusion of Submission.

Lake Kaikokopu was created by man and removed by nature.

The wetland around it is now dryland, drained naturally and assisted by the system mandated and overseen by MDC, specially Drains 22,27 and 28 all regularly digger cleaned by MDC.

We ask that reference to Lake Kaikokopu be removed from the Plan Change 65 and it not be included as ONL. Clearly the lake is gone and was never natural.

We ask to be heard in respect of our submission to clarify and support our submission.

Pedersen and Wilson Families

Owners of Mahoe Farm

382 Himatangi Beach Road

C & C Pedersen

51 Main Street

Foxton 4814

chrissy@toam.co.nz

Full name:	Sharn Bernard Hainsworth
Physical address:	226 Mangoira Road Rangiwhia
Postal address: (if different from above)	226 Mangoira Road RD 54 Kimbolton 4774
Contact phone number (day):	027 647 7603
Mobile number:	027 647 7603
Fax number:	NA
Email address (Please note, email is our preferred mode of contact with our submitters):	hainsworths@landcareresearch.co.nz
Could you gain an advantage in trade competition through this submission?	No
Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition?	Yes
The specific provisions of the proposal that my submission relates to are as follows (please give details):	Outstanding Natural Landscapes and Significant Amenity Features in incised river valleys in general
My submission is that: (State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)	Oppose zoning of ONFLs and SAFs because this zones are static and cliffs erode. Our cliff erodes at 0.5m/year. Oppose regulations meaning we can't put pipes and cables down the cliff for microhydro. We own the cliff and we want to make money from gravitational potential energy. Riverside retired.
I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required):	Do not use zoning, use a non-regulatory method that fits the dynamic nature of the landscape and the difficulty of managing it, get farmers on side Permit discrete cables, powerlines, pipes for water takes and microhydro.
I/we wish to speak in support of my/our submission:	Yes
If others make a similar further submission I/we will consider presenting a joint case with them at the hearing?	Yes

Full name:	Sharn Bernard Hainsworth
Physical address:	226 Mangoira Road Rangiwhia
Postal address: <i>(if different from above)</i>	226 Mangoira Road RD 54 Kimbolton 4774
Contact phone number (day):	027 647 7603
Mobile number:	027 647 7603
Fax number:	
Email address (Please note, email is our preferred mode of contact with our submitters):	hainsworths@landcareresearch.co.nz
Could you gain an advantage in trade competition through this submission?	No
Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition?	Yes
The specific provisions of the proposal that my submission relates to are as follows <i>(please give details)</i> :	ONFL and SAF as a whole
My submission is that: <i>(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)</i>	I oppose the ONFL and SAF based on a lack of adequate hard copies of the proposed changes sent out to affected owners early in the formal consultation period, and haven't seen evidence of a robust section 32 evaluation of costs benefits and next best alternatives that takes landowners into account
I/we seek the following decision from the Manawatu District Council <i>(give precise details, use additional pages if required)</i> :	The proposed plan change should not proceed without these issues rectified
I/we wish to speak in support of my/our submission:	Yes
If others make a similar further submission I/we will consider presenting a joint case with them at the hearing?	Yes



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name Richard John Apthorp
% Byfords Construction 2014 Ltd.
Physical address 11-13 Toroa St
Taihape
Postal address (if different from above) PO Box 1
Taihape 4742
Contact numbers 06 3880126 0272406094
Phone (day) Mobile Fax
Email address richard@byfords.co.nz

I could / could not [select one] gain an advantage in trade competition through this submission.

I am / am not [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*

Please see document attached

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

Please see document attached

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required.)*

Please see document attached

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
 I/we **do not wish** to speak in support of my/our submission
 If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)


.....
Signature

27-02-20
.....

Date

.....
Signature

.....
Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

- post hand delivered

Received at the Council on

date

time



BYFORDS

Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991 – Plan Change 65

The specific provision that my submission relates to:

The inclusion of the Rangitikei River in NFL – APP1 – Outstanding Natural Features and Landscapes (ONFL's) under the proposed Plan Change 65.

And:

Rule NFL-R18, which states that, “any activity not otherwise provided for as a Permitted, Restricted Discretionary, or Discretionary Activity” is to be considered a Non-Complying Activity.

My submission is that:

While Byfords is not opposed to the Rangitikei River – or any Outstanding Natural Features and Landscapes for that matter – being offered a level of protection from inappropriate subdivision or use, we are concerned that the Section 32 Report doesn't appear to make any provision to allow for gravel extraction or quarrying.

Of specific concern is that the proposed plan change appears to directly affect our quarrying site on the Rangitikei River at Otara Road, Ohingaiti. However, our wider concern is that these changes may be used as a precedence in forming later plan changes which could affect other sites.

We believe that the plan change needs provision to allow gravel for extraction and processing operations because there is a social and economic need for gravel extraction and aggregate production.



RMA Section 32 (1)(b)(ii) states that during the plan change process consideration must be given to both the environmental and economic effect of the change.

Byfords Construction 2014 Ltd is one of the largest suppliers of aggregate to the northern Manawatu, Rangitikei and King Country markets. We employ 25 full time staff and are a major contributor to the wider Taihape community and economy – where we are based.

The aggregate we sell is primarily used for local roading projects and concrete production – basic civil infrastructure necessities. And, our experience has been that each year demand continues to grow.

A large portion of the material we sell is sourced and processed from within the Rangitikei River and its adjoining tributaries. In fact, between February 2019 and January 2020, the Manawatu District Council themselves purchased approximately 15,000 tonnes of roading aggregate sourced from the wider Rangitikei River.

Our concern is that through planning and legislative changes local and central government are slowly imposing an increasing number of restrictions which make sourcing material for aggregate production increasingly difficult.

It is well known that any restriction on gravel resources causes the cost of aggregate to increase, and one of the primary reasons is the added cost of transportation.

Given that the cost of aggregate effectively doubles once it has been carted 30km (source: Aggregate and Quarry Association) illustrates the importance of ensuring these resources are available close to their end use.

And given that Council and NZTA use the bulk of the aggregate produced it is clear that any restriction placed on current sources would see a large cost imposition that would then need to be passed on to tax and ratepayers.

Ultimately, restricting access to gravel resources has the potential to have a big impact on, not only our business, but also the end users and community we help support. End users and support businesses such as concrete manufacturers, civil contractors, engineering and mechanical providers; and grocery stores.

Moving Forward, we feel that extraction and quarrying operations in the region require little more than the current regulation that is imposed by the regional council. The regional council's rules ensure that there is minimal impact on the environment, so other than this, the district council really only needs to give guidance around scale and noise pollution to protect the amenity values regarding landforms, or sites of Outstanding Natural Features and Landscapes.



Regarding the Rangitikei River, the Section 32 Report states that the ONFL value is largely attributed to “the dramatic appearance of the river corridor, the prominence, visibility and beauty of the white, sheer, papa (mudstone) cliffs” * and, that there is a risk “earthworks and/or quarrying may affect the integrity of the mudstone cliffs and scallops”.**

We believe that any risk regarding the integrity of the cliffs is already managed by the regional council’s extraction rules.

Rule 17-17, Other Gravel Extraction, of the OnePlan makes any more than 50m³ of gravel extraction a year a Discretionary activity; and one of the main reasons for this is to ensure that over extraction does not cause bed instability.

Table 17.1 of the OnePlan goes further and lists the Long-term Average Annual Allocable Volumes of gravel available for extraction – with consent. These are the volumes that are replenished annually and will not cause bed degradation, instability – or in the case of the Rangitikei, a loss of integrity of the papa cliffs.

The allocable volume under Table 17.1 for the wider reach of the upper Rangitikei is 40,000m³ (roughly 72,000 tonnes/year).

And further to this; it is important to note that there is a cost to not allowing the extraction of this material as it limits the regional council’s ability to manage excess material in the bed of the river. Excess bed material can impact on the stability of the river and potentially put roading networks and bridges under pressure too.

In summary, while it is important to protect the amenity values of the region’s Outstanding Natural Features and Landscapes, careful consideration needs to be given to ensuring that gravel extraction and processing is not overlooked and overly restricted. Not only is there a clear economic and social cost to restricting quarrying works, there is also an environmental cost – excess bed material could actually cause the loss of integrity (to the papa cliffs) that this plan change seeks to protect.

*Table 2 Summary of the key characteristics associated with each ONFL and SAF identified.

**Table 3 Potential Issues associated with the areas identifies as ONFLs and SAFs.

We seek the following decision from the Manawatu District Council:

That provision be made for gravel extraction and portable processing operations in Plan Change 65.



Specifically, that it be a Permitted Activity as long as basic operational guides are met (controlling noise and scale) and consent from the Regional Council has been gained.





DOC-6225567

2 March 2020

Manawatu District Council
135 Manchester Street
Feilding 4702

Tēnā koe Sir or Madam

**Proposed Plan Change 65: Outstanding Natural Features and Landscapes of
Manawatu District Council**

Please find enclosed the submission by the Director-General of Conservation in respect of Proposed Plan Change 65. The submission identifies the Director-General's position.

Please contact Tom Christie in the first instance if you wish to discuss any of the matters raised in this submission at tchristie@doc.govt.nz or on +64 273419514.

Nāku noa, nā

Moana Smith-Dunlop

Operations Manager

Pou Matarautaki Kāhui Matarautaki

Manawatu

Department of Conservation Te Papa Atawhai

Hamilton Shared Services

Level 4 | 73 Rostrevor Street | Private Bag 3072 | Hamilton 3240 | New Zealand

www.doc.govt.nz

Submission on Proposed Plan Change 65 Outstanding Natural Landscapes and Features to the Manawatu District Plan

Resource Management Act 1991

TO: Manawatu District Council

NAME: Lou Sanson
Director-General of Conservation

ADDRESS: Address for service:
RMA Shared Services
Department of Conservation
Private Bag 3072
Hamilton 3240

STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (the Act), I, Moana Smith-Dunlop, Operations Manager, Manawatu, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed Plan Change 65 Outstanding Natural Features and Landscapes within the Manawatu District Plan

1. This is a submission on the Proposed Plan Change 65 Outstanding Natural Landscapes and Features to the Manawatu District Plan.
2. I could not gain an advantage in trade competition through this Submission.
3. The specific provisions of the Proposed Plan that my submission relates to are set out in Attachments 1 to this submission. The decisions sought in this submission are required to ensure that the Proposed Plan Change 65 Outstanding Natural Features and Landscapes:
 - a. Gives effect to the New Zealand Coastal Policy Statement 2010
 - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act.
 - c. Promotes the sustainable management of natural and physical resources.
 - d. The changes sought are necessary, appropriate and sound resource management practice.

Director-General's Interest in the Proposed Plan Change 65

4. The Director-General is the administrative head of the Department of Conservation. He has all powers as are reasonably necessary and expedient to enable the Department to perform its functions set out in s 6 of the Conservation Act 1987. Under s6, the Department's functions include to

manage public conservation land and to advocate for the conservation of natural and historic resources generally.

I seek the following decision from the Council:

5. That the particular provisions of Proposed Plan Change 65 that I support, as identified in Attachment 1, are retained.
6. That the amendments, additions and deletions to Proposed Plan Change 65 sought in Attachments 1 are made.
7. Further or alternative relief to like effect to that sought in 5 – 6 above.
8. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

Moana Smith-Dunlop
Operations Manager
Manawatu
Pursuant to delegated authority

Date: 2nd March 2010

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

Address for service:

tchristie@doc.govt.nz
RMA Shared Services
Department of Conservation
PO Box 9003, Greerton West,
Tauranga 3142
Attn: Tom Christie, **RMA Planner**
0273419514

Attachment A – Submission Table on Proposed Plan Change 65 Outstanding Natural Landscapes and Features to the Manawatu District Plan

The following table sets out further details of the Director-General’s submission (with reasons) and the decisions sought with respect to Proposed Plan Change 65 Outstanding Natural Landscapes and Features to the Manawatu District Plan.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Proposed Plan Change 65 is shown in *Italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~struckthrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PLAN PROVISION	POSITION AND REASON		RELIEF SOUGHT
	SUPPORT / OPPOSE	REASONS:	
NFL – Objectives, Policies and Rules.			
NFL-01 NFL-02 NFL-03 NFL-04	Support	The Director-General supports council initiatives to identify, map and protect outstanding natural features and landscapes and significant amenity features.	Retain these Objectives.
NFL-P1 NFL-P2	Support	Use of accepted criteria for assessing ‘Outstanding’ features/ landscapes. Recognised importance of spatially defining areas of protection.	Retain these Objectives.
NFL-P3	Support in Part	Wording should be changed to include Landscapes as well as features within NFL-APP1 to reflect section 6(b) of the Act. The two identified landscape are listed below as points a) & b).	Amend the policy to read; <i>‘To avoid inappropriate use and development within Outstanding Natural Features <u>and landscapes</u> identified in NFL-APP1...’</i>
NFL-P4	Oppose	Use of ‘restrict’ considered to be weak and seen as providing opportunity for negotiation for structures to be constructed against intent of policy when read alongside s 32. Recommend replacing restrict with avoid.	Policy should be removed and ONF’s should be added into NFL-P9 for consistency.

PLAN PROVISION	POSITION AND REASON		RELIEF SOUGHT
NFL-P5	Support	This is considered appropriate.	Retain this policy. Prefer to see measurable outcomes to define <i>'where they do not adversely affect the characteristics and values..'</i>
NFL-P6	Support	This is considered appropriate.	Retain this policy.
NFL-P7	Oppose in Part	Concerns around the use of reasonably practical. Seen as opportunity for ONFL's to be degraded when alternative is not considered cost affective.	Measures should be in place to determine whether adequate steps have been taken to ensure alternatives have been explored. Recommend inclusion of alternative option analysis to be provided to council.
NFL-P8 NFL-P9	Support	This is considered appropriate.	Retain this policy.
NFL-P9	Support in part	Policy should be include ONF's to be consistent with the level of protection provided for under s 6(b).	Amend policy to read; <i>'To avoid the development of new buildings or structures within Outstanding natural <u>Features and Landscapes</u> identified in NFL-APP1.'</i>
NFL-P10	Oppose	Use of 'restrict' considered to be weak and seen as providing opportunity for negotiation for structures to be constructed against intent of policy when read alongside s 32. Recommend replacing restrict with avoid.	Amend policy to read; <i>'To <u>avoid</u> restrict the development of new buildings or structures within an Outstanding Natural Features...'</i>
NFL-P11 NFL-P12	Oppose	Use of 'restrict' considered to be weak and seen as providing opportunity for negotiation indigenous vegetation to be removed and exotic species to be introduced against intent of policy when read alongside s 32. Recommend replacing restrict with avoid.	Amend policy NFL-P11 to read; <i>'To <u>avoid</u> restrict the removal of indigenous vegetation from Outstanding Natural Features and Landscapes...'</i> Amend policy NFL-P12 to read: <i>'To <u>avoid</u> restrict the introduction of exotic vegetation species, including forestry, within Outstanding Natural Features and Landscapes...'</i>

PLAN PROVISION	POSITION AND REASON		RELIEF SOUGHT
NFL-P13	Oppose in Part	It is considered appropriate for ONF's to be included within this policy. However it is important that accumulative effects are considered when forming this assessment.	Amend policy to read; <i>'To avoid subdivision within Outstanding Natural <u>Features and Landscapes</u> except where...'</i>
NFL-P14	Oppose in Part	It is considered ONF's should be included in NFL-P13 instead to be consistent with s 6(b). SAF's are contained within NFL-APP2 not APP1.	Remove ONF's from wording of Policy NFL-14 and edit reference for SAF's from NFL-APP1 to NFL-APP2 as follows: <i>'To manage subdivision within Outstanding Natural Features and Significant Amenity Features to ensure the characteristics and values identified in NFL-APP1<u>2</u> are not adversely affected by fragmentation of ownership arising from subdivision.'</i>
NFL-P15 NFL-P16 NFL-P17 NFL-P18	Support	This is considered appropriate.	Retain this policy.
NFL-P19	Oppose	The introduction of exotic species would likely affect the characteristics and values of the areas and undermines the potential for these areas to be maintained and enhanced. Wording should be changed to avoid where they adversely affect the characteristics and values identified in NFL-APP2.	Amend policy to read; <i>'To avoid restrict the introduction of exotic vegetation species, including forestry, within Significant Amenity Features where they adversely affect the characteristics and values identified in NFL-APP2.'</i>
NFL-R1 NFL-R2 NFL-R3 NFL-R4 NFL-R5 NFL-R6 NFL-R7 NFL-R8	Support	These rules are considered appropriate.	Retain these rules.
NFL-R9	Oppose in Part	NFL-R9 allows for earthworks associated with stock grazing within the Rangitikei River Outstanding Natural Feature and within Significant Amenity Features. It is considered that earthworks 'associated' with these activities could be exceptionally broad and that measurable standards must be set for permitted volumes in relation to this activity specifically.	Amend the rule to include measurable standards for volumes and/or descriptions of types of earthworks to be associated with grazing.
NFL-R10	Support	This is considered appropriate.	Retain this rule.

PLAN PROVISION	POSITION AND REASON		RELIEF SOUGHT
NFL-R11 NFL-R12 NFL-R13	Support	This is considered appropriate.	Retain these rules.
NFL-R14 NFL-R15 NFL-R16 NFL-R17 NFL-R18	Support	This is considered appropriate.	Retain these rules.
Chapter 3 – Network Utilities.			
Policy 1.5	Support	This is considered appropriate. It is consistent with the purpose of s 7(c) for the maintenance of amenity values.	Retain this policy.
Objective 3 Policies 3.1 – 3.6	Support	This is considered appropriate. It is consistent with the purpose of s 6(b) for the protection of ONFL’s from inappropriate use and development.	Retain this objective and policies.
3A.4.3 Standards for Permitted Activities j)	Support	This is considered appropriate.	Retain this standard.
3A.4.4 Restricted Discretionary Activities VI)	Support	This is considered appropriate.	Retain this rule.
3A.4.5 Discretionary Activities	Oppose	It is considered appropriate for new activities within ONF’s to be non-complying activities to be consistent with s 6(b) and the below rule.	Amend rule to read; <i>‘Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as identified in NFL-App1 or Significant Amenity Feature identified in NFL-APP2.’</i>
3A.4.6 Non-Complying Activities	Oppose	It is considered appropriate for new activities within ONF’s to be included within the non-complying activities to be consistent with s 6(b).	Amend rule to read; <i>‘Any new network utility, including windfarms and new transmission and distribution electricity lines located within an Outstanding Natural <u>Feature</u> or Landscape identified in NFP-APP1 is a Non-Complying Activity.’</i>

PLAN PROVISION	POSITION AND REASON		RELIEF SOUGHT
Chapter 3D – Earthworks			
Policy 1.3	Support	This is considered appropriate.	Retain this standard.
3D.4.4 Discretionary Activities	Oppose	It is considered appropriate for earthworks within ONF's to be non-complying activities to be consistent with s 6(b) and the below rule.	Amend rule to read; <i>'Any earthworks within an Outstanding Natural Feature identified in NFL-AAP1 or Significant Amenity Feature identified in NFL-APP2'</i>
3D.4.5 Non-Complying Activities	Oppose	It is considered appropriate for earthworks within ONF's to be included within the non-complying activities to be consistent with s 6(b).	Amend rule to read; <i>'Any earthworks within an Outstanding Natural <u>Feature</u> or Landscape identified in NFL-APP1, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2 f. v) or vi) is a Non-Complying Activity.'</i>



Submission on a Publicly Notified Plan Change under Clause 6 of the First
Schedule to the Resource Management Act 1991

Submission on Plan Change 65 of the Manawatū District Council Plan

To: Principal Planner
Manawatū District Council
135 Manchester Street
Feilding 4702

Submitted to: districtplanreview@mdc.govt.nz

From: Amelia Geary
Regional Conservation Manager
Royal Forest & Bird Protection Society
P.O. Box 631
Wellington 6140

Contact: a.geary@forestandbird.org.nz

We could not gain an advantage in trade competition through this submission.

We wish to speak in support of our submission.

If others make a similar further submission we will consider presenting a joint case with them at the hearing.

4 March 2020

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation, representing many members and supporters. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Forest & Bird therefore has a keen interest in how the Council sets out to fulfil its functions and responsibilities under the RMA and particularly with respect to the protection of ecological values in maintaining New Zealand's indigenous biodiversity, freshwater resources including wetlands, rivers, and lakes, and preserving natural character and the natural landscapes and features which provide habitat to our indigenous species.
2. Forest & Bird provided feedback on the draft PC65.
3. This submission firstly sets out submissions on key issues and then, in table form, submissions on specific provisions. Forest & Bird seeks the relief sought set out in the submission and any consequential or alternative relief to address our submissions.

SUBMISSION

4. Key issues:
 - Clarification of significant amenity features;
 - Approach to inappropriate use and development;
 - Giving effect to the NZCPS;
 - Achieving protection via characteristics and values; and
 - Retaining protection for significant indigenous vegetation and habitat within ONLFs and SAFs

Significant amenity features

5. Forest & Bird supports the identification and protection of the features identified in APP2 which include important remnant indigenous vegetation and recognise water quality functions.
6. The NFL Chapter introduction describes significant amenity features (SAFs) as having "amenity values and characteristics that distinguish them from the wider rural area as Significant Amenity Features". It is not clear whether these features are intended to be a subset of "natural features" and therefore could give effect to aspects of Policy 15(b) of the NZCPS (if they were located within the coastal environment), or more specifically identified for amenity values in regard to s7 other matters under the RMA. Further, it appears from the rules applying to SAFs that there is a clear intent to apply

restrictions under the National Environmental Standard for Plantation Forestry (NESPF) for afforestation to SAFs¹. To apply those restrictions, a landscape feature must be described as having “visual amenity values”².

7. In our view this should be clarified through the addition of a definition of SAFs to the Plan.
8. Forest & Bird supports the rule status for afforestation in SAFs in the Plan as this achieves protection of the values; however, there is some uncertainty in our view as to whether a more stringent rule in the Plan is consistent with the NESPF. This leads to concerns as to whether the characteristics and values of these landscape features can adequately be protected under identification as an SAF. This is particularly concerning as the PC65 consequential changes include removing the identification of two Appendix IB Significant areas on the basis they are within SAFs and therefore protected and changing the status of at least one outstanding landscape to an SAF (SAF2).

Relief sought:

9. Add a new definition as follows:

“Significant Amenity Features means those areas identified in APP2 as having amenity values and characteristics that distinguish them from the wider rural area. APP2 describes and recognises the visual amenity values’ (i.e. perceptual and aesthetic aspects) location and description consistent with a “visual amenity landscape” under the NESPF.”

10. Ensure adequate protection is provided through retaining outstanding landscape feature and significant area classifications.

Inappropriate use and development

11. The approach to “inappropriate use and development” in the Plan is confusing and potentially inconsistent with case law.
12. Policy NLF-P3 sets out to “avoid inappropriate use and development”, however, it is not clear how this would be determined and whether adverse effects would be acceptable from some inappropriate activities (so long as not on the characteristics and values) or why this is different for other use and development under other policies, such as Policy P7.

¹ Clause s13 and 15 of the NESPF

² Clause 3 interpretation: **visual amenity landscape** means a landscape or landscape feature that—
(a) is identified in a district plan as having visual amenity values, however described; and
(b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area.

13. The wording of P2 suggests that “inappropriate use and development” is known before determining which of those activities have adverse effects on values and characteristics.
14. King Salmon³ considered that “inappropriate” should be interpreted against what is sought to be protected or preserved. This means that “inappropriate use and development” can not be determined prior to considering the adverse effects which may be contrary to protection.
15. Policy P2 is the only policy that refers to “inappropriate use and development”. For consistency with the considerations of the King Salmon decision and to clarify the policy approach the policy direction set out in other policies P2 should be deleted.
16. Forest & Birds has related concerns with Objectives O2 and O3 which set out to protect the characteristics and values of ONLFs from inappropriate subdivision, use and development, rather than protection of the ONFL. This makes the objectives inconsistent with s6(b) of the RMA and appears to confuse the objective with a policy approach to achieving that protection.
17. Forest & Bird supports the intent of P2 with respect to the directive use of “avoid” in respect of adverse effects and has sought to retain by incorporating it into the amendment of other policies (see provision table of submissions below).

Relief sought:

18. Remove the policy approach to “inappropriate use and development” by deleting P2.

NZCPS – avoidance of significant adverse effects

19. Policy 15 of the NZCPS sets direction for the avoidance of adverse effects, specifically to:
 - (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
 - (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;
20. The policy direction in PC65 does not give effect to this direction. This is because there is not policy direction to avoid of adverse effects on ONFLs specific to the coastal environment or otherwise. There is not clear policy approach towards natural landscapes and features which are not outstanding.

³ ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED v THE NEW ZEALAND KING SALMON COMPANY LIMITED [2014] NZSC 38 [17 April 2014]

21. Further the objectives do not reflect Policy 15 NZCPS wording for the reasons set out in respect of the approach to achieving protection via characteristics and values discussed below.

Relief sought:

22. Add policy direction to give effect to Policy 15 of the NZCPS (see specific changes to provisions in the table below).

23. Amend the Objectives to provide for protection by removing reference to characteristics and outcomes as sought in relation to the following key issue.

Achieving protection via characteristics and values

24. There is some inconsistency and uncertainty in the way the plan sets out to identify and protect ONFs ONLs and SAFs with respect to the “characteristic and values”.

25. Section 6(b) of the RMA sets direction for the preservation of ONLFs and protection from inappropriate subdivision, use and development. Policy 15 of the NZCPS sets similar direction (with a wider application to landscapes and features and specific avoid requirements). The PC65 policy approach identifying characteristics and values which contribute to the nature of landscapes and features being outstanding may be a pragmatic policy approach to managing activities and identifying adverse effects which would not be consistent with protection; however the wording of a number of policies is potentially inconsistent with s6 and the NZCPS. This is because the PC65 provisions set direction to protect the character and values rather than the landscape or feature.

26. There is also uncertainty as to whether all relevant and necessary characteristics and values are identified in APP1 to ensure protection of the ONFLs. This is further complicated by other policies setting direction with respect to character and values in a variety of ways, including by demonstrated that the identified characteristics and values of the area are protected, that activities do not adversely affect the characteristics and values and by avoiding significant adverse effects on character and values. In practise, where a resource consent is required, an assessment of effects should identify all adverse effects from the proposal including any effects on other characteristics and values which may not be listed in APP1. It makes sense for policy direction to provide scope for considering the full impact of a proposal on the protection of the landscape or feature.

27. There is also an issue with the policy direction in P1 which applies criteria to identification of characteristics and features. This is because the matters set out are not applicable as criteria. A criterion is something against which you can measure or assess whether a requirement is met. This works for s6(c) matters for example where a criterion is to determine whether the vegetation provides habitat to an endangered species.

28. The matters set out in Policy P1 appear to be a list of factors or possibly features that need to be considered when identifying characteristics and values. The implication is that characters and values should be identified for each factor. Whatever they are they should align with the list set out in APP1.

Relief sought:

29. Amend policies to provide direction for the protection of the landscape or feature, rather than of the characteristics and values.

30. Consider policy wording for effects to be considered against the characteristics and values such that protection is achieved. (Also see specific relief sought in the provision table below.)

31. Amend the plan to provide a comprehensive identification of characteristics and values, including reference to technical reports where relevant and allow for further identification of effects against the criteria/matters set out in policy for identification of characteristics and values.

32. Amend NFL APP1 as follows:

(a) Amend the first paragraph:

“NFL – APP1 describes the ~~characteristics and values individual natural, perceptual and associational values~~ of all listed Outstanding Natural Features and Landscapes of landscapes and features applying the matters in Policy P1.”

(b) Amend the second paragraph:

“The intention of ~~listing~~ identifying individual characteristics and values within NFL-APP1 of the Manawatū District Plan is to provide support to plan users in determining the extent of a proposed activity’s potential effects within an Outstanding Natural Feature and Landscape. While these tables are intended to be thorough, there may be additional characteristics and values which become apparent in future assessments when considering the matters in P1.”

(c) Amend the heading in APP1 tables “Features of Outstanding Natural Landscape” to: “Characteristics and Values of Outstanding Natural Landscape”

(d) Amend the heading in APP1 tables “Features of Outstanding Natural Feature” to: “Characteristics and Values of Outstanding Natural Feature”

33. Amend Policy P1 to align the factors set out with APP1 (see amendment set out in the provisions table below).

34. Clarify the use of acronyms and terminology for ONFLs, ONLs and ONFs to align with policy wording for outstanding natural landscapes and outstanding natural features. For example, it is confusing when the appendix uses a mix of acronyms that are not used in the policy wording.

Retaining protection for significant indigenous vegetation and habitat and ONLFs appendices

35. PC65 includes consequential amendments to Appendix 1B – Significant Areas of Indigenous Forest/Vegetation (Excluding Reserves) which would remove a number of Significant Areas from that schedule on the basis of the areas being identified within an ONLF or SAF.
36. Forest & Bird is concerned that the policy approach to manage effects on characteristics and values of ONLFs would not necessarily provide appropriate protection for a Significant Area. Further the level of protection under and SAF appears to be less than that for an ONFL and unlikely to achieve the purpose of the Act in respect of a Significant Area.

Relief sought:

37. Retain the Appendix IB areas identified and ensure the Maps show all applicable overlays.
38. Ensure that the Matters for Discretion in RD rules provide scope for considering effects relating to a Significant Area where this is within an ONFL.

Provision	Support/Oppose	Reasons	Decision Sought
NFL-O1	Support in part	Identifying these areas in the district plan is supported, however this is already provided for under Policy P1 and P2. Identification through policy direction appropriately supports achieving the protection set out in other Objectives.	Delete O1 " Outstanding Natural Features and Landscapes and Significant Amenity Features are identified within the Manawatū District. "
NFL-O2	Support in part	<p>The objective to protect character and values is inconsistent with section 6(b) of the RMA and the NZCPS.</p> <p>The objective should be consistent with s6 rather than suggesting a different outcome which may not be.</p> <p>However, policy direction to achieve the objective may take a character and value approach if this has been determined by experts to achieve protection. For example, where avoiding, remedying or mitigating adverse effects on the character and values would achieve the objective to protect the ONFL.</p> <p>Section 6(b) includes protection from inappropriate subdivision.</p>	Amend O2 as follows: "The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 are protected from inappropriate subdivision, use and development."
NFL-O3	Support in part	<p>As for O2 above, s6(b) requires the protection of the feature or landscape. Section 6(b) includes protection from inappropriate subdivision.</p> <p>Limiting the objective to only protecting from fragmentation of ownership from subdivision is inconsistent with s6(b) and in the coastal environment does not give effect to Policy 15 of the NZCPS.</p> <p>Avoiding the adverse effects of fragmentation is appropriate as a policy response to achieve O2 and which can in turn be implemented by rules restricting subdivision in ONFLs.</p>	<p>Delete O3: "The characteristics and values of Outstanding Natural Features and Landscapes and Significant Amenity Features are protected from the fragmentation of ownership arising from subdivision.</p> <p>Add a policy to avoid adverse effects of fragmentation Add a rule to restrict subdivision which would cause adverse effects of fragmentation in ONFLs.</p>

NFL-O4	Support in part	<p>As for O2 above, s6(b) requires the protection of the feature or landscape. However, the focus of enhancement on character and values would be consistent with O2 as amended above. Together the objectives provide outcomes for protection of the ONLF and enhancement of the character and values of ONLFs.</p> <p>Significant Amenity Features which do not appear to be a s6 matter and the objective is to maintain or enhance them.</p>	<p>Amend O4 as follows: “Enhance tThe characteristics and values of Outstanding Natural Features and Landscapes, and <u>maintain or enhance</u> Significant Amenity Features are maintained or enhanced.</p>
NFL-P1	Support in part	<p>It’s not really a criterion which identification can be consistent with. While it may not be practical to use a criterion as landscape assessments may be somewhat subjective, the list of matters must reflect those used by experts for the purposes of identifying natural features and natural landscapes and for the purpose of identifying which are outstanding.</p> <p>Given that this plan includes the coastal environment, the list of matters needs to include those set out in Policy 15 of the NZCPS. This includes the presence of water and vegetation being specifically recognised rather than relying on it being captured within other terms (e.g. hydrology and biological) as is currently the case.</p> <p>This list of matters should be the same as that applied by the expert assessments when they identified the ONFLs in APP 1. However, the matters set out in APP1 are not the same as listed here. For clarity the matters listed in P1 and applied in APP1 should be the same.</p> <p>If Council were minded to provide a criterion, this would need the input of expert advice. For example a criterion for identifying significant indigenous biodiversity reads: Rarity/Distinctiveness (a) Indigenous vegetation or habitat of indigenous fauna that has</p>	<p>Amend Policy 1 as follows: “To identify the characteristics and values, and spatially define Outstanding Natural Features and Landscapes consistent with respect to all of the following criteria: a. Natural science factors - <u>Geological/ Geomorphological</u> - <u>Biological/Ecological</u> - <u>Hydrological</u> b. Aesthetic values <u>Perceptual</u> - <u>the presence of water</u> - <u>Memorable</u> c. Legibility <u>Expressiveness</u> (<u>Legibility</u>) d. Transient values - <u>Aesthetic values</u> - <u>Naturalness</u> - <u>Vegetation</u> e. <u>Associational</u> - <u>Historic</u> - <u>Recreation</u> - <u>Tangata Whenua</u> - <u>Shared and recognised values</u> f. Cultural and spiritual values for</p>

		been reduced to less than 20% of its former extent in the Region, or relevant land environment, ecological district, freshwater environment, or coastal biogeographic region.	tangata whenua g. Historic heritage values.
NFL-P2	Support in part	It is uncertain upon what basis these features are defined under the Policy. While Appendix NFL – APP2 describes a similar approach and lists the same matters as APP1, this seems inconsistent with the subject of “amenity” which suggests a different focus from the identification of natural features. .	Amend P2 to clarify what Significant Amenity Features so that it is clear what purpose of identifying such features. Identify and spatially define Significant Amenity Features.
NFL-P3	Oppose	This Policy is confusing. The wording suggests that inappropriate use and development which doesn’t adversely affect the identified values and characteristic is ok. The wording is not consistent with the King salmon decision which considered that inappropriate is to be determined on the basis of what is to be protected. The inclusion of the unbuilt costal strip and unmodified ridges and hill tops implies that subdivision should also be captured by the policy. This policy appears to be the inverse of Policy P4 below, with the addition of some specific values and characteristics. If these values and characteristics are identified in APP1 there seems to be no need to specifically identify them in policy.	Delete P3 To avoid inappropriate use and development within Outstanding Natural Features identified in NFL-APP1 which adversely affects the identified values and characteristics of the areas, including: a. The extensive unbuilt coastal strip along the Manawatū Coastline Outstanding Natural Landscape. b. The unmodified and continuous indigenous vegetation values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape.
NFL-P4	Oppose	While we would generally support policy direction to restrict activities which may adversely affect the characteristic and values of ONFLs, to ensure that ONFLs are protected, the wording of the policy is inconsistent with other policy which directs the avoidance of adverse effects.	Delete P4.

		The absence of “subdivision” in the policy as it means there is no direction restricting subdivision other than for the purposes in P13 and P14. This is resolved by the changes sought to P6 and the addition of new policy P6A and P7.	
NFL-P5	Support in part	<p>The current policy wording suggests that the existing farming activities contribute to the outstanding natural feature. For consistency with the characteristics and value description in APP1, the policy should recognise the feature within the context of existing farming.</p> <p>The policy also needs to provide for protection consistent with changes sought to the objectives.</p>	<p>Amend as follows: “To recognise the Rangitikei River Outstanding Natural Feature includes in the context of existing farming activities and provide for that the continuation of these existing activities where they do not adversely affect the characteristics and values identified in NFL-APP1 <u>and where this provides for protection of the ONF.</u>”</p>
New policy P6A		Add a new policy to give effect to Policy 15(a) of the NZCPS.	<p>Add a new policy as follows: <u>“In the coastal environment:</u> <u>(a) avoid adverse effects of activities on Outstanding Natural Features and Outstanding Natural Landscapes;</u> <u>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on other natural features and natural landscapes.”</u></p>
NFL-P6	Support in part	<p>As written, the PC65 policy is inconsistent with Policy 15(b) of the NZCPS because it specifically addresses “cumulative” rather than the avoidance of all significant adverse effects. “Cumulative effects” are captured within the RMA interpretation of “effect” and do not need to be singled out.</p> <p>While a specific approach to cumulative effects outside the coastal environment could be applied it is uncertain as to why a</p>	<p>Delete or amend to apply outside the coastal environment as follows: <u>“Beyond the coastal environment,</u> To avoid significant adverse cumulative effects from <u>activities use and development on the characteristics and values of</u></p>

		<p>significant cumulative adverse effect must be avoided under P6 when under P7 a significant adverse effect that is not cumulative could be remedied or mitigated.</p> <p>This distinction of “cumulative”, also makes it uncertain how P6 and P7 can be reconciled as:</p> <p>P6 is about:</p> <ul style="list-style-type: none"> a. significant cumulative adverse effects; and b. effects on characteristics and values <p>whereas P7 is about:</p> <ul style="list-style-type: none"> a. adverse effects; and b. effects on the features and landscapes. 	Outstanding Natural Features and Landscapes identified in NFL-APP1.
NFL-P7	Support in part	<p>This policy is supported where policy P6 is amended to avoid significant adverse effects and the coastal environment is specifically provided for by a new policy as sought in this submission.</p> <p>A minor amendment is required so that the consideration of effects to be remedied or mitigated is not limited solely to those identified in APP1. In applying P1 through the consent process and expert may identify additional values or find that identified values have changed.</p>	Amend as follows: “Except as required by NFL-P6, avoid adverse effects on Outstanding Natural Features and Landscapes as far as reasonably practicable and where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values of ONFLs identified in NFL-APP1.”
NFL-P8	Support	An enabling approach to provide for s6(d), (e) and (g) and conservation which is consistent with other s6 matters is supported where the characteristics and values that make the area outstanding are protected. Appropriate conditions will need to be specified in any permitted activity rules.	Retain P8.
NFL-P9	support	This policy is appropriate.	Retain P9.
NFL-P10	support	This policy is appropriate.	Retain P10.
NFL-P11	support	Council has a responsibility to protect natural features and landscapes in the coastal environment and to protect outstanding natural landscapes beyond that and this includes the indigenous vegetation which contributes to the natural features and landscapes. Council’s responsibility to protect indigenous	Retain P11.

		biodiversity (NZCPS) and significant indigenous vegetation and habitats s6(c) must also be recognised and provided for when restricting and managing activities within natural landscapes and features.	
NFL-P12	Support in part	This policy should also apply to Significant Amenity features. Where these features are identified as having visual amenity district plans can restrict plantation forestry activities which could otherwise not be restrict via provisions in the district plan under the NES PF.	Amend P12: "To restrict the introduction of exotic vegetation species, including forestry, within Outstanding Natural Features and Landscapes identified in NFL-APP1 <u>and Significant Amenity Features identified in NFL-APP2.</u> "
NFL-P13	Support in part	The policy requires clarification to ensure consistency with the NZCPS. The relationship with other policy is not clear. The exception makes the policy hard to understand.	Amend P13 as follows: "To avoid subdivision within Outstanding Natural Landscapes <u>consistent with P6A, P6 and P7 above and except</u> where the fragmentation of land does not <u>would</u> significantly affect the characteristics and values of the Landscape identified in NFL-APP1."
NFL-P14	Support in part	To ensure characteristics and values are not adversely affected may require restrictions not just management of effects. The wording as to the purpose of restricting subdivision can also be aligned with policy P13 to avoid uncertainty.	Amend P14 as follows: "To manage <u>restrict</u> subdivision within Outstanding Natural Features and Significant Amenity Features <u>where the fragmentation of land would adversely affect</u> to ensure the characteristics and values <u>of the Feature</u> identified in NFL-APP1 are not adversely affected by fragmentation of ownership arising from subdivision. "

NFL-P15	support	Indigenous vegetation is an important characteristic of natural landscapes and features and protecting it ensures the maintenance of indigenous biodiversity.	Retain P15.
NFL-P16	support	It is preferable to use plant species which are local to the area.	Retain P16.
NFL-P17	support in part	<p>The word “enable” is inappropriate as it suggest other actions may be taken to enable the activity rather than just allowing it can continue in these circumstances.</p> <p>The word “compromise” is uncertain and does not reflect the wording of Part 2 which considers adverse effects.</p> <p>Providing for these activities where they do not compromise the protection of SAF is acceptable so long as this does not override the councils other responsibilities and functions.</p> <p>The policy suggests that all relevant characteristic and values are identified in the appendix. However, APP2 states that it is intended to support plan users to determining the extent of the effects, that that saying it is the only this to be considered. There does not appear to be any identification of characteristics. The table set out features which include reference to values and in some cases acknowledge that there may be other values.</p>	Delete or amend as follows: “To enable <u>provide for</u> the continuation of existing stock grazing within <u>an identified Significant Amenity Features in NFL-APP2</u> where this does not compromise <u>adversely affect</u> the characteristics and values <u>of the feature identified in NFL-APP2</u> .
NFL-P18	Support in part.	<p>Support the intent of the policy which appears to be to ensure use and development does not adversely affect the characteristics and values of SAF’s.</p> <p>The policy requires clarification as the term restrict aligns with the policy wording to the activities.</p> <p>A definition is also required to explain what a Significant Amenity Feature is. In particular this needs to set out the basis for identifying these areas in terms of visual amenity. Areas described in district plans with visual amenity have particular standing under the NES for plantation forestry. This appears to be the basis for applying Rule NFL-R17, however clarification in terms of visual amenity must be included in the plan to ensure</p>	<p>Amend the policy Add a definition for Significant Amenity Feature.</p> <p>“To control <u>restrict</u> use and development within Significant Amenity Features to those activities which do not adversely affect the characteristics and values identified in NFL-APP2.”</p>

		consistency with the NES.	
NFL-P19	Support in part	For clarity and consistency incorporate this policy into P12 above. In order to restrict plantation forestry in SAFs the plan needs to define the SAF as an area with visual amenity values.	Delete P19 and combine into P12 above. To restrict the introduction of exotic vegetation species, including forestry, within Significant Amenity Features identified in NFL-APP2.
Permitted Activities			
NFL-R1	Support	This rule is appropriate.	Retain R1.
NFL-R2	Support	This rule is appropriate.	Retain R2.
NFL-R3	Support	This rule is appropriate.	Retain R3.
NFL-R4	Support in part	This rule needs clarification as it could result in fences creating fragmentation within an ONFL. It needs to be clear that the “area” is the entirety of a ONFL within a property.	Amend as follows. “Fencing off of areas <u>of entire ONFLs.</u> ”
NFL-R5	support	This rule is appropriate.	Retain.
NFL-R6	Oppose	Uncertain and too broad as to the potential adverse effects that could be generated through ‘maintenance’. There need to be limits to the extent of maintenance activities. For example, there is no limit to the extent of vegetation that could be cleared for the purpose of ‘maintenance’. Requirements for maintenance could be interpreted differently by different people. Forest & Bird is concerned about how rule applies to identified SNAs which are within the ONFLs or SAFs.	Amend to include limits to maintenance activities.
NFL-R7	Oppose	This rule is inappropriate as a permitted activity. The council should require an effects assessment for new structures in an ONFL.	Amend to make a discretionary activity.
NFL-R8	Support in part	This rule could result in destruction of indigenous vegetation with significant values. New clearance of vegetation within this area should be restricted.	Amend as follows: “Continuation of existing stock grazing within <u>existing grazed areas</u> of the Rangitikei River Outstanding Natural Feature and within Significant Amenity Features as at 7

			February 2020.”
NFL-R9	Support in part	This rule should not result in allowing additional vegetation clearance as a result of earthworks. This rule is only acceptable when there are appropriate limits to vegetation clearance within the permitted activities above.	Retain on the basis of amendments sought above.
Restricted Discretionary Activities			
NFL-R10	Oppose	Relying solely on management plans does not take into account the responsibilities under s6(c) of the RMA. Council has functions and responsibilities under the RMA and shouldn't defer to the Reserves Act for the purposes of ONFL protection. There are SNAs within the identified ONFLs.	Delete.
Discretionary Activities			
NFL-R11	Oppose.	There needs to be public notification associated with subdivision within an ONFL to recognise public interest in the matter of national importance.	Add a public notification requirement or amend to non-complying activity status.
NFL-R12	Support in part.	This rule is only acceptable as long as Policy 15 remains in the Plan and policies are amended to give effect to the NZCPS. ONFLs and SAFs are important for biodiversity, habitat and vegetation in their own right.	Retain on the basis that there is policy that provides for the protection of indigenous vegetation and habitat.
NFL-R13	Support in part.	This rule is only acceptable as long as Policy 15 remains in the Plan and policies are amended to give effect to the NZCPS. ONFLs and SAFs are important for biodiversity, habitat and vegetation in their own right.	Retain on the basis that there is policy that provides for the protection of indigenous vegetation and habitat.
Non-Complying Activities			
NFL-R14	Support	This rule is appropriate.	Retain.
NFL-R15	Support	This rule is appropriate.	Retain.
NFL-R16	Support	This rule is appropriate.	Retain.
NFL-R17	Support	This rule is appropriate.	Retain.
NFL-R18	Support	This rule is appropriate.	Retain.

Guidance notes	Support	These notes are appropriate.	Retain.
Consequential changes to Appendix IB	Oppose	<p>Significant areas of indigenous forest/vegetation - SA10, 37, 40 and 41 identified in the Landscape Assessment as within an ONFL or SAF.</p> <p>The policy direction for ONFLs and SAFs cannot appropriately be relied upon to protect s6(c) areas. It is appropriate for these areas to remain identified in the district plan. The rules also need to retain discretion (which they generally do) for decision makers can consider other matters (s104XXX) such as the RPS where an activity in and ONLF or SAF is also within a Appendix IB area.</p> <p>The plan may also be assisted by a guidance note referring to indigenous vegetation managed under the One Plan.</p>	Retain the areas which are SNA in appendix IB.
APP1	Support in part	For the reasons set out in key issue: Achieving protection via characteristics and values.	See amendments at Paragraph 32 in key issues above.



**NOTICE OF SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE
65 OF THE MANAWATŪ DISTRICT PLAN**

To: Manawatū District Council
Private Bag 10-001
Feilding 4743

Via email: districtplanreview@mdc.govt.nz

Submitter: Powerco Limited
PO Box 13-075
Tauranga 3110

Address for Service: Powerco Limited
Level 2, 152 Devonport Road,
Tauranga 3110

Attention: Gary Schofield

Phone: (07) 928 5659
Email: Gary.Scholfield@powerco.co.nz

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in distribution in New Zealand spanning more than a century. The Manawatū rural sub-transmission network (ex-Manawatū Oroua EPB) consists of open 33kv rings feeding four substations around the periphery of Palmerston North, and 33kV radial feeders to Sanson and Kimbolton via Feilding. The Feilding substation supplies Feilding's entire load. The 33kV circuits are predominantly overhead construction on concrete poles.
2. Powerco also operates a gas distribution network within the Manawatū district, which includes a network of underground pipes, valves and above-ground facilities such as District Regulator Stations (DRS) and Gas Measurement Systems (GMS). Powerco's gas assets are located in and around Feilding and Sanson and serve both urban and rural areas.
3. Powerco has telecommunication facilities to monitor and control its networks, as well as enabling communications with field crews who undertake work on the Powerco network.
4. Powerco has numerous assets that are located within the Outstanding Natural Landscapes (ONL's), Outstanding Natural Features (ONF's) and Significant Amenity Features (SAF's) overlays. A plan of these assets is included in **Attachment A**. Assets generally consist of 11KV High Voltage overhead lines, transformers and some undergrounded lines.
5. As such, Powerco seeks to ensure that its assets located within the six ONF's/ONL's and two SAF overlays are appropriately provided for to enable the ongoing development, operation, maintenance and upgrading of these networks.

Background

6. By way of background, Powerco previously provided a submission on Plan Change 55 which related to the following Proposed District Plan provisions:
 - Definitions in Chapter 2;
 - Objectives and Policies in Chapter 3 District Wide Rules;
 - Rules, Permitted Activity Standards and the Matters of Discretion in Chapter 3 District Wide Rules (Section 3A Network Utilities, Section 3D Earthworks, Section 3E Signs and Section 3F Temporary Activities)

7. On 8 June 2017, Powerco lodged an appeal to the Environment Court in relation to Plan Change 55. As part of considering this appeal the Environment Court issued a Minute dated 2 May 2018 (Powerco Limited (ENV-2017-WLG-000060) with a consent order requesting Plan Change 55 in part be implemented as set out in Appendix A of the decision. This instructed some amendments to Chapter 3 District Wide Rules to be implemented in part. The amendments clarified the implementation of this chapter against the zone provisions i.e. superseded the other provisions.
8. In July 2019, Powerco lodged comments on draft Plan Change 65 – Natural Features and Landscapes. In summary, this submission primarily sought to clarify the relationship of Chapter 3A Network Utilities with the draft Plan Change 65 documents. As both chapters are “District Wide” chapters, Powerco sought to clarify which chapter takes precedence over the other, as tension between the two chapters was evident. This remains the case in the notified version of Plan Change 65, as the introduction wording is still unclear.

The Resource Management Act 1991

9. Under the Resource Management Act 1991 (RMA), Powerco’s gas and electricity infrastructure is a significant physical resource that must be sustainably managed and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

The Regional Policy Statement – the Horizons One-Plan (2014)

10. The Horizons One Plan (which incorporates the Regional Policy Statement) contains relevant provisions in relation to the protection of electricity and gas distribution networks, including:
 - Having regard to the benefits of infrastructure and providing for their establishment, operation, maintenance and upgrading (Objective 3-1);
 - Ensuring that the benefits of infrastructure are recognised and appropriately weighed along with other matters in the decision making process. (Policy 3-1);
 - Ensuring that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable (Policy 3-2); and
 - Requiring decision makers to, in managing adverse effects of new infrastructure, take into account a range of factors including the need for the infrastructure, any functional, operation or technical constraints that require the infrastructure to be located or designed in the manner proposed, alternative locations and whether the effects can be off-set (Policy 3-3).

11. Powerco’s electricity and gas distribution networks are recognised in the One Plan as being of regional or national importance. It is, therefore, essential that its management is comprehensively addressed in the Manawatū District Plan.
 12. Plan Change 65 partially gives effect to the Regional Policy Statement, insofar as it doesn’t fully balance the need for essential infrastructure to sometimes locate within an ONL, ONF or SAF if there is no other option.
- C. THE SPECIFIC PROVISIONS OF PLAN CHANGE 65 – OUTSTANDING NATURAL FEATURES AND LANDSCAPES THAT POWERCO’S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:**
13. The submission relates specifically to the following provisions:
 - Identification of Powerco’s assets in the newly identified ONF, ONL and SAF overlays;
 - New Definitions contained within Chapter 2 for ‘functional’ and ‘operational’ need;
 - Amendments to Chapter 3A Network Utilities and Chapter 3D Earthworks which address network utilities within ONF, ONL and SAF overlays; and
 - New proposed Chapter NFL - Natural Features and Landscapes Chapter.
 14. The specific provisions submitted on, the rationale for Powerco’s submission on each of these matters, and the relief sought is contained in **Attachment B**. In the specific relief sought, all additions are shown in underline, with all deletions in ~~strikethrough~~.
 15. In summary, Powerco’s primary concerns in relation to Proposed Plan Change 65 – Natural Features and Landscapes are:
 - The relationship between Chapters 3A Network Utilities and 3D Earthworks and new chapter NFL – Natural Features and Landscapes. The introduction text to Chapter NFL – Natural Features and Landscapes states “it should be read alongside” Chapters 3A Network Utilities and 3D Earthworks. It is still unclear which provisions take precedence and prevail;
 - Some policies are convoluted, cross reference other policies, contain conflicting effects thresholds or are not easily interpreted;
 - Powerco supports the references to functional operational need within the objectives and policies framework;
 - Powerco maintains its objection to the non-complying activity resource consent status and ‘avoid’ policies for construction of new network utilities within an ONL; and
 - The identification and difference between an ONF or ONL is unclear in NFL – APP1 – Outstanding Natural Features and Landscapes. For example, “ONF 3 – Rangitikei River” is referenced as an ONF by virtue of “ONF 3” however the corresponding table heading is “Features of Outstanding Natural Landscape”. This should be updated so it is clear if the

feature is one or the other or both, as some of the policies are specifically referencing one or the other. Suggest separate schedules are prepared for ONF's and ONL's (similar to SAF's).

- D. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION**

- E. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**

- F. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**

Signature of person authorised to sign on behalf of Powerco Limited



Louise Allwood
Technical Lead – Planning

Dated this 4th day of March 2020

IDENTIFICATION OF POWERCO ASSETS IN RELATION TO ONF'S, ONL'S and SAF'S

A. Powerco's assets are located in the following ONF's, ONL's and SAF's:

- ONF 3- Rangitikei River – Powerco assets in this area, 11KV High Voltage overhead lines (red lines) cross the river and transformers (blue triangles) are within this area.
- ONF 4 – Mangamako Gorge – Powerco assets in this area are 11KV High Voltage overhead lines and a transformer through this area.
- ONF 7 – Mangaoira and Mangahuia Stream – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.
- ONF 9 – Upper Pohangina River – Powerco assets in this area are 11KV High Voltage overhead lines and transformers in this area.
- ONF 10 – Totara Reserve – Powerco assets in this area are 11KV High Voltage overhead lines, underground cables (red dashed lines) and transformers.
- ONFL 14 – Pukepuke Lagoon – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.
- SAF 2 – Upper Oroua River and River Valley – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.
- SAF 3 – Makiekie Creek – Powerco assets in this area are 11KV High Voltage overhead lines and transformers.

Powerco's asset maps are provided in Attachment A.

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
CHAPTER 2 DEFINITIONS	Functional Need	<p>The definition of ‘functional need’ reads as follows:</p> <p><i>FUNCTIONAL NEED: means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i></p> <p>Powerco supports the definition insofar as it provides for Powerco’s functional need to locate their assets in a particular location, i.e. there is nowhere else it can be located. It is consistent with the national planning standards.</p>	Retain the definition
	Operational Need	<p>The definition of ‘operational need’ reads as follows:</p> <p><i>OPERATIONAL NEED: means the need for a proposal or activity to traverse, locate or operate in a particular environment because of a technical, logistical or operational characteristics or constraints.</i></p> <p>The definition of ‘operational need’ is generally supported and is appropriate, as it applies to Powerco’s assets and recognises their operational requirement to locate in a particular location. It is consistent with the national planning standards.</p>	Retain the definition
CHAPTER 3 – 3A NETWORK UTILITIES	Policy 1.5	<p>Powerco maintains its previous submission point in relation to Policy 1.5. The requirement to “ensure” construction and location that is sensitive to the amenity</p>	Delete Policy 1.5 as to ‘ensure’ construction and location that is sensitive to the amenity and landscape values is unnecessarily directive.

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		and landscape values is quite directive, particularly when read in contrast to Policy 1.4 which only requires the recognition of locational requirements. Powerco considers that the Policy intent would better be achieved by the deletion of the notified Policy 1.5 and the inclusion of a new Policy 1.5. The proposed amendments to Policy 1.5 by “including those areas identified as Significant Amenity Features in NFL-APP2.” further exacerbates the directness of the policy. There is no acknowledgement of the balance between these potential effects and the benefits network utilities provide to the social, economic and wellbeing of a community, by recognising that it is only the significant adverse effects that need to be avoided, remedied or mitigated.	<p><i>To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where are located, including those areas identified Significant Amenity Features in NFL-APP2.</i></p> <p>Insert a new Policy (1.5) that recognises that the significant effects on network utilities cannot always be avoided, remedied or mitigated:</p> <p><i>To ensure that significant adverse effects on the environment are avoided, remedied or mitigated.</i></p>
	Objective 3	Powerco supports the amendment to Objective 3. The purpose of Objective 3 adequately recognises the development of network utilities whilst seeking to manage effects. The reference to “NFL-APP1” reduces ambiguity in the application of the objective in relation to the ONF’s and ONL’s. Powerco suggests minor amendments to the wording of Objective 3 to reference new network utilities and to clarify interpretation, including by adding a	<p>Amend Objective 3 to clarify historic heritage appendices, as follows:</p> <p><i>The characteristics and values of the Outstanding Natural Features and Landscapes identified in <u>Appendix NFL-APP1</u> and historic heritage <u>identified in Appendix 1F and 1E,</u> are protected from the inappropriate use and development of <u>new network utilities.</u></i></p>

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		<p>reference to the Appendices which include the lists of historic heritage and commas to identify that this is a compound sentence. Referencing “use and development” is unnecessarily restrictive for maintenance and upgrading of existing assets.</p> <p>Notwithstanding the proposed amendments to Objective 3, duplication remains between Objective 3 and Policy 3.1, as addressed in the next submission point.</p>	
	Policy 3.1	<p>Powerco maintains its previous submission point in relation to Policy 3.1, insofar as its intent and purpose is incorporated into Objective 3 and it is simply a duplication. Delete Policy 3.1. In addition, Policy 3.1 is more restrictive than Objective 3.</p>	<p>Delete Policy 3.1 as this policy is now incorporated into the amendments sought to Objective 3, as follows:</p> <p><i>To protect the characteristics and values of Outstanding natural Features and Landscapes scheduled in NFL APP1 or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) from the effects of network utilities.</i></p>
	Policy 3.2	<p>Powerco understands that the intent of Policy 3.2 is to manage the cumulative effects of new network utilities. Powerco’s previous submission point in relation to the draft Plan Change 65 remains, insofar as it may be difficult to interpret in terms of determining significant adverse cumulative effects. Part of an ONF’s and ONL’s may be</p>	Retain as notified.

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		able to absorb new network utilities locating there if there are existing network utilities in that part of the landscape, as opposed to locating where there are none. In addition, there may also be no practicable alternative.	
	Policy 3.3	<p>Policy 3.3 provides an exception to this where network utilities are unable to avoid the area as far as reasonably practicable and where works cannot be avoided in the ONF's or ONL's any adverse effects should be remedied or mitigated. The main body of Policy 3.3 does not refer specifically to new network utilities. Furthermore, it is not good practice to have a definition embedded within a policy. Policy 3.3 also provides a convoluted test with three parts to it, as set out below:</p> <p><i>“For the purpose of policy 3.3, reasonably practicable means where:</i></p> <ol style="list-style-type: none"> <i>a. there is no reasonably practicable alternative location, recognising the functional and operational need to the network utility; and</i> <i>b. the infrastructure is of national or regional importance; and</i> 	<p>Amend Policy 3.3 to have one effects threshold and remove definitions within the policy and create a new policy (Policy 3.3A) recognising the functional and operational need of infrastructure;</p> <p><i>Except as required by Policy 3.2, To avoid adverse effects from new network utilities as far as reasonably practicable. insofar as there is no reasonable alternative location, and Where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in Appendix NFL-APP1, (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).</i></p> <p><i>For the purpose of policy 3.3, reasonably practicable means where:</i></p> <ol style="list-style-type: none"> <i>a. There is no reasonably practicable alternative location, recognising the function and operational need of the network utility; and</i>

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		<p><i>c. the development does not have a significant adverse effect on the characteristics and values identified in Appendix NFL-APP1 (Outstanding natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or F1 (Sites with Heritage Value)."</i></p> <p>Part c of Policy 3.3 contradicts the requirement of Policy 3.3 "<i>remedy or mitigate adverse effects on the characteristics and values identified in NFL-APP1.</i>" by stating "<i>development does not have a significant adverse effects on</i>". Policy 3.3 requires two effects thresholds to be met and sets out different appendices. For example Policy 3.3 refers to NFL-APP1 whilst part c of Policy 3.3 refers to "<i>Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value)</i>".</p>	<p><i>b. The infrastructure is of national or regional importance; and</i></p> <p><i>c. The development does not have a significant adverse effect on the characteristics and values identified in Appendix NFL-APP1 (Outstanding Natural Features and Landscapes), Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).</i></p>
	Policy 3.4	Powerco supports Policy 3.4 as it provides for works associated with existing network utilities located within ONF's and ONL's.	Retain as notified

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
	Policy 3.5	Policy 3.5 seeks to avoid inappropriate use and development within ONL's which adversely affects the values of the areas. Policy 3.5 is in direct contrast with Policy 3.4 as it is not clear if it is in relation to the construction of new network utilities. Policy 3.5 also generally refers to use and development rather than specifying network utilities. Powerco acknowledges that network utilities can have adverse effects on ONL's but suggests amendments to Policy 3.5 for clarity and application of Policies 3.4 and 3.5. In addition, Policy 3.5 commands a high statutory test and effectively restricts the location of any network utilities within an ONL and more specifically the Manawatū Coastline ONL and Ruahine ONL.	<p>Amend Policy 3.5 to clarify and soften its application, as follows:</p> <p><i>To avoid inappropriate use and development <u>of new network utilities</u> within Outstanding Natural Landscapes which adversely affects the identified values and characteristics of the areas, and adverse effects <u>are unable to be mitigated or remedied</u>, including:</i></p> <ul style="list-style-type: none"> <i>a. The extensive unbuilt coastal strip along the Manawatu Coastline Outstanding Natural Landscape.</i> <i>b. The unmodified and continuous indigenous values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape.</i>
	Section 3A.4.3 Standards for Permitted Activities	Powerco supports the amendment to the permitted activity standard 3A.4.3.j, as it references the new appendices NFL-APP1 and NFL-APP2, however, suggests "Appendices" should be included to provide clarity. A comma is required after 'minor upgrading works' to reflect the compound nature of the sentence.	<p>Amend 3A.4.3j (standards for permitted activities) as follows:</p> <p><i>Works that are undertaken outside of an existing road corridor carriageway, or that are not in operation, maintenance, replacement or minor upgrading works, must not be located within the areas scheduled in Appendix <u>Appendices</u> 1A (Wetlands, Lakes, Rivers and their Margins),</i></p>

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
			<i>1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with heritage Value), 1F (Sites with Heritage Value), Outstanding natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan.</i>
	Section 3A.4.4 Restricted Discretionary Activities	Powerco supports the amendment to the restricted discretionary assessment criteria vi) as it provides clarity to the location of the ONF's and ONL's, however, suggest the word "Appendices" is inserted for clarity.	Amend 3A.4.4 Restricted Discretionary Activities assessment criteria vi), as follows: <i>Whether the activity impacts on the scheduled heritage values in Appendices Appendix 1A Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value), 1F (Sites with Heritage Value), Outstanding natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan, if so, how such impacts are remedied or mitigated.</i>
	Section 3A.4.5 Discretionary Activities	Powerco supports the reduction of activity status from non-complying activity to discretionary activity in relation to the construction of new and upgrading (other than minor upgrading) network utilities in relation to ONF's and	Amend 3A.4.5 Discretionary Activities a., as follows: <i>The following activities shall be a Discretionary Activity</i> <i>a. Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as</i>

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		SAF's. Amendments are suggested to insert the word "appendix" where relevant for clarity.	<i>identified in <u>Appendix NFL-APP1</u> or Significant Amenity Feature identified in <u>Appendix NFL-APP2</u>.</i>
	Section 3A.4.6 Non-Complying Activities	Powerco maintains its previous submission in relation to Plan Change 55 with reference to this rule. Non-complying activity status pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management and fails to take account the traversing of such utilities across a range of environments. When new infrastructure is proposed a robust assessment and route selection process is undertaken. However, it is not always possible to completely avoid sensitive areas such as these.	Amend 3A.4.6 Non-Complying Activities, as follows: <i>Any new <u>non-linear</u> network utility, including windfarms and new transmission and distribution electricity lines located within Outstanding Natural Landscape identified in <u>Appendix NFL-APP1</u>.</i>
Chapter 3: 3D EARTHWORKS	Policy 1.3	Powerco supports Policy 1.3 as it now refers to management of risk. Suggest minor amendment to include "Appendix" reference for clarity.	Amend Policy 1.3, as follows: <i>To restrict earthworks in Outstanding Natural Features or Landscapes as scheduled in <u>Appendix NFL-APP1</u>, except where earthworks are necessary to manage risk to human health and safety.</i>
	Section 3D.4.4 Discretionary Activities	Powerco notes the exclusion of "the minor upgrading, replacement or maintenance of network utilities" within the definition of earthworks. Thereby excluding these activities from complying with Section 3D – Earthworks. Powerco acknowledges the reduction in activity status	Retain as notified.

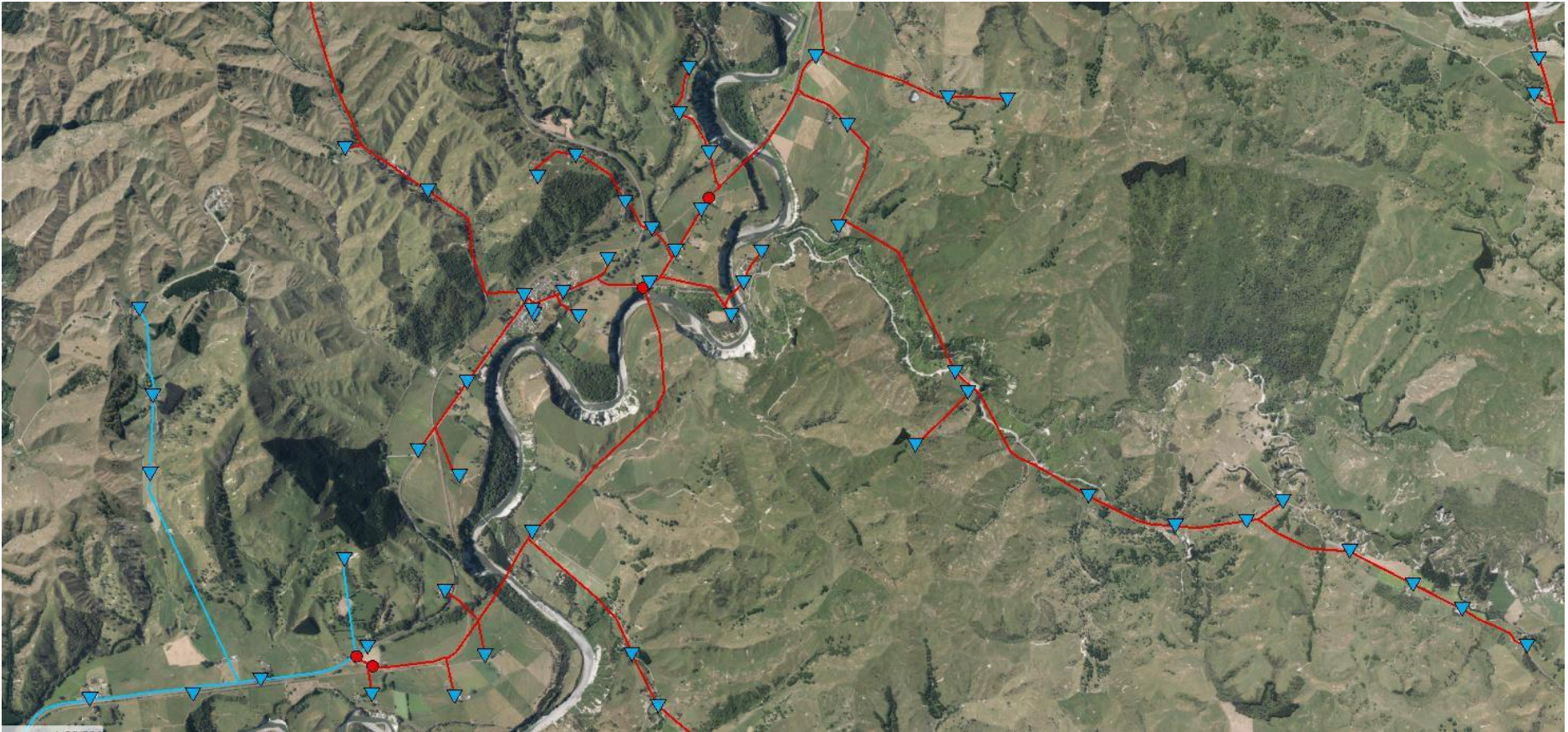
Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
		from non-complying to discretionary in relation to earthworks located within ONF's and SAF.	
	Section 3D.4.5 Non-Complying Activities	A non-complying activity status for earthworks in an ONL outside of an existing road corridor is opposed for the same reasons set out in section 3A.4.6 Non-Complying Activities	Amend 3D.4.5 Non-Complying Activities as follows: <i>Any earthworks within an Outstanding Natural Landscape identified in NFL-APP1, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2.f v) or vi) is a <u>Discretionary Activity</u> Non-Complying Activity.</i>
Chapter NFL – NATURAL FEATURES AND LANDSCAPES	Natural Features and Landscapes	Powerco previously submitted on the draft Plan Change 65. Powerco's primary concern was the relationship between the provisions contained within Chapter 3 District Wide Rules (inclusive of Chapters 3A Network Utilities and 3D Earthworks) and the new Chapter Natural Features and Landscapes. The introduction text at the start of Chapter NFL – Natural Features and Landscapes is still unclear in regards to its application in relation to network utilities. It still instructs the reader to read this chapter "alongside Chapter 3A Network Utilities and Chapter 3D Earthworks". Powerco requests more clarity on the application of the provisions of this chapter in relation to those set out in Chapter 3 District Wide Rules.	Amend introductory text to NFL – Natural Features and Landscapes to provide greater clarity on how the objectives, policies and rules contained in this section apply in relation to Chapter 3A Network Utilities and Chapter 3D Earthworks, as follows: <i>This chapter must also be read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more <u>specific provisions in Chapter 3A Network Utilities apply and prevail over this chapter.</u> Earthworks associated with <u>network utilities</u> within Outstanding Natural Features and Landscapes are provided for in Chapter 3D Earthworks. <u>These provisions prevail over the provisions contained within this chapter.</u></i>

Attachment B			
SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
Chapter NFL – NATURAL FEATURES AND LANDSCAPES	Natural Features and Landscapes	Powerco has assumed the intent of Chapter NFL – Natural Features and Landscapes does not apply to network utilities located within ONF’s, ONL’s and SAF’s and so has not provided submission points on it. If this understanding is incorrect and the objectives, policies and rules contained within Chapter NFL – Natural Features and Landscapes do apply to network utilities Powerco would like the opportunity to provide comment on them as they are at tension with the provisions contained within Chapters 3A Network Utilities and 3D Earthworks.	Amend introduction text as set out in the above submission point and confirm that Chapter NFL – Natural Features and Landscapes does not apply to Network Utilities. If this relief is not accepted, Powerco objects to all objectives, policies and rules in the NFL – Natural Features and Landscapes chapters, and seeks they are amended as required to appropriately and adequately provide for the establishment, maintenance, upgrading and operation of electricity distribution lines.

Attachment A

1) ONF3 - Outstanding Natural Feature - Rangitikei River

Powerco assets in area: 11KV High Voltage overhead lines (red lines) cross the river and transformers (blue triangles) are within the area.



2) ONF4 - Outstanding Natural Feature - Mangamako Gorge
Powerco assets in area: 11KV High Voltage overhead lines and transformers through area.



ONF 4 - MANGAMAKO GORGE



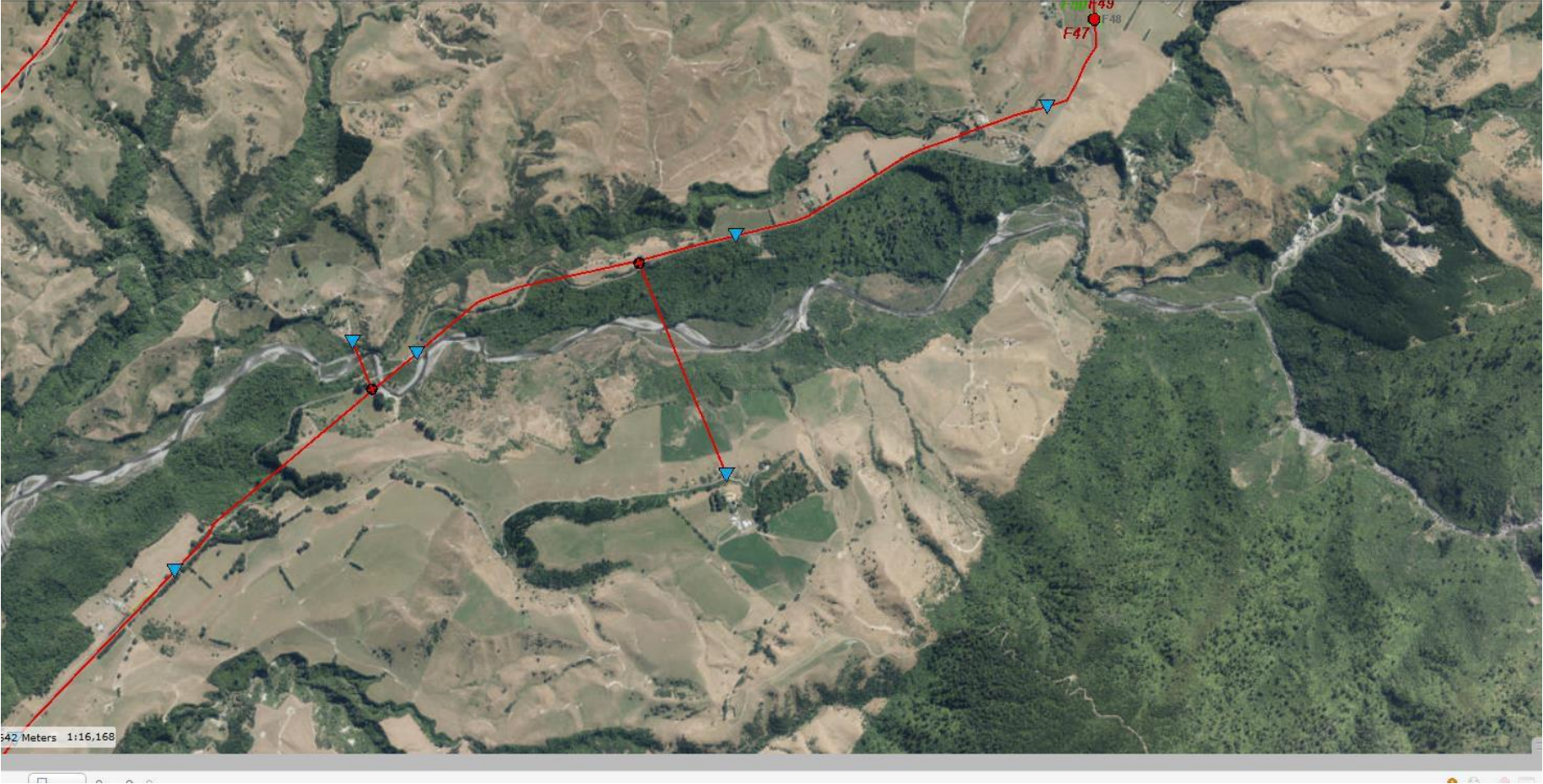
3) ONF7 - Outstanding Natural Feature – Mangoira & Mangahuia Stream
Powerco assets in area: 11KV High Voltage overhead.



ONF 7 – MANGOIRA AND MANGAHUIA STREAM



4) ONF9 - Outstanding Natural Feature - Upper Pohangina River
Powerco assets in area: 11KV High Voltage overhead lines and transformers.

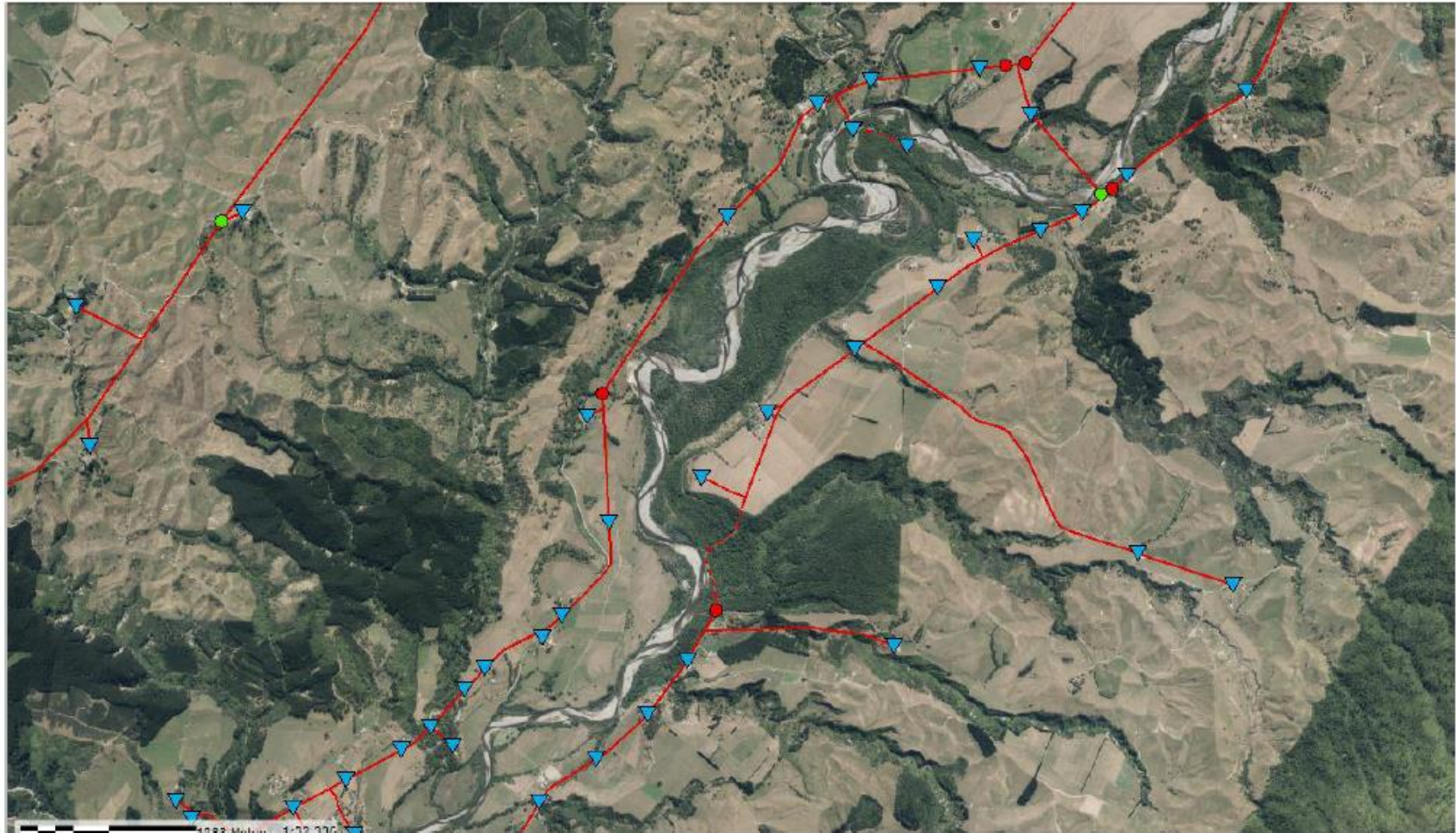


ONF 9 – UPPER PŌHANGINA RIVER



5) ONF 10 - Outstanding Natural Feature – Totara Reserve

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and underground cables (red dashed lines) and transformers (blue triangles)



ONF 10 – TŌTARA RESERVE



6) ONFL 14 - Outstanding Natural Feature – Pukepuke Lagoon

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and transformer (blue triangle)



ONFL 14 – PUKEPUKE LAGOON



7) SAF2 - Significant Amenity Feature – Upper Oroua River and River Valley

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and transformers (blue triangles) and crosses river in two areas



SAF 2 – UPPER ŌROUA RIVER AND RIVER VALLEY



8) SAF3 - Significant Amenity Feature - Makiekie Creek

Powerco assets in area: 11KV High Voltage overhead lines (red lines) and transformers (blue triangles)



SAF 3 – MAKIEKIE CREEK



MFL – APP2 – Significant Amenity Features
PAGE
61

Full name: Bronwyn and Jason Robb

Physical address: 396 Mangarere Road, RD 7, Mangaweka 4797

Postal address:
(if different from above)

Contact phone number (day): 063825877

Mobile number: 021855144

Fax number:

Email address (Please note, email is our preferred mode of contact with our submitters): jas_bron@inspire.net.nz

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition? Yes

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*: Areas marked on the map. Stock grazing and cropping. What does this mean for future owners of the land? Are Horizons involved and aware of this plan change?

My submission is that:
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) We do not believe the area on the map is correct and clear enough. We also do not believe the flat land area should be included (which is significant). We understand the cliffs being included but not all the flat area between the river and the cliffs. We are also restricted by the Horizons Council.

I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required)*: Reconsideration of the area included in the Natural Outstanding area. A much clearer understanding of our limits and for future possible limits regarding cropping and land use for stock grazing.

I/we wish to speak in support of my/our submission: Yes

If others make a similar further submission I/we will consider presenting a joint case with them at the hearing? Yes

Submission by Transpower New Zealand Ltd on Proposed Plan Change 65 – Outstanding Natural Features and Landscapes

Manawatu District Plan

March 2020

Keeping the energy flowing



Form 5
Submission on a Publicly Notified Plan Change under Clause 6 of the
First Schedule to the Resource Management Act 1991

Manawatu District Plan - Proposed Plan Change 65
Outstanding Natural Features and Landscapes

To: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702
email: districtplanreview@mdc.govt.nz

Submitter Details:

Full name of submitter Transpower New Zealand Ltd
Address for service Boffa Miskell Ltd
Attn: Sherilyn Hinton
PO Box 11340
Wellington 6142
Phone (day) 04 385 5795 or 027 224 4197
Email sherilyn.hinton@boffamiskell.co.nz

This is a submission to the Manawatu District Plan - Proposed Plan Change 65: Outstanding Natural Features and Landscapes

Transpower could not gain advantage in trade competition through this submission

The specific provisions of the proposed plan that the submission relates to are:

Refer attached submission which outlines the specific provisions, sought amendments, reasons and decisions sought.

Transpower NZ Ltd wishes to be heard in support of its submission.



Signature of submitter

[or person authorised to sign on behalf of the submitter.]

Date: 4 March 2020

SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED ON PROPOSED PLAN CHANGE 65 – OUTSTANDING NATURAL FEATURES AND LANDSCAPES

Overview

The following provides specific submission points from Transpower New Zealand Limited (“**Transpower**”) on Proposed Plan Change 65 (“**PC65**”).

This submission has been prepared to assist the Council in ensuring the planning framework under the PC65 appropriately recognises and provides for the National Grid. Specifically, from Transpower’s perspective, the provisions of the PC65 need to ensure that it:

- Gives effect to the National Policy Statement on Electricity Transmission 2008 (“**NPSET**” or “**NPS**”)
- Recognises the need to sustainably manage the National Grid as a physical resource of national significance
- Recognises the benefits of the National Grid at local, regional and national levels, and
- Provides for the effective operation, maintenance, upgrading and development of the National Grid.

The purpose of PC65 (as stated in the accompanying section 32 report) is to protect the Manawātū’s Outstanding Natural Features and Landscapes (ONFLs) and Significant Amenity Features (SAFs) from inappropriate subdivision, use, and development and to maintain or enhance the amenity values and environment within these areas. PC65 recognises that the current provisions of the Operative District Plan are not clear, are not consistent with the direction of Horizons Regional Council’s One Plan, and the areas are not spatially defined. PC65 therefore seeks to amend the District Plan to provide clearer direction for how ONFLs and SAFs are to be managed. A new ‘Natural Features and Landscapes’ chapter is proposed to be included into the District Plan with specific objectives, policies and rules, and including supporting appendices and new plan maps which spatially define two ONFLs, 13 ONFs and three SAFs. In addition, amendments to existing District Plan chapters ‘3A Network Utilities’ and ‘3D Earthworks’ are proposed, and two new definitions for ‘functional need’ and ‘operational need’ are proposed to be added to existing Chapter 2.

In general, the approach adopted in PC65 is broadly supported by Transpower; specifically, the provision of a framework of objectives, policies and rules that recognises and provides for the National Grid, and including the inclusion of new definitions for ‘functional need’ and ‘operational need’ consistent with the National Planning Standards. Transpower also supports the inclusion of a National Grid specific policy to provide for new activities within natural features and landscapes. However, Transpower considers several amendments are required to refine the proposed provisions and to better reflect the direction and scope of the NPSET.

Introduction to Transpower

Transpower is a State-Owned Enterprise that plans, builds, maintains and operates New Zealand’s National Grid, the high voltage electricity transmission network for the country. The National Grid links generators directly to distribution companies and major industrial users, feeding electricity to the local networks that distribute electricity to homes and businesses. The National Grid comprises towers, poles, lines, cables substations, a telecommunications network and other ancillary equipment stretching and connecting the length and breadth of the country from Kaikohe in the North Island down to Tiwai in the South Island, with two national control centres (in Hamilton and Wellington).

The National Grid includes approximately 12,000 km of transmission lines and 166 substations, supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

Transpower's Statement of Corporate Intent for July 2019 to July 2022, states that:

Transpower is central to the New Zealand electricity industry, connecting New Zealanders to their power system through safe, smart solutions for today and tomorrow. Our principal commercial activities are:

- *As grid owner, to reliably and efficiently transport electricity from generators to distributors and large users, and*
- *As system operator, to operate a competitive electricity market and deliver a secure power system.*

In line with these objectives, Transpower needs to efficiently maintain and develop the network to meet increasing demand, to connect new generation, and to seek security of supply, thereby contributing to New Zealand's economic and social aspirations. It has to be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs. Transpower therefore has a significant interest in contributing to the process of developing an effective, workable and efficient district plan where it may affect the National Grid, including possible future changes.

Manawatu District Transmission Assets

Transpower's transmission line assets within or traversing the Manawatu District comprise:

- Bunnythorpe-Haywards A single circuit on steel towers (220kV)
- Bunnythorpe-Haywards B single circuit on steel towers (220kV)
- Bunnythorpe-Ongarue A single circuit on steel towers (110kV)
- Bunnythorpe-Mangahao A single circuit on poles (110kV)
- Bunnythorpe-Mangahao B single circuit on poles (110kV)
- Bunnythorpe-Woodville B single circuit on steel towers (110kV)
- Bunnythorpe-Wilton A double circuit on steel towers (220kV)
- Bunnythorpe-Wanganui B single circuit on steel towers (110kV)
- Bunnythorpe-Whakamaru A single circuit on steel towers (220kV)
- Bunnythorpe-Whakamaru B single circuit on steel towers (220kV)
- Bunnythorpe-Wairakei A single circuit on steel towers (220kV)
- Brunswick-Bunnythorpe A single circuit on steel towers (220kV).

Attached as **Appendix 1** is a map of Transpower's assets in the Manawatu District.

In context of the identified ONFLs on the planning maps accompanying PC65 (refer Appendix 3 of the s32 report), the Bunnythorpe-Ongarue A single circuit transmission line on steel towers (110kV) traverses ONFL3 – Outstanding Natural Feature – Rangitikei River.

Transpower's particular points of interest in PC65

Transpower understands that PC65 has resulted from appeals made on Proposed Plan Change 55 to the Manawatu District Plan.

The section 32 report for PC65 states that in addition to a new 'Natural Features and Landscapes' chapter, changes to existing provisions in District Wide Rules chapters 3A Network Utilities and 3D Earthworks are proposed to address appeals raised under PC55 and to ensure consistency with the National Planning Standards.

Proposed Plan Change 55 ("PC55") related to 'Chapter 3 District Plan Rules' of the District Plan. The primary purpose of PC55 was to review the rule provisions that applied District Wide, specifically the following areas: Network Utilities, Transport, Noise, Earthworks, Signs, Temporary Activities and Relocated Buildings.

Transpower appealed a number of the PC55 provisions related to Network Utilities, as follows:

- Section 3A.3, Policy 3.2
- Standard 3A.4.2(l)
- Rule 3A.4.3
- Rules 3A.4.4 and 3A.4.5.

The above proposed provisions are on hold pending the consideration of PC65 through the statutory RMA process.

Statutory Framework

National Policy Statement on Electricity Transmission

The National Policy Statement on Electricity Transmission was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and establishes national policy direction to ensure decision-makers under the RMA duly recognise the benefits of transmission, manage the effects of the National Grid and appropriately manage the adverse effects of activities and development close to the Grid. The NPSET only applies to the National Grid – the assets used or operated by Transpower – and not to electricity generation or distribution networks. A copy of the NPSET is attached as **Appendix 2**.

The NPSET sets a clear directive to councils on how to provide for National Grid resources (including future activities) when drafting all their plans. Thus, district councils have to work through how to make appropriate provision for the National Grid in their district plans.

The one objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- a. Managing the adverse environmental effects of the network; and*
- b. Managing the adverse effects of other activities on the network.*

The NPSET's 14 policies provide for the recognition of the benefits of the National Grid, as well as the environmental effects of transmission and the management of adverse effects on the National Grid. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. The development of the National Grid including the establishment of new National Grid assets, is explicitly recognised in the NPSET.

Policy 1 of the NPSET provides that decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy, development and use of new electricity generation, and enhanced supply.

Policies 2 to 9 provide RMA decision-makers direction for managing the environmental effects of transmission activities.

Recognition of the development of the National Grid is also required in Policy 2 of the NPSET, in that “decision makers must recognise and provide for ... the development of the electricity transmission network”. Policy 2 is as follows:

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

Policies 3 to 5 contain matters to which decision-makers must consider or have regard to, including:

- the constraints imposed on avoiding, remedying or mitigating adverse effects by the technical and operational requirements of the network
- the role of the route, site and method selection process in avoiding, remedying or mitigating adverse effects for new or major upgrades of transmission infrastructure, and
- the enablement of the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

Policies 6 to 8 relate to Transpower’s responsibilities under the NPSET, with Policy 6 promoting the reduction of existing adverse effects where substantial upgrades of transmission line infrastructure are undertaken. Policies 7 and 8 relate to circumstances in which the effects of transmission infrastructure could be reduced, minimised or avoided in urban and rural environments. Policy 9 specifically relates to standards for dealing with electric and magnetic fields.

Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities) areas. The wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET).

Policy 8 is as follows:

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

Policies 10 and 11 of the NPSET provide the primary direction on the management of adverse effects of subdivision, land use and development activities on the transmission network. These policies are critical matters for a District Plan to address. Policy 10 is as follows:

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

Policy 11 relates to the development of buffer corridors, and is as follows:

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local

authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

Policy 12 requires the identification of the transmission network on territorial authority planning maps.

Policies 13 and 14 relate to the long-term strategic planning for transmission assets. Under Policy 14, regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Section 75(3)(a) of the RMA requires that district plans must 'give effect' to a National Policy Statement. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it¹.

It is therefore a requirement that local policy reflects national direction and that the local policy is effective in helping support the integrated management of natural and physical resources within the district, as well as across the region as a whole.

Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009

The Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 ("NESETA") came into effect on 14 January 2010, providing a national framework of permissions and consent requirements for the operation, maintenance and upgrading of National Grid lines existing at 14 January 2010: it does not apply to substations or electricity distribution lines, and nor does it apply to the construction of new transmission lines (which are typically designated).

Activities covered by the NESETA are activities relating to the operation, maintenance, upgrading, relocation or removal of an existing transmission line, including:

- a construction activity
- use of land or occupation of the coastal marine area
- activities relating to an access track to an existing transmission line
- undergrounding an existing transmission line.

Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a proposed plan. The NESETA regulates how Transpower's existing lines in the District are developed and maintained, rather than the District Plan Rules.

Specific Submission Points

The focus of Transpower's submission points are on the provisions within PC65 that relate to network utilities and specifically to the National Grid.

Transpower is broadly supportive of proposed PC65. In particular Transpower supports:

- The inclusion of network utility provisions related to ONFL's within Chapter 3A 'Network Utilities' and Chapter 3D 'Earthworks'

¹ Environmental Defence Society Inc v the New Zealand King Salmon Co Ltd [2014] NZSC 38, [2014] 1 NZLR593 (*King Salmon*) Most recently, reaffirmed in Royal Forest and Bird Protection Society of NZ Inc V Bay of Plenty Regional Council [2017] NZHC 3080 [12 December 2017]

- The increased clarity as to the relationship between the chapters and therefore the relevant objectives, policies and rules that would apply to network utilities and specifically the National Grid
- The provision of a National Grid specific 'seek to avoid' policy within Chapter 3A (being Chapter 3A.3 proposed Policy 3.6) subject to the further refinements sought as part of this submission
- The discretionary activity status for new transmission electricity lines and earthworks within an identified ONF or SAF in proposed Rules 3A.4.5 (Network Utilities) and 3D.4.4 (Earthworks).

As a general comment, Transpower also supports the clear identification of ONFL's and SAFs as proposed by PC65.

However, some amendments are sought by Transpower in this submission to ensure PC65 gives effect to the NPSET, particularly in relation to the policy and rule framework for new network utilities within ONLs (and specifically new National Grid infrastructure).

Specific submission points are included in the table below and for the avoidance of doubt, include any consequential relief to the specific relief sought. Amendments sought through this submission are shown as red underlined or ~~strikethrough~~ text.

Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
Chapter 2 - Definitions			
<p>New definition - Functional need Insert new definition for functional need as follows: <i>“means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.”</i></p>	Support	Section 3 of the s32 report for PC65 states that PC65 involves a series of amendments including the addition of two new definitions to existing Chapter 2. Transpower supports the addition of the definition for the term ‘Functional need’ as it supports and assists interpretation of the policy and rule provisions (particularly those in Chapter 3A – Network Utilities) and it is consistent with the definition provided in the National Planning Standards.	Retain the definition of ‘Functional need’ as notified.
<p>New definition - Operational need Insert new definition for operational need as follows: <i>“means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.”</i></p>	Support	Section 3 of the s32 report for PC65 states that PC65 involves a series of amendments including the addition of two new definitions to existing Chapter 2. Transpower supports the addition of the definition for the term ‘Operational need’ as it supports and assists interpretation of the policy and rule provisions (particularly those in Chapter 3A – Network Utilities) and it is consistent with the definition provided in the National Planning Standards.	Retain the definition of ‘Operational need’ as notified.
New Chapter: NFL – Natural Features and Landscapes			
<p>Introduction [...] <i>This chapter must also be read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more specific provisions in Chapter 3A Network Utilities apply. Earthworks within Outstanding Natural Features and Landscapes are provided for in Chapter 3D Earthworks.</i></p>	Support with amendment	<p>Section 4.9.3 of the s32 report for PC65 identifies that as a result of PC55 (District Wide Rules), there is an intention that Chapter 3A (Network Utilities) will be standalone at the completion of the Sectional District Plan Review. The changes to Chapter 3A outlined by PC65 are intended to be a step towards this, in relation to ONFLs and SAFs.</p> <p>A specific statement is proposed in the introduction to the new NFL - Natural Features and Landscapes chapter that clarifies for activities involving network utilities within ONFLs and SALs it is the more specific provisions in Chapter 3A (Network Utilities) that apply, and provisions for earthworks within ONFLs are provided in Chapter 3D (Earthworks).</p> <p>Transpower supports the approach of developing a standalone chapter that addresses network utilities as it provides clarity and certainty for plan users in terms of the objective, policy and rules provisions that apply to network utilities activities (including the National Grid), including where such activities are located with ONFLs and SAFs. This approach is also considered to provide consistency with the National Planning Standards. Transpower also supports the statement in the introduction to the NFL -</p>	<p>Retain the statement in the introduction to the Natural Features and Landscapes chapter that clarifies for network utilities it is the more specific provisions in Chapter 3A that apply, and amend the wording of the last part of the statement relating to earthworks as follows:</p> <p><i>This chapter must also be read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more specific provisions in Chapter 3A Network Utilities apply. Earthworks within Outstanding Natural Features and Landscapes <u>and Significant Amenity Features</u> are provided for in Chapter 3D Earthworks.</i></p>

Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
		Natural Features and Landscapes chapter that clarifies which rule provisions apply to Network Utilities and earthworks activities within ONFLs and SAFs. Transpower requests a minor amendment to the wording of this statement to ensure clarity for plan users.	
Objectives NFL-01 to NFL-04	Neutral	Transpower generally supports the proposed Natural Features and Landscapes objectives on the basis that there are specific objectives provided for Network Utilities in Chapter 3A of the plan (as amended by PC65).	Retain NFL objectives
Policies NFL-P1 to NFL-P19	Neutral	Transpower generally supports the proposed Natural Features and Landscapes policies on the basis that there are specific policies provided for Network Utilities in Chapter 3A of the plan (as amended by PC65).	Retain NFL policies
Rules			
Introductory statement under Rules heading: <i>Unless otherwise stated, rules in this chapter apply to all activities within the areas identified as being Outstanding Natural Features and Landscapes, and Significant Amenity Features as spatially defined in Appendix NFL-APP1 and NFL-APP2. For activities involving Network Utilities within Outstanding Natural Features and Landscapes the more specific provisions in Chapter 3A Network Utilities apply. Earthworks within Outstanding Natural Features and Landscapes are provided for in Chapter 3D Earthworks.</i>	Support with amendment	Transpower supports the statement under the 'Rules' heading that clarifies which rule provisions apply to Network Utilities and earthworks activities within ONFLs and SAFs. Transpower requests a minor amendment to the wording of this statement to ensure clarity for plan users.	Amend the last part of the introductory statement under the 'Rules' heading as follows: <i>Unless otherwise stated, rules in this chapter apply to all activities within the areas identified as being Outstanding Natural Features and Landscapes, and Significant Amenity Features as spatially defined in Appendix NFL-APP1 and NFL-APP2. For activities involving Network Utilities within Outstanding Natural Features and Landscapes the more specific provisions in Chapter 3A Network Utilities apply. Earthworks within Outstanding Natural Features and Landscapes <u>and Significant Amenity Features</u> are provided for in Chapter 3D Earthworks.</i>
Chapter 3A - Network Utilities			
3A.3 Objectives and Policies			
Objective 1 [...] Policies 1.5 <i>To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, <u>including those areas</u></i>	Support with amendment	Policy 1.5 has been amended to include specific reference to " <i>those areas identified as Significant Amenity Features in NFL-APP2</i> " in order to (as detailed in the s32 report) clearly provide for SAFs in the policy framework and to recognise the differences in their characteristics and values compared with ONFLs. While the proposed reference to SAF's in Policy 1.5 is not opposed, Transpower is concerned how the policy will be applied given the directive	Amend Policy 1.5 as follows: <i>1.5 To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, <u>including those areas identified as Significant Amenity Features in NFL-APP2, <u>acknowledging the benefits, and locational,</u></u></i>

Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
<u>identified as Significant Amenity Features in NFL-APP2.</u>		nature of the word ‘ensure’ and the subjective nature of the wording “in a manner sensitive to...”. Given Policy 1.5 is the only policy specific to Network Utilities within SAF’s, Transpower seeks amendment to the proposed wording to reference the benefits and operational constraints of the National Grid to ensure the NPSET is given effect.	<u>technical and operational requirements of the National Grid.</u>
Objective 3 <u>The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and development of network utilities. To protect the values that are important to significant heritage and landscape areas from the inappropriate development of network utilities.</u>	Support	<p>The s32 report states that Objective 3 has been amended to provide consistency with the proposed Natural Features and Landscapes chapter and with the National Planning Standards, and states that the overall intent of Objective 3 has not changed since it was introduced under PC55.</p> <p>Transpower notes that Objective 3 is one of the provisions currently on hold pending the review of provisions under PC65. The s32 report also states that this change is considered to provide plan users with greater certainty (an outcome sought from the appeal on PC55).</p> <p>Objective 3 has been reworded to clarify that it specifically relates to the protection of the characteristics and values of the ONFLs identified in NFL-APP1 (and historic heritage) from the inappropriate use and development of network utilities. Transpower supports the reference to “inappropriate use and development” and notes that this provides consistency with the proposed objectives in the new Natural Features and Landscapes chapter, particularly NFL-O2.</p>	Retain Objective 3 as amended.
Policies			
<u>3.1 To protect the characteristics and values of Outstanding Natural Features and Landscapes scheduled in NFL-APP1 or a site of historic heritage scheduled in Appendix 1E (Buildings and Objects with Heritage Value) and 1F (Sites with Heritage Value) from the effects of network utilities.</u>	Neutral	Transpower supports Policy 3.1 on the basis of the provision of a National Grid specific policy (i.e. Policy 3.6) that is amended to be consistent with the relief sought by Transpower.	Retain Policy 3.1 on the basis of the provision of a National Grid specific policy (Policy 3.6) in Chapter 3A that is amended to be consistent with the relief sought by Transpower.
<u>3.2 To avoid significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes.</u>	Neutral	Transpower supports the inclusion of the word “significant” in Policy 3.2 in the context of adverse cumulative effects.	Retain the reference to “significant” within Policy 3.2 in relation to adverse cumulative effects.

Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
<p><u>3.3 Except as required by Policy 3.2, avoid adverse effects as far as reasonably practicable and where avoidance is not reasonably practicable, remedy or mitigate adverse effects on the characteristics and values identified in NFL-APP1. For the purpose of policy 3.3, reasonably practicable means where:</u></p> <p><u>a. there is no reasonably practicable alternative location, recognising the functional and operational need of the network utility; and</u></p> <p><u>b. the infrastructure is of national or regional importance; and</u></p> <p><u>c. the development does not have a significant adverse effect on the characteristics and values identified in Appendix NFL-APP1, Appendix 1E (Buildings and Objects with Heritage Value) or 1F (Sites with Heritage Value).</u></p>	<p>Neutral</p>	<p>Transpower supports Policy 3.3 on the basis of the provision of a National Grid specific policy (Policy 3.6) that gives effect to the NPSET.</p> <p>Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities) areas. The wording of NPSET policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET).</p> <p>As a linear network, the National Grid has functional, operational and/or locational needs to be located in particular areas where adverse effects are unavoidable, and it may not be possible to substantially protect the values of the area. These constraints, together with the benefits the infrastructure provides to the district and beyond (i.e. potentially rendering them not ‘inappropriate’), need to be acknowledged and provided for. Transpower supports the recognition of the functional and operational needs of network utilities (as required by Policy 3 of the NPSET) that is provided in clause ‘a’ within the context of “reasonably practicable”.</p>	<p>Retain Policy 3.3 on the basis of the provision of a National Grid specific policy (Policy 3.6) consistent with the relief sought by Transpower.</p>
<p><u>3.4 To provide for the operation, maintenance, replacement or minor upgrading of existing network utilities located within or adjacent to Outstanding Natural Features and Landscapes.</u></p>	<p>Support</p>	<p>Transpower supports Policy 3.4 as it recognises and provides for the operation, maintenance, replacement or minor upgrading of existing network utilities located within or adjacent to Outstanding Natural Features and Landscapes. The ongoing maintenance and replacement of such infrastructure (including the National Grid) is important for the wellbeing of the community. While the policy is not specific to the National Grid, it gives effect to Policies 2 and 5 of the NPSET.</p>	<p>Retain Policy 3.4 as notified.</p>
<p><u>3.5 To avoid inappropriate use and development within Outstanding Natural Landscapes which adversely affects the identified values and characteristics of the areas, including:</u></p> <p><u>a. The extensive unbuilt coastal strip along the Manawātū Coastline Outstanding Natural Landscape.</u></p>	<p>Neutral</p>	<p>Transpower generally supports Policy 3.5 on the basis of the separate provision of a National Grid specific policy (i.e. Policy 3.6) that seeks to give effect to the NPSET. Transpower also supports the reference to “inappropriate use and development” within the policy and notes that this provides consistency with the proposed objectives in the new Natural Features and Landscapes chapter, particularly NFL-O2.</p>	<p>Retain Policy 3.5 on the basis of the provision of a National Grid specific policy (Policy 3.6) consistent with the relief sought by Transpower.</p>

Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
<p><u><i>b. The unmodified and continuous indigenous vegetation values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape.</i></u></p>			
<p><u><i>3.6 To recognise the major upgrade or development of new National Grid Electricity infrastructure in an Outstanding Natural Feature or Landscape by managing adverse effects on the characteristics and values of the feature or landscape by ensuring route, site and method selection demonstrates that, to the extent practicable having regard to the functional, operational and technical needs of the National Grid, in order of preference:</i></u></p> <p><u><i>a. Infrastructure will be located outside of an Outstanding Natural Feature or Landscape.</i></u></p> <p><u><i>b. Where a. cannot be achieved, infrastructure will be located in the more compromised parts of the Outstanding Natural Feature or Landscape; and</i></u></p> <p><u><i>c. Techniques (such as structure selection) will be used to avoid adverse effects; and</i></u></p> <p><u><i>d. Adverse effects that cannot be avoided will be remedied or mitigated.</i></u></p>	<p>Support with amendment</p>	<p>Transpower generally supports Policy 3.6 as it seeks to give effect to the NPSET by providing a National Grid specific policy for the major upgrade or development of new National Grid Electricity infrastructure within an Outstanding Natural Feature or Landscape.</p> <p>However, Transpower seeks some amendments to refine Policy 3.6 to ensure it gives effect to the NPSET. In particular, Transpower seeks to include specific reference to recognising the benefits of the National Grid (to give effect to Policy 1 and 2 of the NPSET) by providing for the major upgrade and development of new National Grid infrastructure .</p> <p>In addition, Transpower seeks to include reference to “where practicable” at the end of clause ‘d’ in order to make it clear that the requirement for avoidance or remediation is not absolute and may not be practicable for the National Grid. It is noted the NPSET does not require all effects be avoided, remedied or mitigated, rather the term is only used in NPSET Policy 3 in context of considering constraints when considering measures to avoid, remedy or mitigate adverse environmental effects, and Policy 4 in context of the extent to which any adverse effect have been avoided, remedy or mitigated by the routes, site and method selection. While Transpower notes that the term “where practicable” is used within the upfront section of Policy 3.6, it is not clear this directly relates to clause ‘d’.</p>	<p>Amend Policy 3.6 as follows:</p> <p><u><i>3.6 To recognise the benefits of the National Grid by providing for the major upgrade or development of new National Grid Electricity infrastructure in an Outstanding Natural Feature or Landscape by managing adverse effects on the characteristics and values of the feature or landscape by ensuring route, site and method selection demonstrates that, to the extent practicable having regard to the functional, operational and technical needs of the National Grid, in order of preference:</i></u></p> <p><u><i>a. Infrastructure will be located outside of an Outstanding Natural Feature or Landscape.</i></u></p> <p><u><i>b. Where a. cannot be achieved, infrastructure will be located in the more compromised parts of the Outstanding Natural Feature or Landscape; and</i></u></p> <p><u><i>c. Techniques (such as structure selection) will be used to avoid adverse effects; and</i></u></p> <p><u><i>d. Adverse effects that cannot be avoided will be remedied or mitigated, where practicable.</i></u></p>
<p>3A.4 Rules</p>			
<p>3A.4.5 Discretionary Activities <u><i>The following activities shall be a Discretionary Activity</i></u> <u><i>a. Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as identified in</i></u></p>	<p>Support</p>	<p>Transpower supports the discretionary activity status that is provided for new transmission electricity lines within any ONF identified in NFL-APP1 or a SAF identified in NFL-APP2 within Rule 3A.4.5.a. As a discretionary activity, a full assessment of effects would be required, as well as a robust route, site and method selection process (as required by Policy 4 of the NPSET), appropriate conditions imposed, and the application able to be granted or declined.</p>	<p>Retain the discretionary activity status for new transmission electricity lines within a ONF or SAF in Rule 3A.4.5.</p>











Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
<p><u>NFL-APP1 or Significant Amenity Feature identified in NFL-APP2.</u> <u>b. Any network utility not otherwise specified as Permitted, Restricted Discretionary or Non-Complying Activity, or is not specifically provided for in this Plan, shall be a Discretionary Activity.</u></p>			
<p>3A.4.6 Non-Complying Activities <u>Any new network utility, including windfarms and new transmission and distribution electricity lines located within an Outstanding Natural Feature or Landscape identified in NFP-APP1 in Appendix 1C which is not otherwise provided for is a Non-Complying Activity.</u></p>	<p>Oppose</p>	<p>Transpower opposes the non-complying activity status for the National Grid within Outstanding Natural Landscapes (ONLs) under Rule 3A.4.6 as this does not give effect to the NPSET. Transpower seeks a discretionary activity status for new National Grid activities located within ONLs, consistent with the discretionary activity status provided by PC65 for new National Grid activities located within ONFs (and SAFs).</p> <p>The PC65 is required to give effect to the NPSET. Policy 8 of the NPSET directs that, within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities). The wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET).</p> <p>On this basis, given the locational, operational and technical constraints of the National Grid, the recognition of the provision of infrastructure and operational need, and the national significance of the National Grid (as provided for in the NPSET), Transpower supports a discretionary activity status for new structures associated with the National Grid within Outstanding Natural Landscapes.</p> <p>As a discretionary activity, a full assessment of effects would be required as well as a robust route, site and method selection process (as required by NPSET Policy 4), appropriate conditions imposed, and the application would be able to be granted or declined. A discretionary activity status would also give effect to the new National Grid specific policy (Policy 3.6), with the ‘seek to avoid’ policy directive imbedded within the policy.</p> <p>A discretionary activity status for new National Grid development within both Outstanding Natural Landscapes and Features will ensure careful</p>	<p>Amend Rule 3A.4.6 to provide for new National Grid infrastructure within an identified Outstanding Natural Landscape as a discretionary activity.</p>

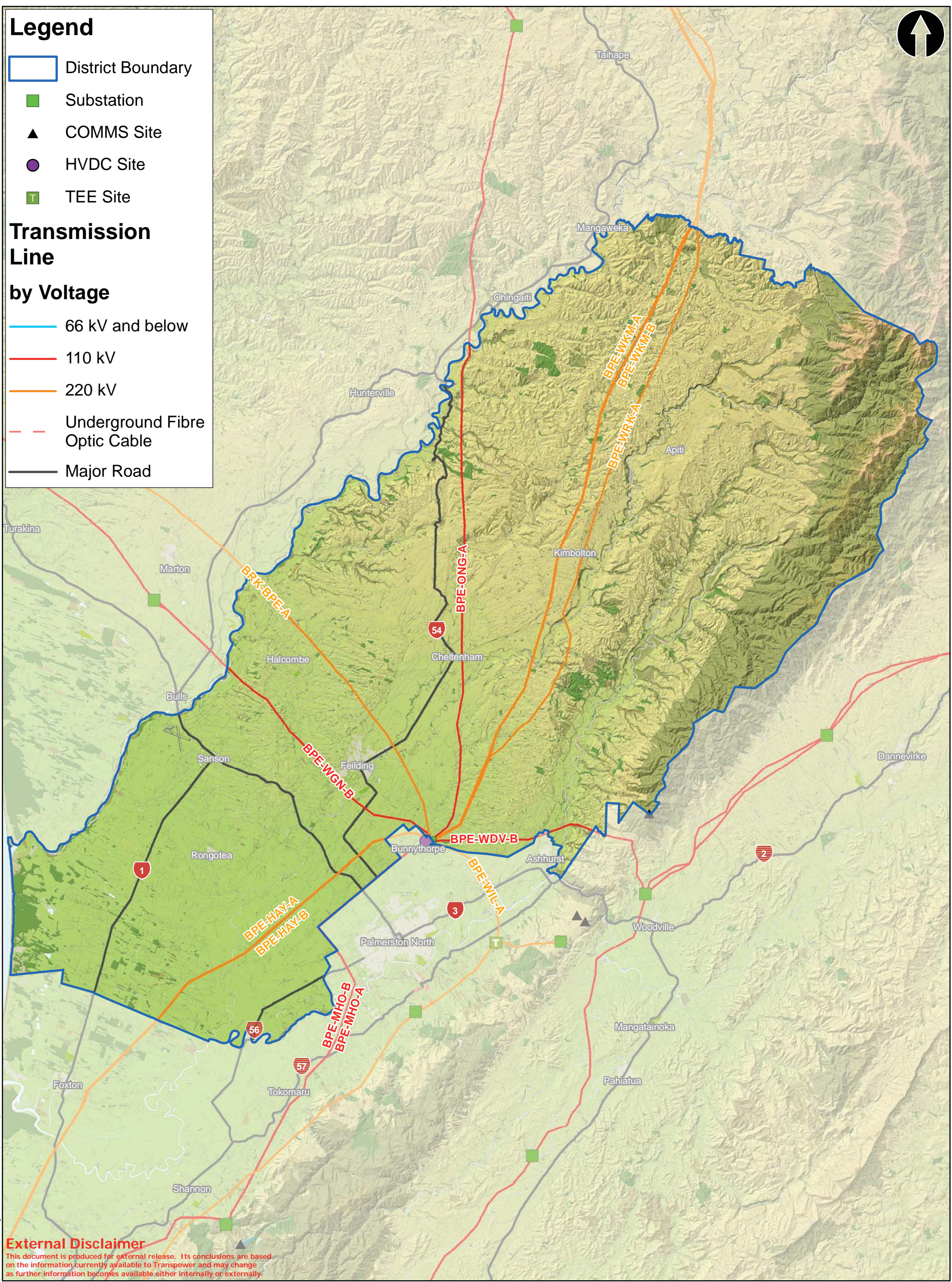
Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
		<p>consideration is given to any proposed development against the specific characteristics and values of the landscape or feature. A discretionary activity status for new National Grid development within Outstanding Natural Landscapes has been recently been adopted in the Whangarei District and Thames Coromandel District proposed district plans (as agreed through consent orders) with appeal parties agreeing to the discretionary activity status on the basis of the 'seek to avoid' policy.</p>	
<p>Chapter 3D - Earthworks</p>			
<p>3D.4 Rules</p>			
<p>3D.4.4 Discretionary Activities <i>The following activities are a Discretionary Activity:</i> a. Any earthworks that do not meet the Permitted Activity standards, or is<i>are</i> not specifically provided for in this Plan, shall be a<i>shall be a</i> Discretionary Activity. b. Any earthworks within an Outstanding Natural Feature identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2.</p>	<p>Support</p>	<p>Transpower supports the discretionary activity status that is provided for any earthworks within an ONF identified in NFL-APP1 or SAF identified in NFL-APP2 within Rule 3D.4.4.b. As a discretionary activity, a full assessment of effects would be required, appropriate conditions imposed, and the application would be able to be granted or declined.</p>	<p>Retain the discretionary activity status in Rule 3A.4.4 for earthworks activities within a ONF or SAF.</p>
<p>3D.4.5 Non-Complying Activities Any earthworks within an Outstanding Natural Feature or Landscape identified in NFL-APP1 Appendix 1C, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2 f. v) or vi) is a Non-Complying Activity.</p>	<p>Oppose</p>	<p>Transpower opposes the non-complying activity status for earthworks activities (specifically those associated with the use and development of the National Grid) within Outstanding Natural Landscapes (ONLs) under Rule 3A.4.5 as this does not give effect to the NPSET. Transpower seeks a discretionary activity status at most for earthworks activities associated with the National Grid that are located within ONLs, consistent with the discretionary activity status provided by PC65 for earthworks activities within ONFs (and SAFs).</p> <p>Specific to the National Grid, earthworks are often required to provide access to, and enable the ongoing operation, maintenance, repair and removal of infrastructure.</p> <p>The PC65 is required to give effect to the NPSET. Policy 8 of the NPSET directs that, within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural</p>	<p>Amend Rule 3D.4.5 to provide for earthworks associated with the National Grid within an Outstanding Natural Landscape as a discretionary activity.</p>

Specific Plan Provision	Support/ Oppose/ Amendment	Reasons for Submission	Relief Sought
		<p>character and recreation values and amenity and existing sensitive activities). The wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). A non-complying activity status does not give effect to the NPSET, specifically the seek to avoid policy directive in Policy 8, and Policy 1 of the NPSET relating to the need to recognise and provide for the benefits of the National Grid, and Policy 2 recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid.</p> <p>On this basis, given the locational, operational and technical constraints of the National Grid, the recognition of the provision of infrastructure and functional need, and the national significance of the National Grid (as provided for in the NPSET), Transpower supports a discretionary activity status at most for earthworks associated with the National Grid within Outstanding Natural Landscapes. As a discretionary activity, a full assessment of effects would be required as well as a robust route, site and method selection process (as required by NPSET Policy 4), appropriate conditions imposed, and the application would be able to be granted or declined. A discretionary activity status would also give effect to the new National Grid specific policy (Policy 3.6), with the ‘seek to avoid’ policy directive imbedded within the policy.</p> <p>In addition, Transpower notes that the earthworks-specific policies in 3D.3, particularly Policy 1.3 under Objective 1 (which seeks to “restrict” earthworks in ONFLs), do not support a non-complying status for earthworks within ONFLs.</p>	

Appendix 1: Map of Transpower Assets in the Manawatu District

Legend

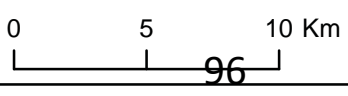
-  District Boundary
 -  Substation
 -  COMMS Site
 -  HVDC Site
 -  TEE Site
- ## Transmission Line by Voltage
-  66 kV and below
 -  110 kV
 -  220 kV
 -  Underground Fibre Optic Cable
 -  Major Road



External Disclaimer
 This document is produced for external release. Its conclusions are based on the information currently available to Transpower and may change as further information becomes available either internally or externally.



Transpower Assets, Manawatu District



COPYRIGHT © 2016 TRANSPOWER NEW ZEALAND LIMITED. ALL RIGHTS RESERVED
 This document is protected by copyright vested in Transpower New Zealand Limited ("Transpower"). No part of the document may be reproduced or transmitted in any form by any means including, without limitation, electronic, photocopying, recording or otherwise, without the prior written permission of Transpower. No information embodied in the documents which is not already in the public domain shall be communicated in any manner whatsoever to any third party without the prior written consent of Transpower. Any breach of the above obligations may be restrained by legal proceedings seeking remedies including injunctions, damages and costs.

Date: 16/03/2016 Drawn by: hurstg

Path: I:\Spatial\GIS\Projects\15010_DistrictRegional_TPNZ_AssetMaps\WXDsp15010_ManawatuDistrict.mxd

Projection: NZTM 2000 Scale: 1:285,000 Plan Size: A3P

Appendix 2: National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

CONTENTS

Preamble

1. Title
2. Commencement
3. Interpretation
4. Matter of national significance
5. Objective
6. Recognition of the national benefits of transmission
7. Managing the environment effects of transmission
8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

newzealand.govt.nz

Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act’s statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

5 March 2020

RAI 04 02
RT: PAT

Matthew Mackay
Principal Planner
Manawatū District Council
Private Bag 10 001,
FEILDING 4743

BY EMAIL ONLY: districtplanreview@mdc.govt.nz

Dear Matthew

PROPOSED PLAN CHANGE 65 – HORIZONS REGIONAL COUNCIL SUBMISSION

Thank you for the opportunity to make a submission on the Manawatū District Council's (MDC) Proposed Plan Change 65 (PPC65): Outstanding Natural Features and Landscapes (ONFL).

At Horizons Regional Council (Horizons) we have key role in making the region a great place to live, work and play. Our responsibilities include managing the region's natural resources, flood control, monitoring air and water quality, pest control, facilitating economic growth, leading regional land transport planning and coordinating our region's response to natural disasters.

In terms of environmental planning, our integrated planning document, the One Plan, sets out four keystone environmental issues for our region – surface water quality degradation, increasing water demand, unsustainable hill country land use and threatened indigenous biodiversity.

In this submission we consider the proposed district plan changes in the context of giving effect to the regional policy statement components of Horizons' One Plan, and that these changes are not inconsistent with our regional plan provisions¹. Further, this submission also covers Horizons' role as a resource user within areas identified as ONFL or significant natural areas; and specifically the potential impacts of the provisions on our ability to manage Tōtara Reserve Regional Park (Tōtara Reserve).

Horizons generally supports the Proposed Plan Change as these proposals are considered broadly consistent with the issues, objectives and policies on the One Plan. While Horizons generally supports the overall policy and regulatory approach, there are aspects of the provisions that we seek to amend from our perspective as resource user, while recognising MDC's obligation to give effect to higher order policy direction. These relate primarily to our role in the management of Tōtara Reserve, and are set out further below.

Horizons also notes that the proposed National Policy Statement for Indigenous Biodiversity is currently under consultation, and that promulgation of this national direction may have an impact on this, or future, plan changes.

¹ Section 75 of the Resource Management Act 1991

Relationship between PPC65 and the One Plan

The One Plan Regional Policy Statement sets the policy framework for management of ONFL in the region. Specifically, these matters are addressed in Objective 6-2, and Policies 6-6 and 6-7. Horizons therefore supports the mapping of the district's ONFL, as this gives effect to part of Policy 6-6. We understand that Mr Hudson has identified, mapped and assessed five Schedule G ONFL that include area within the Manawatū District (on page 11 of his report). A comparison table is included at the end of this letter for your reference.

We acknowledge Mr Hudson's categorisation (on p. 15) that the criteria he has used correlate to those set out in Table 6.1 of Policy 6-7, and that view that this is consistent with the requirements for the identification of ONFL, their characteristics and spatial extent, as set out in the One Plan.

With regard to the proposed district plan provisions, Horizons supports the following objectives and policies as they give effect to the other aspects of One Plan Objective 6-2 and Policies 6-6 and 6-7:

- Objectives NFL-01 to NFL-03; Chapter 3A Objective 3
- Policies NFL-P1, NFL-P6, NFL-P7; Chapter 3A Policies 3.2 and 3.3.

We believe that the proposed rules will enable MDC to implement the effects management hierarchy set in One Plan Policy 6-6(a) and (b) and reflected in Policies NFL-P6, NFL-P7, and 3A 3.2 and 3.3. However, we do not unreservedly support all of the rules proposed in the plan change.

Horizons acknowledges that the intent (in relation to indigenous biodiversity) is to provide a framework for MDC to consider amenity and visual-related effects. Horizons considers this is an appropriate approach, which is consistent with the allocation of responsibilities for managing indigenous biodiversity habitats in the region set out in One Plan Policy 6-1.

However, we are concerned that the scope of the types of effects is not referred to within the policy or rule framework – for example, policies refer simply to restricting removal or protecting existing indigenous biodiversity. We would support amendments that ensure clarity and avoid duplication of regulation between the district and regional plan provisions.

Horizons requests that Policy NFL-P16 and Rule NFL-R2 be amended to explicitly convey that planting should use indigenous species appropriate to the ecological area. Not all indigenous species, or locally sourced indigenous species will be appropriate; for example, karaka is a readily available species that is considered a pest plant and would not be appropriate. We therefore suggest the following amendments:

Policy NFL-P16: "To encourage restoration and planting with locally sourced indigenous species appropriate to the ecological area within of Outstanding Natural Features and Landscapes and Significant Amenity Features."

Rule NFL-R2: "Planting and restoration of indigenous vegetation within Outstanding Natural Features and Landscapes and Significant Amenity Features using indigenous species appropriate to the ecological area."

We support the clear direction in the NFL chapter that activities involving ONFL are regulated by Chapter 3A Network Utilities. However, we suggest that there should be greater clarity as to which provisions the repowering of a windfarm would be assessed against, to ensure that it would not be considered a 'replacement' under Rule 3A.4.2 a.

We also support Guidance Note 2 below the NFL permitted activity rules; however, we suggest that this should be expanded to refer to vegetation clearance and activities affecting indigenous biodiversity habitat, including indigenous vegetation, which Horizons also regulates. There is likely to be considerable overlap between ONFL and areas that meet the description of at-risk, rare, or threatened habitat under the One Plan, and are subject to strict regulation.

Tōtara Reserve

The proposed policy framework supports the protection and maintenance of values and characteristics of ONFL, indigenous vegetation, and the enabling of passive recreation, conservation and customary activities. These policies are particularly relevant to Horizons' management of Tōtara Reserve.

As a resource user, we note our support for the permitted activity rules which will generally enable us to carry out a range of activities that will protect and maintain the values and characteristics of this ONF, particularly those relating to Natural Science – Biological/Ecological, and Associational – Recreational and Shared/Recognised.

However, we seek clarification that Rule NFL-R1 enables Horizons to carry out maintenance to reinstate sections of tracks that have washed out, enabling repair and remarking of otherwise potentially dangerous areas to be completed without delay. We consider that this is consistent with Policy NFL-P8 which states "To enable passive recreation, conservation and customary activities within Outstanding Natural Features and Landscapes identified in NFL-APP1 where this does not adversely affect the characteristics and values of those areas"; noting that, for the Tōtara Reserve, public walking tracks are a feature of the Associational – Recreation characteristic.

Further, the summary highlights that the area is "A natural feature that is easily accessible by the public appreciation of natural features. Maintenance of tracks and public facilities should be facilitated and not discouraged through the planning process" (NFL-APP1, p. 42; emphasis added). It should be noted that this activity occurs on the flat river terrace area where, in our view, natural character values are not high.

Horizons acknowledges that the intent of Rule NFL-R10 is to be an enabling provision, recognising that management plans set out planned development. We would prefer that the activity status be less restrictive, particularly in relation to formation of new tracks in Tōtara Reserve, which are strongly supported by the description of Associational – Recreation characteristic:

"Public walking tracks, picnics areas, fishing, swimming holes, and camping grounds are contained within the reserve. One of these walks includes the 'Fern Walk', which was developed to encourage Manawatū residents and visitors to the region to venture into the outdoors. Maintenance and improvement of these facilities should be encouraged."
[Emphasis added]

This activity does not involve removing canopy vegetation. There would be limited land disturbance (a small digger may be used occasionally, at most) and vegetation disturbance of the understory, in an area up to 2 metres in width. This would occur under the canopy and would be unlikely to have a significant impact on the visual characteristics of the ONF.

We note the direction at the beginning of the Rules section of the Natural Features and Landscapes chapter that earthworks are provided for the Chapter 3D provisions. Horizons seeks clarification in Rule NFL-R10 that 'development' includes associated earthworks as an ancillary activity.

Horizons notes that on page 42 of the ONF10 – Tōtara Reserve in NFL-APP1, the Associational – Historical characteristic describes Camp Rangi Woods as being “in farmland at the northern end of the reserve.” This is misleading; while the Reserve as a whole is surrounded by farmland, the campsite sits within the Reserve. We request that this description be amended as follows; “...and is ~~in farmland~~located at the northern end of the reserve.” We also note that the description of the Natural Science – Biological/Ecological characteristic (p. 41) includes a description of a community engagement project trialling ‘wētā hotels’. We request that this sentence be deleted as it is no longer accurate or relevant.

In summary, Horizons:

- generally supports the Proposed Plan Change insofar as it gives effect to relevant One Plan Regional Policy Statement provisions, in particular around ONFL
- notes its support for the following in particular:
 - mapping of ONFL in the district plan, as this gives effect to One Plan Policy 6-6 in part
 - Objectives NFL-O1, NFL- O2, NFL-O3, and Chapter 3A 3
 - Policies NFL-P1, NFL-P6, NFL-P7, and Chapter 3A 3.2 and 3.3
 - Clear direction that network utilities in ONFL are to be considered under Chapter 3A
- seeks that the proposed provisions relating to indigenous biodiversity be amended to make more explicit the intent to consider effects relating to matters such as amenity and visual characteristics
- requests the following amendment to Policy NFL-P16: “To encourage restoration and planting with locally sourced indigenous species appropriate to the ecological area within of Outstanding Natural Features and Landscapes and Significant Amenity Features.”
- requests the following amendment to Rule NFL-R2: “Planting and restoration of indigenous vegetation Outstanding Natural Features and Landscapes and Significant Amenity Features using indigenous species appropriate to the ecological area.”
- seeks clarification that the repowering of windfarms would not be considered as a ‘replacement’ network utility under permitted activity Rule 3A.4.2 a.
- seeks that Guidance Note 2 for NFL permitted activities be expanded to refer to vegetation clearance and activities affecting indigenous biodiversity habitat, including indigenous vegetation
- requests that the Associational – Historical characteristic description for ONF10 – Tōtara Reserve be amended as follows: “...and is ~~in farmland~~located at the northern end of the reserve.”
- requests that the final sentence in the Natural Science – Biological/Ecological characteristic description, referring to ‘wētā hotels’, be deleted as it is inaccurate
- seeks clarification that Rule NFL-R1, “maintenance of existing tracks and walkways for passive recreation” includes reinstatement and remarking of sections of tracks that have been washed out
- requests that the activity status for creating new tracks consistent with Reserve Act status or relevant Management Plan for the specific ONFL be a less restrictive activity status than restricted discretionary
- seeks clarification in Rule NFL-R10 that ‘development’ includes associated earthworks as an ancillary activity

or any further, alternative or consequential relief that achieves this outcome.

Horizons reserves the right to be heard in relation to this submission. If others make a similar submission, Horizons would consider making a joint presentation to the hearing panel.

Yours sincerely



Rebecca Tayler
MANAGER POLICY & STRATEGY

Address for service:

Rebecca Tayler
Horizons Regional Council
Email: rebecca.tayler@horizons.govt.nz
Mail: Private Bag 11025, Manawatū Mail Centre, Palmerston North 4442
Phone: 0508 800 800

APPENDIX

Comparison of Schedule G and proposed ONFL areas:

One Plan Schedule G (Table G.1)	Manawatū District Plan Proposed ONFL
(i) Rangitikei River and river valley from Mangarere Bridge (approximate map reference NZMS 260 T22:488-496) to Putorino (approximate map reference NZMS 260 T22:315-315), and from Mangarere Bridge (approximate map reference NZMS 260 T22:488-496) to the confluence of Whakaurekou River and Ohutu Stream (approximate map reference NZMS 260 U21:714-691)	ONFL3 - Rangitikei River
(j) The Ruahine Forest Park (land administered by the Department of Conservation)	ONFL1 – Ruahine Range (including forest park & ridges)
(l) The series of highest ridges and highest hilltops along the full extent of the Ruahine and Tararua Ranges, including within the Forest Parks described in items (j) and (k)	ONFL1 – Ruahine Range (including forest park & ridges)
(m) Manawatu Gorge, from Ballance Bridge to the confluence of the Pohangina and Manawatu Rivers, including the adjacent scenic reserve	ONFL13 – Manawatū Gorge
(n) Parts of the Coastline of the Region, particularly the Akitio Shore Platform, Castlecliff to Nukumaru coastal cliffs, Foxtangi Dunes, Hokio Beach South Dune Fields and Santoft parabolic dunes	ONFL2 – Manawatū Coastline

Full name:	Melissa wilde
Physical address:	5 westmere place Palmerston north 4412
Postal address: <i>(if different from above)</i>	5 wrstmere place
Contact phone number (day):	276293523
Mobile number:	276293523
Fax number:	
Email address (Please note, email is our preferred mode of contact with our submitters):	wildemelissa70@gmail.com
Could you gain an advantage in trade competition through this submission?	No
Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition?	No
The specific provisions of the proposal that my submission relates to are as follows <i>(please give details)</i> :	Nil
My submission is that: <i>(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)</i>	To kept land the way it is then.
I/we seek the following decision from the Manawatu District Council <i>(give precise details, use additional pages if required)</i> :	
I/we wish to speak in support of my/our submission:	No
If others make a similar further submission I/we will consider presenting a joint case with them at the hearing?	No



Feedback Form 5
 Manawatu District Plan - ~~Draft~~ ^{PROPOSED} Plan Change 65
 ^
 Natural Features and Landscapes

Submitter Details

Full name of submitter Nga Tamariki a Tane Society Inc

Physical address Limestone Road, Apiti

..... Postcode 4774

Address for service Chris Livesey, 155 Washington Ave, Brooklyn,
 (if different from above)
 Wellington Postcode 6021

Phone (day) 021 243 6114 Mobile 021 243 6114

Email livesey.chris@gmail.com

Feedback Details

This feedback specifically relates to [please give details]
 moving the boundary of the proposed ONFL1 by about 25m so that it excludes the small portion of flat river terrace
 on our property that we have identified as the site for a possible small hut.
 Our property is Lot 1 DP 49862 BLK VII UMUTOI SD, Valuation Number: 13860/200.00

My feedback is ... [Summarise the nature of your feedback. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons]

Nga Tamariki a Tane Society Inc owns a 125ha block of native bush at the end of Limestone Road. We bought it 47 years ago to protect it from being cleared or logged; the Rules of the Society require that the land is held and managed for conservation purposes; the public have unrestricted access to the block. The QEII National Trust has indicated that it would be keen for us to place a covenant on it. In our discussions with the Trust we indicated that we have identified a site on which we may want to build a small hut at some stage. The Trust has advised that we would be best to exclude that site from the covenant. The site is on a flat river terrace on the west side of Makiekie (Coal) Creek; it is at the same level as the adjoining farm land so is not visible to anyone further away than the carpark at the end of Limestone Road; no large trees would be felled if the hut was built.

As best we can tell from the map provided on the MDC website, the current proposed boundary of ONFL1 excludes most of the Makiekie Creek river terrace on our land but cuts across the terrace just downstream of the site we have identified for the possible future hut. We support the concept of ONFL1 (Ruahine Range) and would be pleased to have almost the entirety of our bush block included in it - but we request that the current proposed boundary across the river terrace be moved about 25m upstream so that it excludes our possible future hut site and is coincident with the boundary of the proposed QEII covenant.

I/we have included 1 additional pages

I/we seek the following decision from the Manawatu District Council [give precise details, use additional pages if required]

That the boundary of ONFL1 where it crosses our Makiekie Creek river terrace be moved upstream and follow a line that is a southerly continuation of our boundary fence that runs approx. N-S (see attached map).

Send or deliver your feedback to:

Principal Policy Planner
 Manawatu District Council
 Private Bag 10 001, Feilding 4743
 135 Manchester Street, Feilding 4702

For enquiries:

phone: 06 323 0000
 email: districtplanreview@mdc.govt.nz

Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signed [Signature]
 Date 28/7/2019

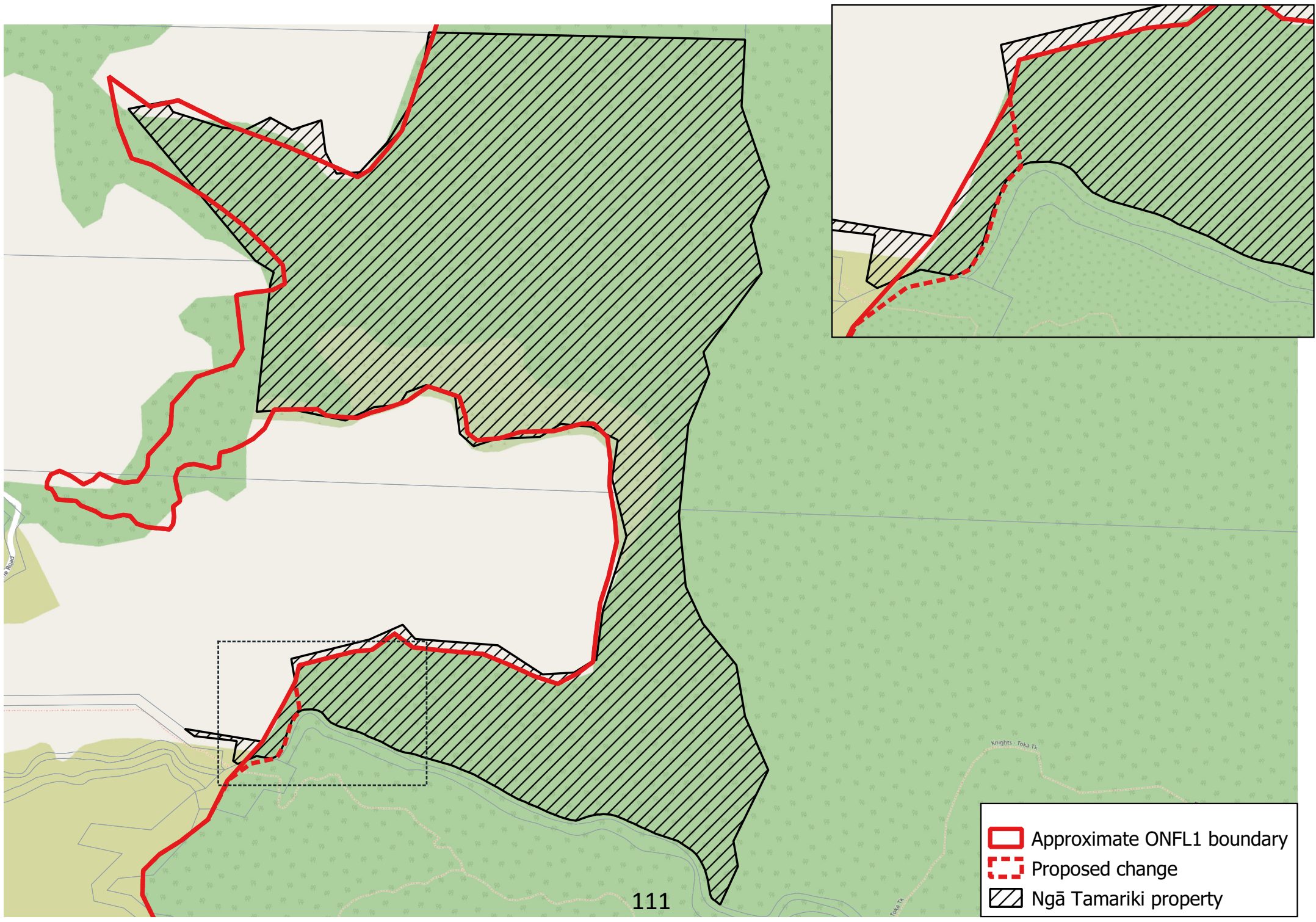
Signed [Signature]
 Date 6/3/2020




Important information

1. Please note the feedback **you provide** is public. Your feedback will only be used for the purpose of **preparing** the plan change to the District Plan.
2. Note that this is not your only opportunity to be involved in the process. You will be able to make a submission at a later date when the plan change is formally notified, and then be involved in the hearing process if you choose to.

For Office Use Only post hand delivered

Received at the Manawatu District Council on at am/pm



-  Approximate ONFL1 boundary
-  Proposed change
-  Ngā Tamariki property

111

Toka Pk

Knights Toka Pk

From: chris livesey
Sent: Friday, 6 March 2020 3:27 pm
To: Kirk Lightbody
Subject: Re: Proposed Plan Change 65

Good afternoon Kirk

Thanks for giving me an option that avoids having to fill out another submission form:

1. I **could not** gain an advantage in trade competition through this submission.
2. I **Do** wish to speak in support of my submission at the plan change hearing.

Yours faithfully
Chris Livesey
Secretary, Nga Tamariki a Tane Society Inc.



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** [redacted] of the Manawatu District Council Plan

Submitter details

Full name ANGELA RUTH MCINTYRE

Alexander Robert McIntyre

Physical address 376 ORANGIRONGO ROAD

OHINGAITI

Postal address (if different from above) 376 ORANGIRONGO ROAD

RD 54

KIMBOLTON

4774

Contact numbers 06 3229 803 0278155658 n/a

Phone (day)

Mobile

Fax

Email address armcintyre@inspire.net.nz

I ~~could~~ / could not [select one] gain an advantage in trade competition through this submission.

I am / am not [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*

Please see email attachment

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

Please see email attachment.

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required.)*

Please see attachment for information required by MDC.

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)



Signature

8/3/2020

Date



Signature

8/3/2020

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

post hand delivered

Received at the Council on

date

time

Objectives and policies

NFL-O1 To identify Outstanding Natural Features and Landscapes and Significant Amenity Features within the Manawatū District. Relevant policies 1, 2, 3

Please determine how you evaluated the identification of ONFL under the RMA 32 process of involving the community and consultation of landowners – for example if you cannot access the Mangamako Gorge or see it from a boat/kayak the how was this included?

NFL-O2 To protect, maintain and enhance the characteristics and values of the Outstanding Natural Landscapes identified in NFL-APP1 from inappropriate use and development. Relevant policies 4, 5, 6, 7, 8, 9

Define inappropriate use and development – include in glossary. This is inoperant to NFL-i1 & i4. I would like to be part of the decision making of this definition.

NFL-O3 To protect, maintain and enhance the characteristics and values of the Outstanding Natural Features identified in NFL-APP1 from inappropriate use and development. Relevant policies 10, 11, 12, 13, 14, 15, 16

Should read – removal of the word - protect

NFL-O3 maintain and enhance the characteristics and values of the Outstanding Natural Features identified in NFL-APP1 from inappropriate use and development. Relevant policies 10, 11, 12, 13, 14, 15, 16

NFL-O4 To protect the characteristics and values of Outstanding Natural Features and Landscapes and Significant Amenity Features from the fragmentation of land through subdivision of land. Relevant policies 17, 18

Protecting family farms encouraging farm succession rather than larger corporate (purchasing land) will help protect characteristics as landowners need to be recognised for the ONFL current state of appeal. Compensation for owners is required in LOU of inhibiting subdivision development. A free consent process when applying for amenity features and subdivision of relevant land.

Please provide scientific data of the RMA under section 32 on the consultation of landowners and continuing economic impact of the proposed rules and regulations will impact on their business'. Remove the word protect from this.

NFL-O5 To restore, where appropriate, indigenous plant species to contribute to a healthy functioning ecosystem within all Outstanding Natural Features and Landscapes and Significant Amenity Features. Relevant policies 19, 20, 21

Only ecosystems are indigenous - Please show science stat from RMA under section 32 where this back this up.

1. How can you maintain and enhance a dynamic feature such as cliffs and farmland which has evolved due to erosion/advancing farming techniques?
2. Provide data of original plant species.

The Tasmanian blackwood Trees that were planted (farm forestry) were considered in that industry to be a significant stand in NZ. In 2004, floods destroyed the majority, but some remain. They enhance the area, provide income for the Manawatu district when harvested.

NFL-06 To maintain and where possible enhance areas of Significant Amenity Features as identified in NFLAPP2. Relevant policies 22, 23, 24

Please show science data from RMA under section 32 of how we can maintain and enhance.

NFL-07 To protect, maintain and enhance the characteristics and values of the Outstanding Natural Features and Landscapes from the use and development of network utilities Relevant policies 25, 26, 27, 28

OPPOSE

network utilities – need to provide provisions/the ability for adjacent landowners/landowners to use gravitational potential energy (water included) which is underutilised telecommunication/power as a valuable economic resource.

Please demonstrate evidence of having thought about the long term financial and environment implications involved in this trade off i.e. Preventing future profitable environmentally sustainable energy to keep the cliff looking nice for people driving past at 100km per hour or playing golf.

Policy

In the RMA under section 32 – how was the geological/geomorphological assessed – the Rangitikei cliffs are dynamic and erodes – define the process of formation.

NFL-P1 To identify and spatially define outstanding natural features and landscapes consistent with the following factors:

- 1) Natural science factors
- 2) Aesthetic values - **define in glossary**
- 3) Expressiveness (Legibility) - **define in glossary**
- 4) Transient values - **define in glossary**
- 5) Shared and recognised values
- 6) Cultural and spiritual values for tangata whenua
- 7) Historic heritage values.

NFL-P2 To classify areas as Outstanding Natural Features, Outstanding Natural Landscapes and Significant Amenity Features based on their identified characteristics and values.

Classification was done in consultation with how and who has identified the areas?

The Mangamako Gorge must be excluded as there is no viewpoint/access from the land/road or river (kayak, walking access as only private land) therefore is irrelevant to be included in ONFL. Only identified from Aircraft. No access allows it to remain in its untouched natural state. Access will only impact on biosecurity issues and ruin the microclimate. What amenity features based/identified characteristics' and values where made and who consulted the landowners?

How was the ground access accomplished to identify Mangamako Gorge's as an ONFL area?

NFL-P3 To identify the spatial extent of Significant Amenity Features.

OPPOSED - Specify too open need to see reasoning and mapping

To avoid use and development within identified Outstanding Natural Landscapes which diminishes the identified values and characteristics of the areas, including:

- 1) The extensive unbuilt coastal strip along the Manawatū Coastline Outstanding Natural Landscape.

2) The unmodified and continuous indigenous vegetation values and the ridges and hilltops of the Ruahine Ranges Outstanding Natural Landscape.

OPPOSED - Define/specify what is meant by 'characteristics of the areas'

NFL-P5 To avoid the significant adverse cumulative effects of use and development on the identified characteristics and values of Outstanding Natural Landscapes.

Define cumulative effects in glossary. Under RMA 32 what is the officers report provided to the effected community and how are they consulted.

NFL-P6 To avoid adverse effects on the characteristics and values of Outstanding Natural Landscapes as far as reasonably practicable, and where avoidance is not practicable, remedy or mitigate adverse effects on the characteristics and values of those landscapes.

OPPOSED - Unclear of meaning. A document of best practice for all ONFL. Workshops for effected landowners/manages are needed. Followed adjacent landowners that affect ONFL areas who will have ongoing effects on the ONFL areas.

NFL-P7 To have regard to the adverse effects from use and development on the characteristics and values of Outstanding Natural Landscapes when viewed from public spaces.

OPPOSED – must allow landowners to improve/maintain network utilities from cables, pipes wind turbines, telecommunications, to maintain and improve on/allow for future unseen technology without economic impact or inhibit growth.

NFL-P8 To avoid large scale earthworks within Outstanding Natural Landscapes.

OPPOSE – leave to horizons under one plan.

NFL-P9 To allow passive recreation, conservation and customary activities within Outstanding Natural Landscapes where this does not diminish the characteristics and values of those Landscapes.

OPPOSED – poses serious health and safety. Not acceptable for private property. Also poses biosecurity threat, damaging landscape, plant and ecosystems, lowers business security and posse's danger to humans as we have dangerous animals.

NFL-P10 To enable the use and development within Outstanding Natural Features where it is demonstrated that the identified characteristics and values of the area are protected, maintained or enhanced.

OPPOSED to this as a rule. A wide range of activities should be permitted. Should be controlled only through a free consent process.

NFL-P11 To recognise the existing farming activities within the Rangitikei River Outstanding Natural Feature includes existing farming activities and enable continuation of these activities where they do not adversely affect the characteristics and values of the feature identified in NFL-APP1.

exclusion of; where they do not adversely affect the characteristics and values of the feature identified in NFL-APP1.

Should read

NFL-P11 To recognise the existing farming activities within the Rangitikei River Outstanding Natural Feature includes existing farming activities and enable continuation of these activities.

NFL-P12 To avoid the significant adverse cumulative effects of use and development on the identified characteristics and values of Outstanding Natural Features.

Define accumulative effects in glossary.

NFL-P13 To avoid adverse effects on the characteristics and values of Outstanding Natural Features as far as reasonably practicable, and where avoidance of is not practicable, adverse effects on the characteristics and values are remedied or mitigated.

Define the meaning of 'adverse effects on the characteristics and values of Outstanding Natural Features'. Would like to be involved in definition.

Looks similar to NFL-P6 unclear of difference.

NFL-P14 To ensure new buildings, structures and earthworks do not compromise or degrade the identified characteristics and values of Outstanding Natural Features.

Pattern of building - Please define best practices. Free consent process for landowners.

NFL-P15 To discourage large scale earthworks within the Outstanding Natural Features.

In balance with ANZAC Cliffs in Palmerston North, Wind Turbines for power supply, etc.

Retain to build existing infrastructure, of erosion on existing tracks that need to be reinstated to the extent it is strictly Geotech sound. Needs to allow free consent process which is rapid In cases of natural disasters, river control to prevent farmland or farm infrastructure from damage.

NFL-P16 To allow passive recreation, conservation and customary activities within Outstanding Natural Features where this does not affect the characteristics and values of the Feature.

OPPOSE - this imposes on landowners' rights to privacy and the ability to run a business/business security, serious health and safety issue.

NFL-P17 To avoid subdivision within Outstanding Natural Landscapes unless the fragmentation of land does not compromise or degrade the characteristics and values of the Landscape identified in NFL-APP1.

OPPOSE – limiting economic opportunities for farming families to achieve farm succession. Allows corporate entities to purchase family farms. Free consent process for affected landowners.

NFL-P18 To manage subdivision within Outstanding Natural Features and Significant Amenity Features to protect the characteristics and values identified in NFL-APP1 are not adversely affected by fragmentation of ownership arising from subdivision.

OPPOSE – limiting economic opportunities for farming families to achieve farm succession. Allows corporate entities to purchase family farms. Free consent process for affected landowners.

NFL-P19 To control the removal of indigenous vegetation from Outstanding Natural Features and Landscapes and Significant Amenity Features identified in NFL-APP1 and NFL-APP2.

OPPOSED – the one plan covers this.

NFL-P20 To restrict the introduction of exotic vegetation species, including forestry, within Outstanding Natural Features and Landscapes and Significant Amenity Features.

OPPOSED - already considered outstanding even with exotics, black wattles, Tasmanian blackwood's, poplars, we need to maintain a balance – outside of regulatory framework – in conjunction with landowners. What's the economic impact analysis/data on farmers by limiting species/forestry opportunities? Should there be a biosecurity incident where an unwanted pest enters the limited gene source of the ONFL ecosystem for example the *Lymantria dispar*, (Asian gypsy moth). What impact and

analysis has been done to understand the financial/environmental impact on landowners/local businesses?

NFL-P21 To encourage and enable the protection of existing native vegetation and the restoration and planting of Significant Amenity Features with locally sourced plant stock.

Opposed - This will cause eco-scouring – local resilience is essential. An active farmer builds gene source for biology or economic resilience in plant stock to avoid genetic reticence in our bush for example kauri dieback, myrtle rust, etc

NFL-P22 To enable the continuation of existing stock grazing within Significant Amenity Features where this does not compromise the characteristics and values identified in NFL-APP2.

SHOULD READ

NFL-P22 To enable the continuation of existing stock grazing within Significant Amenity Features.

A free consent process will build a strong culture of compliance. This will keep weeds such as Old Man's Beard, Lupins, gorse, etc. to a minimum. Good practice guidelines will encourage grazing during High flow times minimising impact on the environment.

NFL-P23 To provide for use and development within Significant Amenity Features where the activity does not compromise the characteristics and values identified in NFL-APP2.

Please define 'use and development' in glossary best practice guidelines

NFL-P24 To discourage drainage, native vegetation removal and earthworks in the Significant Amenity Features.

Leave this for Horizons One Plan there is no need for drainage to be in policy.

NFL-P25 To enable the operation, maintenance, replacement or minor upgrading of existing network utilities located within or adjacent to Outstanding Natural Features and Landscapes and Significant Amenity Features.1

SHOULD READ

NFL-P25 To enable the operation, maintenance, replacement or minor upgrading of existing or future network utilities and landowner owned located within or adjacent to Outstanding Natural Features and Landscapes and Significant Amenity Features.1

NFL-P26 To avoid significant adverse cumulative effects of network utilities within Outstanding Natural Features and Landscapes.

Define is glossary best practice guidelines

NPL-P27 To protect the characteristics and values of the Outstanding Natural Landscapes defined in NFL-APP1 by avoiding the use and development of new network utilities in these areas unless:

- 1) There is no practicable alternative location.
- 2) The infrastructure is of national or regional importance, including the National Grid.
- 3) The development does not diminish the characteristics and values of the identified area.2

OPPOSED as this directly infringes on economic and opportunities on farm. Limits resilience adaptability on nations individual farming families.

1. Please show the economic modelling projected financial impact.
2. Where is this dealt with in the RMA 32 – the data potential of future loss of opportunity

3. Limits CDEDA economic growth

Rules

Rules in this chapter apply to all activities within the areas identified as being Outstanding Natural Features and Landscapes, and Significant Amenity Features as spatially defined in Appendix 5.1. The Chapter needs to be read in conjunction with Chapter 3 District Wide Rules as Rules applying to earthworks and network utilities may also apply. Where a network utility is to be located within an Outstanding Natural Feature or Landscape or a Significant Amenity Feature and requires a resource consent then the Objectives and Policies of both Chapter 3 and 5 are applicable.³

Under this policy there is no non-regulatory approach to methods mentioned. Setting up of committee primarily made up of landowners composed of a diverse group of landowners ensuring effected people have their say producing a 'best practice' document/set of guidelines would ensure a buy in and fair outcome for landowners.

Permitted Activities

The following activities are Permitted Activities within Outstanding Natural Features and Landscapes and Significant Amenity Features: **NFL-R1** the use and maintenance of existing tracks and walkways for passive recreation, conservation, and customary activities.

OPPOSED – strong dispute public access making further land available to public. Also, in natural disasters significant earthworks and in large events tend to be less likely.

NFL-R8 Buildings and structures within the Totara Reserve Regional Park no greater than 50m² in area. There should be no distinction between Totara Reserve Regional Park. All entities should be given the same set of rules. Owners and guardians of this area are being favoured.

NFL-R10 Earthworks involving less than 50m³ associated with a permitted activity listed above.

Guidance Notes:

1. Earthworks within an Outstanding Natural Feature and Landscape except as provided for above are a Non-Complying Activity under Rule 3D.4.5.
2. Earthworks are also regulated by the Manawatū-Whanganui Regional Council and a resource consent may be required under the rules of the One Plan.

Leave this for Horizons to control as is already their job under the one plan.

NFL-R11 Development consistent with the Reserve Act status or relevant Management Plan for the specific Outstanding Natural Feature or Landscape. For these activities, the Council has restricted its discretion to considering the following matters:

Why not all activity restricted discretionary make them controlled, making discretionary restricted non-complying make discretionary.

MD4 Effects on the overall amenity and ecological value resulting from any proposed vegetation clearance.

Exclude impacts from business as usual; farm to forestry, forest to farm and forestry and farm forestry

NFL-R12 Buildings greater than 50m² and less than 200m² in area within the Totara Reserve Regional Park.

There should be no distinction between Totara Reserve Regional Park. All entities should be given the same set of rules

In addition to my first submission, I now am opposed to the whole of plan change 65, based on the grounds that the consultant Mr John Hudson (Landscape Architect) was operating out of his expertise field and lack of consultation lead to serious errors that could have been avoided.

It appears MDC has relied solely on the expert evidences in the preparation of the land plan change 65. Upon searching Mr Hudson CV online. It appears that Mr Hudson does not possess a high tertiary qualification in either geomorphology or freshwater equality. MDC relied heavily on comparison of geomorphology and freshwater ecological in its decision to proceed with the plan change 65. Given the extent of the potential impact of social, cultural, and the economic impact of these proposal on effected landowners. As landowners we would expect professional input from geomorphology and freshwater ecologist from experienced, well published ecologists. As effective landowners we have not been provided with the section 32 evaluation during the pre-consultation or consultation phases. This makes it impossible to critically examine the MDC decision making process or the quality of evidence they relied on.

Given that the potential social, cultural and economic impact primarily impact landowners where the ONFL and SAS zoning falls on their land it is reasonable to expect a robust field validation process would have taken place with every landowner. Even the protected natural areas / recommended areas of protection report from DOC in the 1990 involved field validation. To our knowledge no one has accessed our property, and no one has asked for permission to access our property for validation or generate intellectual property from our private property.

We opposed this plan change 65 based on the fact we see it as being detrimental to the private property right of the landowners ONFL and SAS are proposed.

Under section 32 of the RMA, it requires to clearly identified and assessed, and must be examined for their appropriateness - ground access was essential to achieve this. Quantitative information and expert analysis in required field for example geological/geomorphological, hydrological, memorability, recreation, historical, has not occurred on the Mangamako gorge outlining in the proposed plan therefore the question needs to be asked is there any further inaccuracy's throughout the plans document?

One public meeting initiated by the council was held at the Ohingaiti Pub in 2015 is insufficient consultation of landowners. I have not heard of any other public meetings to date where the new proposed policies were explained to one and all. This would be cost effective for the council.

There is a significant drought in the region and landowners are busy feeding stock, finding water for stock as dams have dried up – please note that during this period the Mangamako Stream is still flowing. The submission period is too short under these circumstances. Request of an extension twice has been turned down.

I had to ask three times for a hard copy of proposed plan changes and only after emails to Mayor and the like, did I finally obtain a copy of the plan – for free with limited time to critically analyse the document.

It is essential to protect private landowners' rights and the rights to keep access ways, other existing structures allowing for new structures and if these are considered a consent must be obtained then it

should be through a free consent process. Particularly with the Rangitikei River / Mangamako Gorge where water, power, telecommunications wire/pipes or the like need to be placed.

I strongly re confirm that I **OPPOSE** –

The Mangamako Gorge must be excluded as there is no viewpoint/access from the land/road or river (walking access as only private land) therefore is irrelevant to be included in ONFL. Only identified from Aircraft. No access allows it to remain in its untouched natural state. Access will only impact on biosecurity issues and ruin the microclimate. What amenity features based/identified characteristics’ and values where made and who consulted the landowners?

How was the ground access accomplished to identify Mangamako Gorge’s as an ONFL area?

A fishing study by Massey University/fish and Game (which we helped count aquatic life / measure stones) along a 75 - 100m stretch of water at the top end and lower end of the Mangamako Stream, the conclusion was that there was very low levels of aquatic life. Fish communities were assessed by electric-fishing.

My understanding is there was no rainbow trout found in this stream. ‘Fishing up stream in Mangamako Gorge’ is incorrect and does not occur as there is no rainbow/brown trout resident in the stream. A series of waterfalls (height range up to 20 meters) inhibit trout from the upper reaches of the identified area, therefore confirming that is not possible. Access is via private land only – our privately owned land. In over two decades no one has requested access to fish.

The proposed plan change states, ‘Predictive modelling research by NIWA also shows that kōaro could be expected the Mangamako Stream (which are unique to tributary streams), while freshwater mussels, red-finned bullies, and rare longfin and shortfin eel have been recorded as present.’

When Mr Hudson refers to the ‘predictive modelling research by NIWA’ did this statement come from the below publication?

<https://cdn.boprc.govt.nz/media/592136/fisheries-assessment-of-waterways-throughout-the-rangitaiki-wma.pdf>

If so, Mr Hudson has geographically challenged himself as this refers to the Rangitaiki River (not Rangitikei River) and is in the Bay of Plenty region.

HYDROLOGICAL – ‘During the summer the Mangamako Stream only flows intermittently’

This is incorrect as the Mangamako flows all year round and is not intermittent. Even in pronounced drought the Mangamako stream is still flowing.

Memorability – ‘During the summer the Mangamako Stream only flows intermittently’

Angela & Alexander McIntyre outstanding natural & featured landscape submission continued

This is incorrect as the Mangamako flows all year round and is not intermittent. Even in pronounced drought the Mangamako stream is still flowing.

Historical data is stated as unknown - Did Mr Hudson ask landowners for information?

Full name: Barbara Hyde
Physical address: 1195A Pohangina Road, RD14, Pohangina, Ashhurst
Postal address:
(if different from above)
Contact phone number (day): 0212020474
Mobile number: 0212020474
Fax number:
Email address (Please note, email is our preferred mode of contact with our submitters): barbhyde@gmail.com
Could you gain an advantage in trade competition through this submission? No
Are you directly affected by an effect of the subject matter of the submission that:
(a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition? No
The specific provisions of the proposal that my submission relates to are as follows *(please give details)*: Building at Toyota Reserve and other similar location in the Pohangina Valley
My submission is that:
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) I oppose any subdivision of such areas. Replacing toilet blocks etc is fine but new buildings are not necessary. By suggesting subdivision it implies you want to make it more business like. I acknowledge the work MDC has done but no further development should be undertaken.
I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required)*: I trust the MDC will maintain the environment as is so it can remain untouched and available for all in the future. Camping in this are is suffient and enable people to 'get away'from the towns.
I/we wish to speak in support of my/our submission: No
If others make a similar further submission I/we will consider presenting a joint case with them at the hearing? Yes

From: Barb H <barbhyde@gmail.com>
Sent: Sunday, 8 March 2020 10:35 am
To: Comms <Comms@mdc.govt.nz>
Subject: Policy proposal for Totara Reserve

Hi there

I just wanted to let you know I found the online submission process extremely limiting. My ability to write sufficient was blocked as I seemed to have reached a maximum word count. No matter how much I tried I was not allowed to write more.

This is unacceptable when you ask for submissions and restrict the amount that can be said.

Also the whoever write this policy should be able to write in a way that everyone can understand it. This policy is 'wordy' to the point I had to read it 5times to actually work out what the MDC wants to do. If you want a police 4th to try and confuse people this is it!

Further to my submission I would like to add that I oppose any new building development at areas such as Totara Reserve. New buildings for shower or toilets I don't mind but any further building is unnecessary. This area is a camping ground. There are already facilities at Ranging Woods that are established and can be used such as the hall and out buildings there. I don't want to see a cafe or shop at Toyota Reserve as the whole point of such an area is to 'getaway'. Ashhurst shops are only 15mins away and at the weekend Pohangina's County Fayre is open. Why would it be necessary to subdivide this area for ANY buildings? This area is a RESERVE and should be kept free and near to nature as possible.

Is this was way MDC want to get more money from such land or from a business that may be set up? The MDC have pushed so many people dividing land in Fielding to get even more houses on. This is only advantageous to the MDC as the land owner would happily pay for more land area and not build on it. I know this is true as I have purchased land the the MDC tried to get the owner to put two houses on. Yes, MDC it's all about money! The reserve should be kept as a peacefully unaltered area where people can enjoy nature. If any business buildings where to start appearing I would start letting locals know and start physically protesting. This whole proposal infuriates me as I hear that the village may yet lose their swimming pool. How short sighted of the council not to see this as an asset and this valley will always have families coming and going here. Totara Reserve is such an asset and should remain untouched please.

Regards
Barb Hyde

Full name:	Bryan William George Rendle
Physical address:	160 Peka Road, Ohingaiti
Postal address: <i>(if different from above)</i>	5604 State Highway 1 RD54
Contact phone number (day):	0274453794
Mobile number:	0274453794
Fax number:	
Email address (Please note, email is our preferred mode of contact with our submitters):	brer@inspire.net.nz
Could you gain an advantage in trade competition through this submission?	No
Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition?	No
The specific provisions of the proposal that my submission relates to are as follows <i>(please give details)</i> :	Plan Change 65. I would like to see the workings on how council has come up with the lines delineated on the map with respect to the Rangitikei River outstanding natural features.
My submission is that: <i>(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)</i>	- What basis was used to define the lines as the area affected covers several hectares of productive farmland. - I do not support the proposed plan change 65. The lines on the map for the Rangitikei River outstanding natural feature need further refining.
I/we seek the following decision from the Manawatu District Council <i>(give precise details, use additional pages if required)</i> :	Council needs to visit each affected property to view the area they are wanting to protect and adjust the lines accordingly. I am all for protecting the natural landscape however the area proposed under plan change 65 appears to have been identified without someone actually visiting the farms.
I/we wish to speak in support of my/our submission:	Yes
If others make a similar further submission I/we will consider presenting a joint case with them at the hearing?	Yes



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name Philippa Mary Williams

Physical address 315 Peka Road
opposite Ohingaiti on the river
W.D. on 2 km river frontage

Postal address (if different from above) P.O. Box 12702
Thorndon
Wellington

Contact numbers 0274064537

Email address p.williams@fairburn.co.nz

I could (select one) gain an advantage in trade competition through this submission.

I am / am not (select one) directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

Clarify weed and pest control.
Change of farm usage
boundary of Outstanding Natural Feature + Landscapes
No Consultation with Rangitikei District Council.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

- I object to the Tuha Stream being part of the ONF on 315 Peka Road.
- Must reach agreement w Rangitikei D.C. to follow same guideline so both sides of river consistent.
- Horizons would not allow ^{any} stock into fenced off Rangitikei River. However it has resulted in dreadful weed + lupin + gorse. Now telling us to spray it - next to river & can let sheep in. They SHOULD have LISTENED to farmer protests as this was predicted. Now they're left us to clean up the mess at our expense & further contaminate river with sprays. Leave us very sceptical about the ONF.

(please include additional pages as necessary)

I/we have included (insert number) additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)


- It is unclear if sheep beef farmer can crop ^{within} an area
- To not enforce any part of Man 65 until Rangitikei DC reaches same proposal on other side of river
- Exclude Tuha Stream from ONF.
- clarify weed & pest control.

Submission at the Hearing

- I/we wish to speak in support of my/our submission [select one]
- I/we do not wish to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)



Signature

11 March 2020

Date

Signature

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

post

hand delivered

Received at the Council on _____

date

time

130

Full name: Nick and Annaliese Berry

Physical address: 2551 Pohangina Valley East Rd

Postal address: 186 wylie rd RD11 Foxton
(if different from above)

Contact phone number (day): 0272089757

Mobile number:

Fax number:

Email address (Please note, email is our preferred mode of contact with our submitters): nickberry@xtra.co.nz

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition? No

The specific provisions of the proposal that my submission relates to are as follows (please give details):

1. Discourage establishment of exotic vegetation 2. Discourage adverse effects on cultural values 3. Discourage earthworks 4. Restrict build development

1. I oppose the discouragement of planting exotics. We need the option on some areas of our farm to plant erosion prone land with either pines or poplar poles to stabilise the hillsides and protect the pohangina river from sediment runoff. 2. It is unclear what the effect on our farm will be in terms of the cultural values. We would oppose anything that gives a right to roam over private property. Any access must be with permission 3. I oppose the discouragement of earthworks. We are in the process of fencing off a large area of native bush and wetlands. We need to do earthworks to be able to clear areas for fencing, some of these areas will need ongoing maintenance to ensure wetlands do not deteriorate. 4. We oppose restricting build development. Our farm requires new accommodation for staff and new sheds to house equipment. This is standard on many farms and would restrict our ability to employ staff.

My submission is that:
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

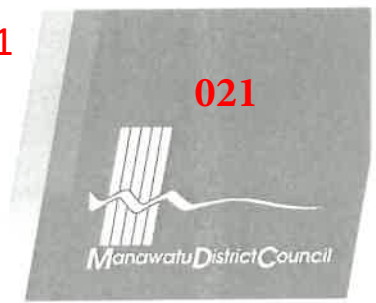
1. Encourage native planting but do not restrict planting of exotics 2. Clearer wording on how cultural values will effect access to private property. No permission = no access. 3. Allow earthworks to maintain farm tracks, wetlands and fences 4. Allow built development for farm buildings staff houses

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required):

I/we wish to speak in support of my/our submission: No

If others make a similar further submission I/we will consider

presenting a joint case with them at the hearing?



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** of the Manawatu District Council Plan

Submitter details

Full name Aggregate & Quarry Association (AQA)

Physical address 93 The Terrace
Wellington

Postal address (if different from above) PO Box 10, 668
Wgton 6143

Contact numbers 027 631 6161
Phone (day) Mobile Fax

Email address jeremy@straterra.co.nz

I **could** / **could not** [select one] gain an advantage in trade competition through this submission.

I **am** / **am not** [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*

See attached

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

See attached

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required.)*

See attached

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission
- I/we **do not wish** to speak in support of my/our submission [select one]
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)

Signature

Date

Jeremy Harding for AAA

.....

Signature

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

- post hand delivered

Received at the Council on date time

SUBMISSION FROM THE AQA TO THE MANAWATU DISTRICT COUNCIL

March 2020

Introduction

The Aggregate and Quarry Association (AQA) is the industry body representing construction material companies which produce an estimated 45 million tonnes of aggregate and quarried materials consumed in New Zealand each year. We welcome the opportunity to make this submission on Manawatu District Council's (MDC) proposed [Plan Change 65](#) of its District Plan.

The purpose of Plan Change 65 is to protect Manawatu's Outstanding Natural Features and Landscapes (ONFLs) and Significant Amenity Features (SAFs) from inappropriate subdivision, use and development.

We support this aim, but it is important that in providing this protection, future (and current) gravel extraction or quarrying is not inadvertently prevented or restricted. Protecting outstanding natural features and landscapes can be done in a way that doesn't jeopardise essential activities such as quarrying.

As is expanded on below, mineral and aggregate deposits are limited in quantity and location. They are also critical in the district's infrastructure development and building needs.

Submission

This submission argues that:

- provision in the plan should be made for quarrying so it is not captured by the rule that deems it a non-complying activity
- parts of the areas that have been designated Outstanding Natural Features and Landscapes may not fit this description.

The submission also makes some important comments about the nature of mineral and aggregate deposits which MDC should take account of in its planning generally.

Proposed changes will restrict quarry activity

We believe the current rules and regulations set by the Horizons Regional Council in its One Plan (which combines the Regional Policy Statement, Regional Plan and Coastal Plan) are broadly sufficient to govern quarrying and extraction activities and to ensure environmental impacts imposed by these activities are kept to a minimum. Manawatu

District could give guidance in areas such as scale and noise pollution but nothing more than that is required.

Whether intentional or not, the district council's proposed plan changes, as they stand, would unnecessarily and overly restrict quarrying and extractives making it harder for the district to access aggregate essential for infrastructure and construction.

Specifically, we are concerned that rule NFL-R18 (pg. 42), which states that any activity not otherwise provided for as a permitted or discretionary activity will be considered a non-complying activity, will inadvertently capture quarrying or gravel extracting activity. There is a need to specifically provide for quarrying as a discretionary activity, so it is not deemed to be non-complying by fault. This would still require a resource consent before it can be carried out.

The extractives sector is referred to twice in Table 3 of the Section 32 Report (page 20) which sets out potential issues associated with areas identified as ONFLs and SAFs. "Earthworks such as mining, roading or quarrying" are identified as a potential threat to the Ruahine Range, and "earthworks and/or quarrying affecting the integrity of the mudstone cliffs and scallops" are identified as a potential threat to the Rangitikei River.

We argue that not all quarrying activity has these impacts or is a threat to these ONFLs. Therefore, it is unwise to apply rules making it harder to quarry than it needs be. Any risks to both the Rangitikei River and the Ruahine Range are sufficiently managed by the regional council's extraction rules.

In the case of the Rangitikei River, it should also be noted, the quarry sector plays an important role in improving river flows and enhancing stability by removing excess material from the riverbed.

Mapping Outstanding Natural Features and Landscapes

Proper criteria are needed to make sure the land that is mapped and protected truly has outstanding values. Not all land should be mapped, only land that meets strict criteria.

The Ruahine Range Outstanding Natural Area, for example, is very large and it is unlikely that the whole area is needed to be protected in this way.

General points on aggregate resources for council planning

The nature of mineral and aggregate deposits means that they are limited in quantity, location and availability. They can only be sourced from where they are physically located and where the industry is able to access them.

This means adverse effects from their extraction are often impossible to avoid.

So this does not become prohibitive for quarrying, we support a mitigation hierarchy approach, as used in the area of biodiversity management, where companies are

able to provide compensation or offsetting to mitigate adverse effects that by definition cannot be avoided.

It is important that the nature and location of mineral deposits of value to the district, are where possible, identified. Access to such deposits must not be inadvertently shut off through land development and council planning.

Manawatu District's growing economy and population means residential areas are growing and competition for industrial and other land use is increasing. This means that areas of mineral deposits are at risk of being taken out or sterilised by competing land uses.

It is essential that the council takes steps to ascertain such areas within the district planning process and provide for current and future access to aggregate and mineral resources.

Not doing this, could mean lost opportunities for accessing a supply of sand, aggregates and other minerals which are an important input in developing the infrastructure, including roading, that is so necessary to enable the anticipated growth. It could also mean lost opportunities for the local economy in extractive industry investment and jobs.

Determining a reasonable distance for residential areas from potential quarry areas, is essential due to the significant expense of transporting quarry materials as well as the nature of extractive industry operations - including noise, vibration and dust.

AQA is working with central government to increase knowledge of the location of mineral resources in New Zealand and we are able to assist councils to ascertain where such areas lie in their districts.

Given the exact location of mineral deposits is not usually known, a regime which provides for exploration is important, while noting that any development proposal that might arise from that exploration is subject to a rigorous resource consent process under the RMA.

Submission on Proposed Plan Change 65 Manawatu District Plan

Clause 6 of First Schedule, Resource Management Act 1991

To: Manawatu District Council
Address: Private Bag 10001
Feilding 4743

Email: districtplanreview@mdc.govt.nz

Submitter: New Zealand Defence Force
Contact Person: Rebecca Davies, Senior Environmental Officer

Address for Service: New Zealand Defence Force
C/- Tonkin + Taylor
PO Box 2083
Wellington 6140
Attention: Sarah Bevin

Phone: +64 21 445 482
Email: rebecca.davies@nzdf.mil.nz / sbevin@tonkintaylor.co.nz

Preliminary Matters

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand and has a long history in the Manawatu District, with the RNZAF Ohakea Air Base and Raumai Air Weapons Range located within the District. This enduring relationship has been acknowledged with the 2019 re-signing of a Statement of Intent between New Zealand Defence Force, Manawatu District Council and Palmerston North City Council, citing mutual benefits between the three parties and recording the intention of these parties to work together in mutual areas of interest.

NZDF undertakes Temporary Military Training Activities (TMTA) across the country as part of its function of maintaining the nation's security, maintaining NZDF's operational capacity and providing for the well-being, health and safety of communities. TMTA can include a range of activities, from office/ classroom based activities to large scale military exercises, and may involve Search and Rescue, infrastructure support (such as deployment of water purification and supply facilities as used in the aftermath of the Canterbury and Kaikōura earthquakes), bomb deactivation training, weapons firing, personnel movements etc. They may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night. Specifically in relation to PC65, TMTA may include training activities including Search and Rescue within the Ruahine Ranges which is identified as an Outstanding Natural Landscape (ONL). Further information on TMTA is provided in **Attachment 1** to this submission.

NZDF is currently engaged in a nationwide exercise to achieve consistency in the management of TMTA across district plans. NZDF has commissioned professional acoustic advice and developed a set of permitted activity standards for noise associated with TMTA to be included in district plans nation-wide. These provisions are detailed in **Attachment 2** to this submission, and an explanation is provided in **Attachment 3**.

TMTA are currently provided for under the Operative Plan Rule A2 as a permitted activity district-wide (subject to permitted activity standards). The Council's 'Plan Changes' webpage currently shows that TMTA, through Rule A2, are proposed to be dealt with via an 'Omnibus' Plan Change scheduled for 2022, if not already covered. Based on conversations with Council Officers, NZDF understands that the intention is to provide for TMTA solely in the Rural Zone. However it is vital that NZDF personnel can train in a wide variety of environments to reflect real life scenarios and to give diversity in training scenarios according to Defence output requirements. This is of local and national importance and it is therefore essential that NZDF is able to carry out appropriate TMTA across all zones in the district.

Overall, it remains unclear how TMTA will be provided for through this sectional Plan review process, where different zones and overlays are subject to separate plan changes. NZDF understands that Council intends to provide for TMTA through the upcoming Rural, Lifestyle, Residential and Village chapter reviews. NZDF is keen to discuss TMTA provisions with Council as soon as possible specifically in relation to the Plan Change 65 process but also more broadly in terms of the District Plan review process.

NZDF is taking a conservative approach to ensure that TMTA can be undertaken throughout the district, and is requesting that TMTA are provided for in the areas covered by Plan Change 65. Further information and commentary is provided in Table 1 (attached).

NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **we will consider** presenting a joint case with them at the hearing.



Person authorised to sign
on behalf of New Zealand Defence Force

Date 13/03/2020

Table 1:

Point	Provision	Support/ Oppose	Reasons	Relief Sought
1	Permitted Activity provisions New rule NFL-Rx	Support in part	<p>NZDF requires the flexibility to undertake TMTA on an as and when required basis, utilising various situations and locations, including bush/forest and other landscape areas. Being able to stage training activities in varied locations is essential, as NZDF personnel may be deployed to a wide range of locations around New Zealand and the world. The types of TMTA undertaken within the areas subject to this Plan Change would generally be suited to the location, such as search and rescue training, and would generally not include significant vegetation removal/destruction.</p> <p>In addition to the noise limits requested in this submission, NZDF agrees that TMTA should also be subject to the relevant limits for earthworks and vegetation alteration or removal contained within PC65 provisions, and across other chapters of the Plan where relevant.</p>	<p>NZDF requests that TMTA are provided for as a permitted activity within the areas identified by this Plan Change, subject to the permitted activity noise standards provided by NZDF as Attachment 2.</p> <p>NZDF requests the following wording:</p> <p><i>Rule NFL-Rx: Temporary military training activities where the relevant noise standards below are met: [Insert text from Attachment 2 of this submission]</i></p>

Attachment 1 – Temporary Military Training Activities Information Sheet

The New Zealand Defence Force (NZDF) is required to undertake training activities in accordance with the Defence Act 1990.

These training activities include a wide range of activities, including: physical training, dog training, signals (radio communications) exercises, medical and dental exercises, Medivac simulation, Improvised Explosive Device Disposal (IEDD) exercises, IEDD search exercises (in commercial or industrial buildings as well as outdoors), Small construction tasks, camp setup, including field kitchens and ablutions, search and rescue, Civil Defence support, driver training and infrastructure support (e.g. water purification and supply facilities). NZDF also undertakes activities that are more recognisable as military exercises, including the use and firing of weapons (both live and blank ammunition) and the detonation of explosives.

A practical example of training relates to the unit that provides dental services to deployed troops. A key part of training is setting up and operating their deployable facilities in locations remote from their home base. They exercise that skill by setting up in location for a period and providing free dental care to patients who might otherwise miss out. School children in areas remote from dental services are often the beneficiaries of that training activity.

Troops also train within NZDF owned properties, military camps and bases. However, it is important that troops are trained outside of these locations to ensure the skills learned are able to be applied in new and different situations, not just in familiar areas.

Many activities are carried out “off-base” by NZDF personnel are essentially similar to training activities conducted by other public service or commercial organisations. Included in that comparison are (for example) NZ Police, NZ Fire Service, the various ambulance services, search and rescue, and specialist cliff rescue teams.

Training activities may include the use of powered machinery, vehicles or aircraft and may involve weapons firing and the use of explosives, in addition to the deployment of personnel. In some exercises weapons may be carried or set up for realism but not fired. Temporary military training activities may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

Training activities are carried out “off-base” for a variety of reasons and two of the important reasons are diversity and realism. Skills that are learned and practiced “on-base” must be tested or extended in unfamiliar contexts “off base”.

Extended “off-base” activities are costly in terms of funding and time and are not used for routine, repetitive training. An extended duration is not required to achieve the objective of testing skills in a different context. So, while an exercise might be undertaken over a period of days or weeks; typically an exercise would only take place in one locality for a period of a few days.

Attachment 2 - Permitted Activity Noise Standards for Temporary Military Training Activities

Rule X: Temporary Military Training Activities are permitted activities provided they comply with the following noise standards:

1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:
 - 0700 to 1900 hours: 500m
 - 1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
 - 0700 to 1900 hours: 95 dBC
 - 1900 to 0700 hours: 85 dBC

2. Mobile noise sources

Shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to ‘construction noise’ taken to refer to mobile noise sources*.

Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources

Shall comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity*.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 to 1900 hours	55 dB	n.a.
1900 to 2200 hours	50 dB	
2200 to 0700 hours the next day	45 dB	75 dB

Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. Helicopter landing areas

Shall comply with *NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas**.

* Noise levels shall be measured in accordance with *NZS6801:2008 Acoustics – Measurement of Sound*.

Attachment 3: Explanation for replacement noise standards for Temporary Military Training Activities

NZDF wishes to make sure that the noise standards included in Plans are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate permitted activity standards to control noise effects from Temporary Military Training Activities (TMTA). This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it will seek to have included in proposed plans nation-wide.

The replacement noise standards proposed by NZDF focus on compliance at dwellings, residentially zoned sites, and buildings used for residential, educational or healthcare purposes.

In summary, the NZDF's proposed standards divide noise sources from TMTA into four categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; fixed noise sources such as power generators and water pumping; and helicopter landing areas. Each of these noise sources has different noise characteristics, and therefore a different set of standards for controlling noise. NZDF considers that this division allows a more comprehensive and appropriate method for controlling noise from TMTA.

1. Weapons firing and/or the use of explosives

The noise control standard uses a tiered approach for weapons firing and explosives, where the first tier is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Two separation distances are specified – a nighttime distance and a daytime distance. The distances are conservative and have been arrived at after review and analysis of data measured from real military activities, to ensure that the sound levels received at the specified distances will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for nighttime). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For weapons firing/ explosives activities that are not able to meet the separation distance standard, or if the site location conditions meant that the setback could be reduced (e.g. where a hill separates a sensitive receiver from the TMTA), then the second tier - the peak sound pressure levels (dBC) - would apply. Where these peak sound pressure levels can be met, then the TMTA would be a permitted activity.

2. Mobile noise sources

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

3. Fixed (stationary) noise sources

For fixed noise sources, which can be located to ensure compliance with standards, dB LAeq levels are specified, in line with NZS6802:2008 Acoustics – Environmental Noise. This is considered the most appropriate way to control noise levels from these sources.

4. Helicopter landing areas

NZDF has also considered noise from helicopters associated with temporary military training activities. NZDF proposes the use of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas to control this type of noise.



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name Mark A.W. Clements

Anna Clements

Physical address 2373 Pohangina valley East Rd
RD.14
Ashhurst

Postal address
(if different from above)

Contact numbers 06 353 2993 027 296 7987
Phone (day) Mobile Fax

Email address mandaclem@xtra.co.nz

~~I could~~ / could not [select one] gain an advantage in trade competition through this submission.

I am / am not [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and 11
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

- (A) Discourage the establishment of exotic vegetation
- (B) Discourage adverse effects on cultural values
- (C) Discourage earthworks
- (D) Restrict built development

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons) A - D (supplementary pages)

- (A) To not have the option of exotic plantings would detrimentally effect our ability to take advantage of changing environmental policies. This specifically discriminates against us utilising the options provided for land use change in the One Billion Trees Programme and would be restrictive to our long term plans. Neighbouring properties have used extensive pine plantations as a very effective erosion control measure. These trees protect the Upper Pohangina area (and all downstream) against slips, silt & run off.

(please include additional pages as necessary)

I (we) have included [insert number] additional pages

I (we) seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

- (A) Further incentivise and promote native plantings
- (B) Clear wording of this clause is essential. State in separate clause that open access is not granted for any reason on or through private property.
- (C) Amendment to reflect our farming operations & ongoing development, which protect & improve water quality in accordance with Clean Streams Accord. Also to maintain access in accordance with Health & Safety guidelines.
- (D) Amend built development clause to reflect our ongoing development & farming operations eg. stall accomodation, sheds & yards.

(A) Our property value will also be significantly impacted as the loss of a potential income source thereby makes the property less attractive and valueable. We would expect compensation from council would be in order for farmers and landowners who have had this income opportunity removed.

(B) We are very concerned about the ambiguous nature of this clause.

We strongly oppose open access to and through our private property. We have granted limited access to the Ruahine Ranges via a poled route. We have had issues with vandalism and theft as a result of our generosity, and it doesn't encourage us to continue providing access. From these experiences we would strongly oppose access to anyone for any reason.

(C) We oppose the clause that discourages earthworks. We have excluded stock from water sources and thereby improved water quality for all downstream. This stock will now need an alternate water source which will require earthworks. There is a possibility these earthworks may need to be extensive. Other earthworks are essential to improve infrastructure and farming operations.

(D) We oppose restricting built development as our farming operation requires further infrastructure, namely: accomodating for staff, sheds and yards.

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
 I/we **do not wish** to speak in support of my/our submission
 If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)

Mark Clement 12/03/2020
Signature Date

Ana Clement 12/03/2020
Signature Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only	
<input type="checkbox"/> post	<input type="checkbox"/> hand delivered
Received at the Council on
	date time



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change 65** of the Manawatu District Council Plan

Submitter details

Full name Steven M O'Reilly & Julie E O'Reilly
Physical address 3393 Pohangina Valley East Road
R.D. 1
Apiti 4771
Postal address (if different from above)
Contact numbers 06 328 4702 021 135 8775
Phone (day) Mobile Fax
Email address stevejulz@nettel.net.nz

I ~~could~~ / could not [select one] gain an advantage in trade competition through this submission.

I am / ~~am not~~ [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*

Plan change 65

Makiekie Creek, ONFL8

NZ Topo BL35

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

Please refer to attached sheet

SM & JE O'Reilly

(please include additional pages as necessary)

we have included [insert number] additional pages

we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required.)*

Please refer to attached sheets

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)

Steven O'Reilly

Signature

13th March 2020

Date

Julia O'Reilly

Signature

13th March 2020

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

post hand delivered

Received at the Council on date time

We **OPPOSE** the recommended provisions to the proposed plan change 65.

We currently own parcels of land contained in the Plan Change 65 therefore, the landscape assessment areas identified impacts on our legal titles which we have legally purchased.

Whether the land is deemed effective or ineffective the land value remains the same on purchase, and rating of the said land also has no differential.

Although under the proposed plan the access and utilisation of these affected areas has a huge impact on the way we use and interact with this land.

Should this plan change go ahead as the legal landowner we are going to lose the ability to use this land, so why are we going to be penalised twice for something we have bought and will continue to pay for through rates. If you want to take control then you should legally purchase the land and therefore become the legal owner. As the then legal owner and governing authority any issues arising can be resolved and managed through current law (e.g. fencing code of practice, noxious weed control, environment court, etc).

This will require legal title amendments and reduce our ongoing rating burdens for parcels of land that we can no longer utilise to its full potential.

As we are the people of this land, we do not want to lose any ownership or management rights to farm and use our own land, Land that we paid for and pay rates on regardless of its land use description.

The identified areas are currently under 'Whole Farm Plans' through the local body authority of Horizons Regional Council and these plans incorporate 'Sustainable Land Use Initiative' (SLUi) guidelines.

Are you saying that these no longer apply to our farming entities and who will cover the cost of redrawing these plans?

The area of land in its current and future state acts as a natural buffer and filter to help mitigate sediment and leachate issues, this also allows legal owners of affected areas to adapt to political and environmental pressures (things such as Fresh Water Accord, Overseer 4, Environmental Plans, etc)

This plan change therefore removes any right as legal landowners to offset current and future legislative bills. Without the right of management over these areas we no longer have the flexibility to respond to outside influences.

With the current grazing of stock conducted within the identified areas this helps to reduce and mitigate any unforeseen and adverse events during feed pinches, this also allows us to control weed species, pasture and stock pest habit (e.g. ragwort, blackberry, barberry, flat weeds and the like, ticks, grass grub, porina, rodents, and opossums)

Under this plan who will manage and conduct this?

In conclusion we want to retain full legal ownership and management rights as they currently stand. This has clearly worked as the areas identified are now being earmarked as Outstanding Natural Features and Landscapes albeit to our detriment.

As the current owners we have continued to ensure the environmental protection and biodiversity of these areas.

As recently reported by the Mayor (Worboys, Rural News, 10 Mar 20) times are getting harder for farmers as new legislation is being thrown at them, plus stating that the council has no additional resources to deal with the things like biodiversity plans, so looking at the proposed plan as it currently stands it can't be effectively managed and monitored by council resources amid funding and staffing constraints. To date this is currently being resourced and funded by the current landowners.

With the Makiekie Reserve located adjacent to this plan it appears to be just an extension to the current reserve boundaries which in turn is taking the recognition for the hard efforts of previous and current land owners.

It is recommended that the management of the identified areas is left to the current regime and that the council focuses its time and efforts on more pressing issues that can be effectively resourced for the greater benefit of a larger portion of rate payers, which it has been empowered by voters to represent.

Recommendations:

1. Recommend that the proposed landscape assessed area remains under the current and future landowner stewardship and remains managed in consultation with the local body authorities as is the current practice. (in line with current environmental and political constraints)
2. Retain continuation of existing stock grazing within the Makiekie and Limestone creek.
3. Retain our access to water.
4. Retain our access rights.
5. Want to be left to the 'quiet enjoyment' of our own land.

The following are some **questions** we would like answers to;

1. What is the legal expression of interest that would be entered on the Deed of Title?
2. What are going to be the future stipulation on land use outside of the 'Red Line', additionally what is the width of the Red Line?
3. With the use of the term 'discretion' as stated in the plan, on who's authority is this?
4. Who will pay for the changes required under the SLUi / Whole Farm Plans?

Full name: Stephanie Holloway

Physical address: 230 Awawa Road RD 9 Feilding

Postal address:
(if different from above)

Contact phone number (day): 0211112461

Mobile number: 0211112461

Fax number:

Email address (Please note, email is our preferred mode of contact with our submitters): stephhamish@gmail.com

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition? No

The specific provisions of the proposal that my submission relates to are as follows *(please give details)*:
My submission relates to activities restricted in Gortons Bush/Nitsckes Bush because we own 100 acres of this bush. We want to protect it, preserve it and enjoy it. We want to WORK WITH the council to do this, we do not wish to be punished financially for owning it.
We intend to leave the bush in a sustainable and far better state than we received it. We have already excluded stock from grazing and are seeing regeneration flourishing. We have already fenced, we have plans to extend it's edges by relocating seedlings within the forest or buying new plants, it is already costing us to keep it sustainable and yet there are no incentives for us to do this. It is currently not counted towards the official carbon calculations, yet our farm is technically carbon negative. I agree 100% with the values behind protecting this feature on our property but I oppose the regulations being put in place which is top down leadership and it should be a bottom up leadership approach. We have plans in the future to build a couple of huts in the bush and put in unobtrusive mountain bike/walking tracks as a form of diversifying income on our farm, which I hope can still be done. I want to see the value and demand for our farm to grow not decline because of red tape.

My submission is that:
(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

I/we seek the following decision from the Manawatu District Council *(give precise details, use additional pages if required)*:
This should be a partnership between landowner and council not a stick waving exercise. The decision should be to implement a special environmental plan that both parties work together on and share costs, add incentives and can be tailored to each individual site and situation.

I/we wish to speak in support of
my/our submission: No

If others make a similar further
submission I/we will consider
presenting a joint case with them at Yes
the hearing?

13 March 2020

Manawatu District Council
Proposed Manawatu District Plan
Private Bag 10 001
FEILDING 4743

By email to: districtplanreview@mdc.govt.nz

**FEEDBACK ON PUBLICLY NOTIFIED DRAFT PROPOSAL FOR PLAN CHANGE OR
VARIATION (FORM 5)
Manawatu District Plan: Plan Change 65**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: Level 1
Wellington Railway Station
Bunny Street
PO Box 593
WELLINGTON 6140

Attention: Rebecca Beals

Ph: 04 498 3389

Email: Rebecca.Beals@kiwirail.co.nz

KiwiRail Submission on Plan Change 65 – Outstanding Natural Features and Landscapes

As advised to Council in recent submissions on the Draft District Plan Change for this topic, KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management, maintenance, upgrade and operation of the national railway network. KiwiRail Holdings Limited is also the Requiring Authority for the designated corridors of the North Island Main Trunk and a small section of the Palmerston North to Gisborne Line within the Manawatu District.

KiwiRail supports the general intent of the Plan Change, being to identify and protect natural landscapes and features within the District. ONF13 which as proposed includes the Manawatu Gorge is most relevant to KiwiRail and therefore the focus of this submission.

KiwiRail seeks to ensure that ongoing operation and maintenance of the rail network is able to be undertaken without undue restriction through the planning process, therefore wish to ensure that the protection through the ONF does not adversely affect KiwiRail's legal obligations in relation to providing a safe and efficient rail network. While the corridor is

designated, the underlying zoning and any District Plan overlays can still impact on the Outline Plan approval process and therefore this Plan Change is relevant to KiwiRail. KiwiRail's feedback on the Draft District Plan Change is set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

KiwiRail does wish to speak to our submission at this time, and is prepared to present a joint case with like submitters if Council prefer.

Regards,



Rebecca Beals
RMA Team Leader
KiwiRail

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
NFL – Natural Features and Landscapes				
1.	Introduction	Support	KiwiRail support the note provided in the Introduction in relation to ensuring that these provisions are read alongside Chapter 3A in relation to Network Utilities, and that clarity is provided that the more specific provisions of Chapter 3A apply.	Retain as proposed.
2.	NFL-O1	Support	KiwiRail supports this objective as having areas identified and mapped will help with the planning of future works in the event these extent beyond the designation boundaries.	Retain as proposed.
3.	NFL-O2 and O4	Support in part	KiwiRail support the intention of the Objectives in relation to the characteristics and values of the ONF and ONL, however note that there is a potential conflict with the intention to protect these in O2 and maintain or enhance these in O4. We recognise that O2 relates only to those ONF and ONL provided in APP1, however O4 appears to apply to all ONF and ONL areas, including those in APP1. Clarification would be supported to ensure in the event these provisions are relied on through the consent process, clarity is provided.	Amend to provide clarity.
4.	NFL-R5 3)	Support	KiwiRail support the provision for vegetation clearance that endangers network utilities as a permitted activity.	Retain as proposed.
5.	NFL-R6	Support	The ability to maintain existing lawfully established structures is supported.	Retain as proposed.
3A – Network Utilities				
6.	Policy 1.5	Seek amendment	KiwiRail support recognition for network utilities in Significant Amenity Features as identified in NFL-APP2, however also seek that consistent recognition is given in the policy framework in relation to network utilities in the Outstanding Natural Features and Outstanding Natural Landscapes as identified in NFL-APP1.	Amend policy as follows: <i>To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as Outstanding Natural Features and Outstanding Natural Landscapes in NFL-APP1 and Significant Amenity Features in NFL-APP2.</i>
7.	Objective 3 and Policy 3.1	Seek Amendment	KiwiRail supports the intent of the objective, however has a concern that existing uses, and any associated maintenance or improvements to these, may not align with the characteristics and values of the ONF and ONL that are to be protected. Protection is considered a high threshold to be addressed, and may not allow rail associated works necessary for the safe operation of the network, to be undertaken. Further to that, the appropriateness or otherwise of works proposed is often a subjective assessment and provides no certainty for KiwiRail that works would be facilitated by this Objective.	Amend as follows: <i>The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and the development of network utilities is facilitated.</i>
8.	Policy 3.2	Seek amendment	KiwiRail is concerned with the adoption of an 'avoid' policy, and the unreasonably high threshold this may establish, which in turn may prevent KiwiRail from carrying out the works necessary to maintain a safe and efficient rail network. In the event of consent being required, the use of 'avoid' does not enable the management of significant adverse cumulative effects. KiwiRail would support clarity for a consenting pathway where works are required that may need resource consent.	Amend as follows: <i>To avoid, remedy, mitigate or offset significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes.</i>
9.	Policy 3.3	Support	KiwiRail support the policy, specifically that it enables effects to be remedied or mitigated, and provides recognition for infrastructure of national or regional importance.	Retain as proposed.
10.	Policy 3.4	Support	The specific policy direction to enable the operation, maintenance, replacements or minor upgrading of existing network utilities is supported.	Retain as proposed.
11.	3A.4.3 Permitted Activity Standard	Seek amendment	The permitted standard as proposed restricts works to the road corridor.	Amend as follows:

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Feedback/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	(j)		Noting that ONF-13 includes the rail corridor, KiwiRail would support the explicit recognition of the rail corridor in the permitted standards to ensure clear direction that works within this corridor are permitted even where identified in the ONF provisions.	<i>Works that are undertaken outside of an existing road corridor carriageway <u>or railway corridor</u>, or that are not operation, maintenance, replacement or minor upgrading works must not be located within the areas scheduled in Appendix 1A (Wetlands, Lakes, Rivers and their Margins), 1B (Significant Areas of Indigenous Forest/Vegetation (excluding Reserves), 1D (Trees with Heritage Value), 1E (Buildings and Objects with Heritage Value), 1F (Sites with Heritage Value), Outstanding Natural Features and Landscapes identified in NFL-APP1 or Significant Amenity Features identified in NFL-APP2 of this Plan.</i>
Maps				
12.	ONF-13 Map	Seek Amendment	Similar to the earlier feedback provided, KiwiRail seek that the existing operational rail corridor designation be removed from the ONF mapping. It is a mapped and defined corridor and able therefore to be explicitly excluded from the area covered by the ONF. The rail corridor has been in place for a long time and is well recognised in the community.	Amend the map for ONF-13 to remove rail designation



Federated Farmers of New Zealand

Submission to the Manawatu District Council Plan Change 65

6 March 2020



0800 327 646 | **FED FARM**
.ORG.NZ

**SUBMISSION TO THE MANWATU DISTRICT COUNCIL ON
PLAN CHANGE 65 – Outstanding Natural Landscapes and Features**

To: Manawatu District Council

Submitter: **Federated Farmers of New Zealand – Manawatu/Rangitikei**

Address for service: Coralee Matena
Senior Regional Policy Advisor

Federated Farmers of New Zealand
PO Box 945
Palmerston North, 4440

Mobile: 027 265 1648

Email: cmatena@fedfarm.org.nz

-
1. The Manawatu – Rangitikei Province of Federated Farmers (Federated Farmers) appreciates this opportunity to submit to Plan Change 65.
 2. The following comments are representative of member views and experiences with the management of resources within the Manawatu District. It reflects the fact that resource management and District Council policies and plans impact on our member's daily lives as farmers, members of the local community, landowners and ratepayers.
 3. We also acknowledge any comments made by individual members of Federated Farmers.
 4. Federated Farmers has been involved with early consultation on Outstanding Natural Features and Landscapes (ONFLs), when bundled with Plan Change 53, however we have not directly been involved with recent consultation on the topic. This includes the targeted pre-consultation which appears to have occurred towards the latter half of 2019. We understand however, that Council have undertaken consultation with impacted landowners and made amendments to the proposal where possible. We thank Council for being open and receptive to the District's farmers in these instances.

RECOMMENDATIONS – Summary

Recognition of voluntary actions

5. Voluntary actions that maintain or enhance landscapes and features as set out in NFL-APP1, are recognised and encouraged.

Inclusion of Significant Amenity Features

6. The deletion of all reference to SAFs in the Plan.

Providing for Sustainable Management

7. The Amendment of NFLP5 to provide for activities ancillary to primary production

NFLP5. To recognise the existing primary production land use activities in Outstanding Natural Features and Landscapes the Rangitikei River Outstanding Natural Feature includes existing farming activities and provide for the continuation of these existing activities where they do not adversely affect the characteristics and values identified in NFL-APP1.

8. *Consistent with the relief sought above, for clarity Policy 9, 10, 11, 12, 13, 14, and 16, could be amended to provide for existing activities ancillary to primary production.*

Rules

9. Inclusion of permitted activity – NFL- RX Activities ancillary to primary production

Default Non-Complying status

10. The default non-complying status of activities as proposed in the Plan is deleted.

SUBMISSION

11. Primary production is the lifeline of the Manawatu region, economically and socially. It is therefore important that District Plan provisions are enabling for farmers, and for our members, this means ensuring they retain the right to make decisions to safeguard the ongoing financial viability of their primary production activities.

12. Federated Farmers understands Council's RMA responsibilities with regard to Outstanding Natural Features, Outstanding Landscapes and amenity values, however we have concerns about how this RMA obligation has been implemented in the District Plan.

Recognition of voluntary actions

13. The District Plan needs to recognise and acknowledge that landowners and farmers are the reason that many areas of significant indigenous vegetation currently exist. Voluntary actions to protect and enhance areas of bush should be recognised, as often farmers have used their own resources and time to provide this public good. Actions such as fencing, pest and weed control, and permanently protecting sites via QEII

covenants should be recognised, enabled and encouraged. Federated Farmers therefore submits that a new policy be added to this effect.

14. The provision of incentives and assistance can be a great way of recognising voluntary efforts and encouraging further actions. Incentives such as transferable development rights, and assistance with fencing, pest control or rates relief should be considered and enabled by Council.

Relief sought:

15. Voluntary actions that maintain or enhance landscapes and features as set out in NPPL1, shall be recognised and encouraged.

Inclusion of Significant Amenity Features

16. Federated Farmers does not support the inclusion of Significant Amenity Features and therefore seeks the deletion of all references to SAF's in the Plan. While the RMA provides specifically under Sections 6 (b) and 6 (c), for Outstanding Natural Features and Landscapes, and Ecological sites, Significant Amenity Features are not..

17. Section 7 of the Resource Management Act sets out "other matters" which persons exercising functions and powers under the Act must "have particular regard to", which includes (c) The maintenance and enhancement of amenity values. However, the statutory hierarchy of the Act requires Section 6, matters of national importance, to be given a "stronger direction" compared to those matters captured by section 7. While Council is required to recognise and provide for Outstanding Natural Landscapes and Features, section 7 (c) of the Act only requires Councils to "have particular regard to" amenity values.

18. The Resource Management Act does not require every activity or proposed activity to maintain and enhance amenity values. The direction in section 5(c) to avoid, remedy or mitigate any adverse effects of activities on the environment, clearly contemplates that activities may have adverse effects on amenity values and still be in accordance with the sustainable management purpose of the Act.

19. Section 7(c) obligations can be achieved through normal zoning. This zoning ensures that expected and appropriate activities occur in the appropriate environment. Any landscapes that do not meet the criteria to be identified as ONFLs do not need the level of protection afforded by Section 6. The creation of a "second tier" of significant amenity features or significant amenity landscapes, will result in unnecessary restrictions on activities in order to protect amenity and character values, over and above what the RMA requires, and will harm economic, social and cultural wellbeing.

20. The inclusion of provisions to protect amenity landscapes has also been canvassed by other councils as they have reviewed their District Plan provisions. The Kaipara District Council decision in May 2013 resulted in deletion of the proposed Visual Amenity Landscapes, for the reasons that there was no justification to identify visual amenity landscapes and that they were not at risk of being lost, and further that they were a regulatory burden on both Council and resource users for no real benefit. For similar

reasons, the Rangitikei District Council and Kapiti Coast District Council also recently removed all 'amenity landscapes' from their proposed District Plans.

21. Federated Farmers encourages the Manawatu District Council to take a similar progressive approach and remove 'significant amenity landscapes' from the proposed Plan, having confidence that the zoning provisions will ensure amenity values of working rural landscapes are retained.
22. Finally, for the three significant amenity features mapped, landowner voluntary activities, as discussed above, are a common feature of the maps. Evidence of retired land can be seen in all maps, demonstrating the actions the landowner/farmer is privately undertaking. The regulatory inclusion of these features in the plan, therefore adds little value in ensuring that the amenity of these features will be maintained and enhanced, and merely creates an unnecessary extra onerous regulatory burden. Regulatory frameworks should err on the side of a 'less restrictive regime' where the purposes of the plan can be so met (following the principle in *Royal Forest and Bird Protection Society Inc v Whakatane District Council* [2017] NZEnvC 51).

Relief Sought:

23. Federated Farmers seeks the deletion of all reference to SAFs in the Plan.

Providing for Sustainable Management

24. Section 5 of the RMA seeks to achieve sustainable management, enabling people and communities to provide for their economic, social and cultural well beings. The sustainable management of primary production activities is the Manawatu District is necessary in order to enable this District to not just 'get by,' but also to prosper.
25. Productive land use shapes the land, contributing to the amenity as recognised by Council and therefore should not be restricted. Fencing, tracks, shelter belts, cultivation, grazed pasture, cropping and buildings are evident when considering a primary production landscape.
26. We note that NFL-P5 provides for the continuation of existing farming activities. Federated Farmers support the intent of this policy, however considers existing farming activities should be permitted across all ONFLs. We therefore seek the Policy to be amended accordingly.

Relief Sought:

27. *NFLP5 Amended as follows: To recognise the existing primary production land use activities in Outstanding Natural Features and Landscapes the Rangitikei River Outstanding Natural Feature includes existing farming activities and provide for the continuation of these existing activities where they do not adversely affect the characteristics and values identified in NFL-APP1.*
28. *Consistent with the relief sought above, for clarity Policy 9, 10, 11, 12, 13, 14, and 16, could be amended to provide for existing activities ancillary to primary production.*

Rules

29. Consistent with the relief sought above, Federated Farmers also seeks the inclusion of a permitted activity rule to provide for activities ancillary to primary production.

Relief Sought:

30. Inclusion of permitted activity – *NFL- RX Activities ancillary to primary production*

Default Non-Complying status

31. Federated Farmers opposes the default non-complying status of activities that are not assigned a status elsewhere. This default status is inconsistent with the RMA, and also overly onerous compared to other district plans.

32. Under Section 9 of the RMA, the use of land is presumed to be permitted unless it is restricted by a rule in a plan. We appreciate that not every eventuality can be covered with the use of activity lists, which is why we recommend that Council use the identified resource management issues as the guide to which the land should be managed.

33. Non-complying status is very onerous, as it assumes that only the adverse effects of the activity could be significant, and that the activity is generally not compatible with zoning. There are also extra tests in Section 104D that non-complying activities have to satisfy.

Relief Sought:

34. That the default non-complying status of activities as proposed in the Plan is deleted.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

These comments are representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

From: Coralee Matena <cmatena@fedfarm.org.nz>
Sent: Monday, 16 March 2020 12:43 pm
To: districtplanreview
Subject: RE: FFNZ Submission to Plan Change 65

Apologies for the delay.

Federated Farmers could not gain an advantage in trade competition through this submission.

Federated Farmers represents farmers directly affected by an effect of the subject matter of the submission

Thanks

Coralee



FORM 5

Submission on a notified proposal for Plan Change 65 Outstanding Natural Features & Landscapes under Clause 6 of Schedule 1 Resource Management Act 1991

13 March 2020

Attn: District Plan Team
Manawatū District Council
Private Bag 10-001
Feilding 4743

Via Email: districtplanreview@mdc.govt.nz

This is a submission on a change proposed to the following plan:

Proposed Plan Change 65 to the Manawatū District Plan (PC65).

The specific provisions of the proposal that our submission relates to are:

PC65 in its entirety to the extent the provisions have the potential to compromise Waka Kotahi NZ Transport Agency's (Transport Agency) statutory obligations and give effect to existing or impending designations, for which the Transport Agency is the requiring authority.

The Transport Agency's submission is:

Background

1. The Transport Agency has an interest in proposed Plan Change 65 (**PC65**) because PC65 includes land that is or will be subject to the following designations, for which the Transport Agency is the requiring authority:
 - a. the impending designation for the construction, operation, maintenance and improvement of approximately 11.5km of new State highway between Ashhurst and Woodville to replace the closed section of State Highway 3 (**SH3**) through the Manawatū Gorge, and associated works¹
 - b. a portion of State Highway 54 (**SH54**), where it intersects the Rangitikei River area at Vinegar Hill (District Plan reference D3).

¹ This designation is currently awaiting confirmation by the Environment Court; a draft consent order was submitted by the Transport Agency, Manawatū District Council, and other parties to the relevant proceedings in October 2019. The current designation for SH3 is District Plan reference D2.

Both designations will have the same purpose: *“to undertake maintenance, operation and use of, and improvements to the State Highway network”*.

2. The Transport Agency is a Crown entity that takes an integrated approach to transport planning, investment and delivery. The Transport Agency’s statutory objective is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive, and sustainable land transport system.
3. The Transport Agency has a mandate under the Land Transport Management Act 2003 (LTMA), the Government Rounding Powers Act 1989 (GRPA), and the Government Policy Statement on Land Transport 2018/19-2027/28 (GPS), to carry out its functions in a way that delivers the transport outcomes set by the Government.
4. The Government released the GPS to be effective from 1st July 2018. The GPS outlines both New Zealand’s strategic transport priorities and guides investment. The GPS lays out four new priorities and six objectives, which include safety; improved transport access to economic and social opportunities as well as providing more resilience and choice; better environmental outcomes; and infrastructure which delivers the best value for money.
5. The GPS also has three themes to guide and effectively deliver the above priorities. These are a mode neutral approach to transport planning and investment decisions; incorporating technology and innovation into the design and delivery of land transport investment; and integrating land use and transport planning and delivery.
6. The GPS promulgates the Government’s future strategic transport priorities, and these should be considered in the development and decision processes for PC65.

The Transport Agency’s Submission

7. The Transport Agency supports the intent of PC65 to identify and protect natural features and landscapes within the Manawatū District, subject to PC65 not compromising the Transport Agency’s ability to meet its statutory obligations, including through giving effect to the works authorised by the designations listed above.
8. PC65 seeks to identify the Manawatū Gorge as an Outstanding Natural Feature (ONF13). As acknowledged in PC65, this ONF area includes the Notice of Requirement (NoR) for a new state highway between Ashhurst and Woodville (Te Ahu a Turanga; Manawatū Tararua Highway Project), which is a replacement state highway following the closure of the Manawatū Gorge in April 2017.
9. The NoR was lodged with Manawatū District Council on 2 November 2018, publicly notified, and considered by independent hearing commissioners appointed by Manawatū District Council (together with other related NoRs applying to Tararua District and Palmerston North City). The commissioners recommended that the NoR be confirmed on conditions, including conditions to mitigate the adverse effects of the project on the landscape through which it passes. The Transport Agency largely accepted the recommendations and confirmed the designation on conditions.
10. The designation is currently subject to appeals in the Environment Court. Those appeals have been the subject of Court-assisted mediation, following which most of the parties (including the

Transport Agency and Manawatū District Council) recorded their agreement on the conditions to apply to the designations, subject to endorsement by the Court.

11. The Transport Agency considers that the area traversed by the project (i.e. the area the subject of the designation) should be excluded from ONF13, because the project introduces large-scale works and built form into the environment (notwithstanding the agreed designation conditions, particularly in relation to landscape and ecology, which will mitigate adverse effects on the environment).
12. PC65 also seeks to identify the Rangitikei River as an Outstanding Natural Feature (ONF3). This ONF includes a portion of the existing SH54. As above in paragraph 7, the Transport Agency considers that its existing infrastructure should be excluded from ONF3.
13. The Transport Agency is concerned that PC65 documentation (including the section 32 evaluation) did not consider how PC65 gives effect to Regional Policy Statement Policies 3-1 and 3-3 of the Horizons One Plan, by recognising the benefits of and appropriately recognising and providing for, nationally significant infrastructure, subject to existing or impending designations. As such, PC65 may not meet the requirements of section 32 of the Resource Management Act 1991.
14. The changes requested are required to:
 - a. Ensure that the Transport Agency can carry out its statutory obligations;
 - b. To reduce interpretation and processing complications for decision makers.
15. Further points are summarised in the attached Table, which forms part of our submission.
16. Where a provision is not specified in the table below, the Transport Agency generally supports the way it is drafted.
17. The Transport Agency could not gain an advantage in trade competition through this submission.

We seek the following decision from the local authority:

18. Amend PC65 as set out above and as detailed in the attached Table 1 including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

The Transport Agency would like to be heard in support of its submission. If others make a similar submission, the Transport Agency will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



Natasha Reid

Principal Planner Consents and Approvals

Waka Kotahi NZ Transport Agency

Consentsandapprovals@nzta.govt.nz

Table 1: Decisions Sought Plan Change 65 Outstanding Natural Features and Landscapes

The following table sets out where further amendments are sought to the PC65 provisions and identifies those provisions which the Transport Agency supports.

Italics = *PC65 notified text*

Underline, not italics = proposed additions.

Strikethrough, italics = ~~*proposed deletions*~~.

	Provision	Support / Oppose	Reasons and Decision Sought
1	NFL-01	Support	<p>The Transport Agency is supportive of this objective as it is helpful to have such areas identified and mapped for when we are planning future roading or any works outside of our designations.</p> <p>Decision sought: Retain as notified.</p>
2	NFL-02 and -04	Support in part	<p>The Transport Agency supports the intent of these two objectives. However, it considers they may be conflicting given 02 seeks to 'protect', which sets a very high threshold, and 04 seeks to 'maintain or enhance'. Nonetheless, it is our understanding (confirmed by MDC Policy Planner) that as there are no Network Utility specific provisions in the new NFL chapter, the specific provisions in amended Chapters 3A and 3D apply to roading activities. This is explained on page 1 of the Introduction to the new NFL chapter.</p> <p>Decision sought: Retain the explanatory note on page 1 Introduction as notified</p>
3	NFL-all policies	Support in part	<p>The Transport Agency understands that there are no Network Utility specific provisions in the new NFL chapter. As such, the specific provisions in amended Chapters 3A and 3D apply to any Network Utility activities, including roads. The Transport Agency considers that the wording explaining this on Page 1 within the Introduction section is adequate for plan users</p>

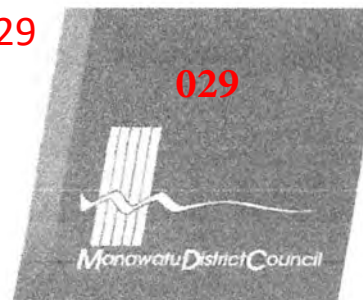
			<p>to determine which provisions are relevant when applying for, or processing applications, for Network Utilities.</p> <p>Nonetheless, the Transport Agency also seeks to ensure that the policies, read together with Chapters 3A and 3D, are appropriately enabling of the state highway network. The specific amendments to policies required may depend on whether the primary relief sought by this submission (of omitting current/impending state highway designations from the mapped ONFs) is granted.</p> <p>Decision sought: Retain explanatory note on Page 1 Introduction as notified; potentially amend policies to reflect the importance of enabling state highway operations (specific wording may depend on whether primary relief is granted).</p>
4	3A Policy 1.5	Support with amendment.	<p>The NoR and resource consent process must consider the amenity and landscape values of an area. This provision has only been updated to include SAFs. Clarification is sought to understand if this policy also applies to ONFLs (it appears from the s32 report that it does not).</p> <p>Decision sought: Clarification is sought as to whether this policy also applies to ONFLs.</p>
5	3A Objective 3	Support with amendment.	<p>The Transport Agency supports the intent of this objective. It does, however, have concerns about how it can be achieved given its qualitative nature and the extent to which it is in conflict with Objective 1^[1]</p> <p>^[1] <i>“To ensure:</i> <i>a) Network utility infrastructure of national and regional importance, including the National Grid, is able to operate, upgrade and develop efficiently and effectively while managing any adverse effects in the environment having regard to the locational, technical and operational constraints of the infrastructure.”</i></p>

			<p>The high threshold of the ‘protection’ provision may be difficult for linear infrastructure to achieve its economic, environmental and social outcomes as required by the LTA and One Plan Policy 3-1. ‘Protection’ of characteristics and values is also dependent on how the provision of “inappropriate” use and development is assessed by plan users and decision makers and is subject to a fair amount of interpretation uncertainty for applicants.</p> <p>Decision sought: Adopt amended quantitative provisions:</p> <p><i>The characteristics and values of ONFL’s... from the inappropriate use and development of network utilities are managed through an effects-based hierarchy.</i></p>
6	3A Policy 3.1	Support with amendments	<p>The Transport Agency supports the intent of this policy. We do however, have concerns about how it can be achieved given its qualitative nature. The high threshold of the ‘protection’ provision may not allow our projects to achieve the economic, environmental and social outcomes required by the LTA.</p> <p>Decision sought: Adopt amended provision:</p> <p><i>To protect recognise and provide for the characteristics and values...</i></p>
7	3A Policy 3.2	Support with amendments	<p>The Transport Agency does not support the use of the term ‘avoid’ in this policy. This term sets an unreasonably high, perhaps unachievable threshold, that may prevent the Transport Agency from carrying out its statutory obligations. The term ‘avoid’ does not provide for the management of significant adverse cumulative effects. The Transport Agency needs a clear decision-making pathway for its projects, which this provision as notified does not provide.</p> <p>Whilst the Transport Agency will seek to avoid such adverse effects where practicable, the complexities of infrastructure projects (their functional and operational needs and their</p>

			<p>national and regional importance) may not always allow for ‘avoidance’. Furthermore, it is not clear how ‘cumulative’ effects will be assessed for linear infrastructure.</p> <p>Decision sought 1: Clarify how cumulative effects will be assessed for linear infrastructure.</p> <p>Decision sought 2: Adopt the cascading provisions of policy 3.3 within Chapter 3A or amend the provisions:</p> <p><i>‘To avoid remedy or mitigate significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes’</i></p>
8	3A Policy 3.3	Potentially support with clarification	<p>The Transport Agency supports the effects-based hierarchy approach of this policy, specifically that it acknowledges and provides for the complexity and importance of network utilities. There does not appear to be an explanation of footnote ‘2’ and as such, we cannot definitively comment on this provision.</p> <p>Decision sought: clarification of footnote 2 in bullet point ‘a’.</p>
9	3A Policy 3.4	Support	<p>The Transport Agency supports this provision in its entirety, specifically that it acknowledges the lifecycle of a network utility.</p> <p>Decision sought: Retain provisions as notified.</p>
10	3A.4.3 Permitted Activity Standard (j)	Support with amendment	<p>The Transport Agency generally supports this Permitted Activity Standard. It considers however, that it needs to include the specific ability for ‘emergency works’ to be undertaken as per section 330 and 330B of the Resource Management Act 1991.</p> <p>Decision sought: Amend this provision:</p>

			<i>Works that are undertaken outside of an existing road corridor carriageway (excluding emergency works)...</i>
11	3D Policy 1.3	Support with amendment.	<p>The Transport Agency supports the intent of this policy however, as all our projects require earthworks we seek clarification as to what ‘restrict earthworks’ means and how this provision will be quantified and assessed by plan users and decision makers.</p> <p>Decision sought: clarification of the provision ‘restrict’ as it relates to earthworks; how this provision will be quantified and assessed by plan users and decision makers.</p>
12	ONF-3 Map	Oppose.	<p>It is not entirely clear from the ONF-3 map if the state highway is included in this ONF. Council’s Policy Planner has advised that a portion of SH54 intersects the Rangitikei River area at Vinegar Hill.</p> <p>Whilst we support the identification and protection of these areas, SH54 is already designated and is an existing road. We consider that the designation framework will achieve the same outcome as proposed by these provisions and therefore, it is unnecessary to include this road within this ONF. Furthermore, including the designation can create confusion for future decision makers when assessing outline plans for example, due to interpretation differences and/or confusion over which provisions apply.</p> <p>Decision sought: Exclude SH54 from ONF-3.</p>
13	ONF-13 Map	Oppose	<p>The Transport Agency considers that this ONF should exclude the new highway designation. It should be excluded because the new highway will introduce substantial works and built form into the environment, and this has clearly been signalled since before PC65 was notified. Conversely, it is not necessary for the new highway designation to be included within the ONF, because the provisions of the designation have been agreed and will appropriately mitigate effects on the landscape and receiving environment more broadly.</p>

			<p>This will be achieved through the numerous designation conditions (the ecological, earthworks, planting and landscape management plans in particular).</p> <p>If the designation area is included within the ONF, there would be a potential for future decision makers to interpret differently the PC65 provisions and how these do or do not apply to the new state highway, including outline plans and outline plan waivers.</p> <p>Decision sought: Exclude the new state highway designation from ONF-13.</p>
14	ONF-13 Features of Outstanding Natural Feature	Support with amendment.	<p>The Table is very informative and provides plan users with helpful information. The Transport Agency considers however, that the information under “Shared/Recognised” unnecessarily complicates our agreed designation provisions where it refers to “<i>Careful design of the highway by bridging and retention of ecological values...</i>”. This entire last sentence should be removed.</p> <p>Decision Sought: Amend the provisions: “Careful design of the highway by bridging and retention of ecological values will allow the area to retain recognition as an ONF with the highway designation in place”.</p>
15	Definitions in existing Chapter 2	Support in part with clarification.	<p>The Transport Agency acknowledges the inclusion of two new definitions: ‘functional need’ and ‘operational need’ from the National Planning Standards. It is unclear how ‘need’ will be demonstrated by plan users and clarification is sought on this aspect.</p> <p>Decision sought: clarify how ‘need’ as it relates to these provisions will be demonstrated by plan users.</p>



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** of the Manawatu District Council Plan

Submitter details

Full name ADRIAN GORDON JAMES DEMPSTER

C/- BLACK FERN FORMS LTD.

Physical address 137 UMUTOI NORTH RD

RD 1

APT 1

4771

Postal address (if different from above) _____

Contact numbers 06 3284841 021 2588275

Phone (day)

Mobile

Fax

Email address aandempster@xnet.co.nz

~~I could~~ could not [select one] gain an advantage in trade competition through this submission.

I am ~~am not~~ [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) ~~Does not relate to trade competition or the effect of trade competition.~~

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

PLAN CHANGE 65, ONFL 8.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

PLEASE REFER TO ATTACH LETTER.

'OPPOSE'

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing
- [select one]

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)



Signature

13 MAR 20

Date



Signature

13 MAR 20

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

- post hand delivered

Received at the Council on

BLACK FERN FARMS LTD

137 Umutoi North Rd
RD 1
APITI
4771

13 March 2020

Black Fern Farms Limited totally **opposes** the recommended provisions to the Proposed Plan Change 65, specifically in relation to ONFL8.

The landscape assessment area identified under ONFL8 that impacts on the legal titles of Black Fern Farms Limited have and will continue to be managed and controlled in a sustainable and protective manner to ensure the ongoing protection of natural features and landscape remain intact as it has been for several decades to date.

This draft plan change removes our ability to utilize the environmental diversity options that were purchased with our property: (52 acres are affected by the landscape assessment). Under the proposed plan the access and utilisation of these affected areas has a huge impact on the way we use and interact with this land.

Portions of the identified areas are currently protected and legally registered against the land titles that have been identified in this plan change, these areas are registered pertinent to the Climate Change Response Act 2002. (Emission Trading Scheme), how is this then legally annotated onto individual titles and which legal premise has precedence?

The assessed land is also subject to the Horizons Regional Council 'Whole Farm Plan' programme and incorporates the 'Sustainable Land Use Initiative' (SLUi) guidelines. As a result of this there have been no adverse effects placed on the parcels of land inside the ONFL8 zone. This facility allows us as owners to manage the impacts either directly or indirectly on our farming business with sound advise and experts knowledge provided by Horizons.

The Farm Plans provide us with options and strategies to deal with unforeseen adverse events like feed pinches and climatic weather events as and when they occur. Under the proposed plan you are taking away this flexibility to our farming operation and essentially removing any insurance policy we have developed for such events.

Looking forward, with the Governments proposal to achieve carbon neutrality via a 'Zero Carbon Bill' introducing the 'Fresh Water Accord' as only two examples of new legislation required all from landowners and farmers. This additional proposed change doesn't incentivise landowners to do the right thing at a farm level and reduces our ability to mitigate environmental and political issues moving forward.

In the proposed plan there is no mention of remuneration or title exchange, yet if you wish to take control of the land then there needs to be adjustment to the legal descriptions and

covenants associated to these parcels of land. As with any user pays system if you can't utilise it then why should we pay for it. This would imply that there will be no requirement to pay rates for parcels of land the we can no longer utilise.

Therefore, it is recommended that;

- a. the proposed landscape assessed area remains under the current and future landowner stewardship and remains managed in consultation with local body authorities as is the agreed current practice,
- b. We retain continuation of existing stock grazing within the Makiekie and Limestone Creek area,
- c. We retain our access rights as purchased.

We wish to be notified of any findings and also wish to speak at the hearing of submissions.

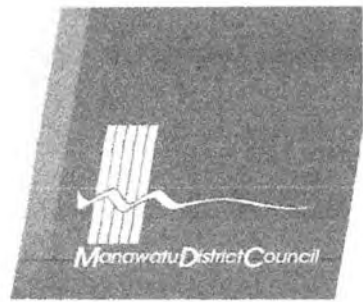
Please keep us informed of upcoming meetings and discussion groups that impact on ONFL8 findings and correspondence.



A.G.J.Dempster
Director



A.T.Dempster
Director



Form 5

Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
 Manawatu District Council
 Private Bag 10 001, Feilding 4743
 135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
 Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name ADRIAN GORDON JAMES DEMPSTER
C/- BLACK FERN FARMS LTD.

Physical address 137 UMUTOI NORTH Rd
Rd 1
APITI
4771

Postal address (if different from above) _____

Contact numbers 06 3284841 021 2588275
 Phone (day) Mobile Fax

Email address aandempster@xnet.co.nz

I ~~could~~ could not [select one] gain an advantage in trade competition through this submission.

I am ~~am not~~ [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) ~~Does not relate to trade competition or the effect of trade competition.~~

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

PLAN CHANGE 65, ONFL 8.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

PLEASE REFER TO ATTACH LETTER.

'OPPOSE'

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)

	
.....
Signature	Date
	
.....
Signature	Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

- post hand delivered

Received at the Council on

BLACK FERN FARMS LTD

137 Umutoi North Rd
RD 1
APITI
4771

13 March 2020

Black Fern Farms Limited totally **opposes** the recommended provisions to the Proposed Plan Change 65, specifically in relation to ONFL8.

We currently own parcels of land contained in the Plan Change 65 therefore, the landscape assessment areas identified impacts on our legal titles which we have legally purchased.

Whether the land is deemed effective or ineffective the land value remains the same on purchase, and rating of the said land also has no differential.

Although under the proposed plan the access and utilisation of these affected areas has a huge impact on the way we use and interact with this land.

Should this plan change go ahead as the legal landowner we are going to lose the ability to use this land, so why are we going to be penalised twice for something we have bought and will continue to pay for through rates. If you want to take control then you should legally purchase the land and therefore become the legal owner. As the then legal owner and governing authority any issues arising can be resolved and managed through current law (eg: fencing code of practice, noxious weed control, environment court, etc).

This will require legal title amendments and reduce our ongoing rating burdens for parcels of land that we can no longer utilise to its full potential.

As we are the people of this land, we do not want to lose any ownership or management rights to farm and use our own land, Land that we paid for and pay rates on regardless of its land use description.

The identified areas are currently under 'Whole Farm Plans' through the local body authority of Horizons Regional Council and these plans incorporate 'Sustainable Land Use Initiative' (SLUi) guidelines.

Are you saying that these no longer apply to our farming entities and who will cover the cost of redrawing these plans?

The area of land in its current and future state acts as a natural buffer and filter to help mitigate sediment and leachate issues, this also allows legal owners of affected areas to adapt to political and environmental pressures (things such as Fresh Water Accord, Overseer 4, Environmental Plans, etc)

This plan change therefore removes any right as legal landowners to offset current and future legislation bills. Without the right of management over these areas we are no longer have the flexibility to respond to outside influences.

With the current grazing of stock conducted within the identified areas this helps to reduce and mitigate any unforeseen and adverse events during feed pinches, this also allows us to control weed species, pasture and stock pest habitats. (eg: ragwort, blackberry, barberry, flat weeds and the like, ticks, grass grub, porina, rodents, opossums)

Under this plan who will manage and conduct this?

In conclusion we want to retain full legal ownership and management rights as they currently stand. This has clearly worked as the areas identified are now being earmarked as Outstanding Natural Features and Landscapes albeit to our detriment.

As the current owners we have continued to ensure the environmental protection and biodiversity of these areas.

As recently reported by the Mayor (Worboys, Rural News, 10 Mar 20) times are getting harder for farmers as new legislation is being thrown at them, plus stating that the council has no additional resources to deal with the things like biodiversity plans, so looking at the proposed plan as it currently stands it can't be effectively managed and monitored by council resources amid funding and staffing constraints. To date this is currently being resourced and funded by the current landowners.

With the Makiekie Reserve located adjacent to this plan it appears to be just an extension to the current reserve boundaries which in turn is taking the recognition for the hard efforts of previous and current land owners.

It is recommended that the management of the identified areas is left to the current regime and that the council focuses its time and efforts on more pressing issues that can be effectively resourced for the greater benefit of a larger portion of rate payers, which it has been empowered by voters to represent.

Recommendations:

1. Recommend that the proposed landscape assessed area remains under the current and future landowner stewardship and remains managed in consultation with the local body authorities as is the current practice. (in line with current environmental and political constraints)
2. Retain continuation of existing stock grazing within the Makiekie and Limestone creek.

3. Retain our access to water.
4. Retain our access rights.
5. Want to be left to the 'quiet enjoyment' of our own land.

The following are some **questions** we would like answers to;

1. What is the legal expression of interest that would be entered on the Deed of Title?
2. What are going to be the future stipulation on land use outside of the 'Red Line', additionally what is the width of the Red Line?
3. With the use of the term 'discretion' as stated in the plan, on who's authority is this?
4. Who will pay for the changes required under the SLUi / Whole Farm Plans?

We wish to be notified of any findings and also wish to speak at the hearing of submissions.

Please keep us informed of upcoming meetings and discussion groups that impact on ONFL8 findings and correspondence.



A.G.J. Dempster
Director



A.T. Dempster
Director



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65. of the Manawatu District Council Plan

Submitter details

Full name Phillip McKinnon

Physical address RD 34 Kimbolton 4774

Postal address (if different from above)

Contact numbers

Phone (day) 3282707 Mobile mckinnonclan@inspire.net.nz Fax

I could / could not [select one] gain an advantage in trade competition through this submission.

I am / am not [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

General comments.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

68 West Manakahuia Rd & 628 Ruahine Rd
on North side of Titirangi Reserve - I
currently run a farm on both of these addresses.

The extent of the proposed areas included
in this Plan Change need to be revised to
allow my farming activity to continue.

In the future, I hope to sell this farm on as
I paid for it in the first place.

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

- Revise extent of proposed areas affecting
my farm land

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing
- [select one]

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)



Signature



Date

Signature

Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

post hand delivered

Received at the Council on
date time

Full name:	Rochelle Paranihi
Physical address:	21 Port Street West, Feilding 4702
Postal address: <i>(if different from above)</i>	
Contact phone number (day):	02108230052
Mobile number:	
Fax number:	
Email address (Please note, email is our preferred mode of contact with our submitters):	rparanihi@gmail.com
Could you gain an advantage in trade competition through this submission?	No
Are you directly affected by an effect of the subject matter of the submission that: (a) Adversely affects the environment; and (b) Does not relate to trade competition or the effect of trade competition?	Yes
The specific provisions of the proposal that my submission relates to are as follows <i>(please give details)</i> :	Appendix 1 & the values associated with the Rangitikei River & the associated district plan provisions.
My submission is that: <i>(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)</i>	We oppose the plan change on the grounds that we have not had sufficient opportunity to provide input and the values of Ngāti Tūwharetoa are underrepresented in the proposed plan change. Could we have an extension on the response
I/we seek the following decision from the Manawatu District Council <i>(give precise details, use additional pages if required)</i> :	We want to work with Council to ensure Ngāti Tūwharetoa values are incorporated into the proposed plan change.
I/we wish to speak in support of my/our submission:	Yes
If others make a similar further submission I/we will consider presenting a joint case with them at the hearing?	Yes



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** 65 of the Manawatu District Council Plan

Submitter details

Full name Steven Carl Crutchley &

Adele Jeannette Hillas

Physical address

229 Tunipo Road

Umutoi

Apiti

Postal address
(if different from above)

384 Scotts Road

R.D.2

Palmerston North

Contact numbers

027 387 5113

Phone (day)

Mobile

Fax

Email address

adele@inspire.net.nz

I ~~could~~ / **could not** [select one] gain an advantage in trade competition through this submission.

I **am** / ~~am not~~ [select one] directly affected by an effect of the subject matter of the submission that:

- a) Adversely affects the environment; and
- b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

Plan change 65
Makiekie Creek, ONFL8
NZ Topo BL35

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

please refer to attached sheet
S.C. Crutchley & A.J. Hillas

(please include additional pages as necessary)

we have included [insert number] additional pages

we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

please refer to attached sheets

Submission at the Hearing

- I/we **wish to** speak in support of my/our submission [select one]
- I/we **do not wish** to speak in support of my/our submission
- If others make a similar further submission I/we will consider presenting a joint case with them at the hearing

Signature(s)

Of submitter(s) or person authorised to sign on behalf of submitter(s)


.....
Signature

13th March 2020
.....
Date


.....
Signature

13th March 2020
.....
Date

Important Information

1. The Council must receive this submission before the closing date and time for submissions on this Plan Change or Variation.
2. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change or Variation process.
3. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

For office use only

- post hand delivered

Received at the Council on
date time

We **OPPOSE** the recommended provisions to the proposed plan change 65.

We currently own parcels of land contained in the Plan Change 65 therefore, the landscape assessment areas identified impacts on our legal titles which we have legally purchased.

Whether the land is deemed effective or ineffective the land value remains the same on purchase, and rating of the said land also has no differential.

Although under the proposed plan the access and utilisation of these affected areas has a huge impact on the way we use and interact with this land.

Should this plan change go ahead as the legal landowner we are going to lose the ability to use this land, so why are we going to be penalised twice for something we have bought and will continue to pay for through rates. If you want to take control then you should legally purchase the land and therefore become the legal owner. As the then legal owner and governing authority any issues arising can be resolved and managed through current law (e.g. fencing code of practice, noxious weed control, environment court, etc).

This will require legal title amendments and reduce our ongoing rating burdens for parcels of land that we can no longer utilise to its full potential.

As we are the people of this land, we do not want to lose any ownership or management rights to farm and use our own land, Land that we paid for and pay rates on regardless of its land use description.

The identified areas are currently under 'Whole Farm Plans' through the local body authority of Horizons Regional Council and these plans incorporate 'Sustainable Land Use Initiative' (SLUi) guidelines.

Are you saying that these no longer apply to our farming entities and who will cover the cost of redrawing these plans?

The area of land in its current and future state acts as a natural buffer and filter to help mitigate sediment and leachate issues, this also allows legal owners of affected areas to adapt to political and environmental pressures (things such as Fresh Water Accord, Overseer 4, Environmental Plans, etc)

This plan change therefore removes any right as legal landowners to offset current and future legislative bills. Without the right of management over these areas we no longer have the flexibility to respond to outside influences.

With the current grazing of stock conducted within the identified areas this helps to reduce and mitigate any unforeseen and adverse events during feed pinches, this also allows us to control weed species, pasture and stock pest habit (e.g. ragwort, blackberry, barberry, flat weeds and the like, ticks, grass grub, porina, rodents, and opossums)

Under this plan who will manage and conduct this?

In conclusion we want to retain full legal ownership and management rights as they currently stand. This has clearly worked as the areas identified are now being earmarked as Outstanding Natural Features and Landscapes albeit to our detriment.

As the current owners we have continued to ensure the environmental protection and biodiversity of these areas.

As recently reported by the Mayor (Worboys, Rural News, 10 Mar 20) times are getting harder for farmers as new legislation is being thrown at them, plus stating that the council has no additional resources to deal with the things like biodiversity plans, so looking at the proposed plan as it currently stands it can't be effectively managed and monitored by council resources amid funding and staffing constraints. To date this is currently being resourced and funded by the current landowners.

With the Makiekie Reserve located adjacent to this plan it appears to be just an extension to the current reserve boundaries which in turn is taking the recognition for the hard efforts of previous and current land owners.

It is recommended that the management of the identified areas is left to the current regime and that the council focuses its time and efforts on more pressing issues that can be effectively resourced for the greater benefit of a larger portion of rate payers, which it has been empowered by voters to represent.

Recommendations:

1. Recommend that the proposed landscape assessed area remains under the current and future landowner stewardship and remains managed in consultation with the local body authorities as is the current practice. (in line with current environmental and political constraints)
2. Retain continuation of existing stock grazing within the Makiekie and Limestone creek.
3. Retain our access to water.
4. Retain our access rights.
5. Want to be left to the 'quiet enjoyment' of our own land.

The following are some **questions** we would like answers to;

1. What is the legal expression of interest that would be entered on the Deed of Title?
2. What are going to be the future stipulation on land use outside of the 'Red Line', additionally what is the width of the Red Line?
3. With the use of the term 'discretion' as stated in the plan, on who's authority is this?
4. Who will pay for the changes required under the SLUi / Whole Farm Plans?



Form 5 Submission on a Publicly Notified Plan Change under Clause 6 of the First Schedule to the Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001, Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries phone: 06 323 0000 fax: 06 323 0822 email: districtplanreview@mdc.govt.nz

To Manawatu District Council
Submission on **Plan Change** of the Manawatu District Council Plan

Submitter details

Full name James Moar.
Physical address Braemar Farms LTD
559 Saddle Road Ashhurst
Postal address (if different from above) Box 86 Ashhurst
Contact numbers 021 737 885
Phone (day) Mobile Fax
Email address jmoar@inspire.net.nz

I could / could not [select one] gain an advantage in trade competition through this submission.
I am / am not [select one] directly affected by an effect of the subject matter of the submission that:
a) Adversely affects the environment; and
b) Does not relate to trade competition or the effect of trade competition.

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

Submission details

The specific provisions of the proposal that my submission relates to are as follows (please give details)

We disagree with the whole act.

My submission is that

(State in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons)

- 1) We disagree with the entire proposal.
- 2) Does the panel have an understanding of our land and are they independent of council?
- 3) We believe you have more than enough of this land.
- 4) We are to lose 240ha +
- 5) For us to be complaint who pays for fencing, weeds etc.
- 6) Large volumes of native trees, rimu etc, council must pay compensation.
- 7) Lose of value of property.
- 8) Who pays rates?
- 9) Cultural significance to our larger family.
- 10) We already look after this land well.

(please include additional pages as necessary)

I/we have included [insert number] additional pages

I/we seek the following decision from the Manawatu District Council (give precise details, use additional pages if required.)

- 1) The proposal should not go ahead in this form.
- 2) Landowners are the best carers of the land.
- 3) The council needs to work out what is iconic. To my knowledge the Manawatu flat terraces are the most iconic formation this is well researched by many people throughout N.Z.
- 4) The way this act is proposed, the council has all the power requiring no financial input, but requires the landowner to pay at council's direction, and still lose large amounts of value on land, rates etc.
- 5) This act is unbalanced, written by people with little understanding of the effects to the community and the landowner. Most urban people will be impressed, knowing their rate money being wasted on this proposal.

- 6.) This smirks of a land grab.
- 7.) If Council thinks landowners are doing a poor job of looking after this land, perhaps they should spend some of this money educating landowners on better practise.
- 8.) You are taking the rights of the people (landowners) and replacing it with Communist principal.
with respect.
- 9.) It would be very doubtful if council has the personal to make this work. I suspect that even this panel has no idea of what happens in some of this Land, let alone advise very experienced people looking after it.
- 10.) This act needs to be completely rewritten taking in all of these thoughts.

From: Angela McIntyre <armcintyre@inspire.net.nz>
Sent: Thursday, 11 June 2020 1:40 pm
To: districtplanreview
Subject: Re: CORRECTION & formally serving you on Proposed plan change 65

Good afternoon,

thank you for that.

I have a question can it be noted that I can not understand the Bird and Forest submission and therefore can no support the whole document as with DOC submission. There are things I have tried to understand as i have dyslexia.

Regards

Angie

From: Angela McIntyre <armcintyre@inspire.net.nz>
Sent: Tuesday, 9 June 2020 6:45 pm
Subject: CORRECTION & formally serving you on Proposed plan change 65

Importance: High

Good evening,

I am formally advising you of my submission for the Proposed plan change 65.

PLEASE NOTE: THIS EMAIL PROVIDES THE CORRECTION

I have a correction on

- [Submission 031 - Ngāti Tūwharetoa](#) – intentions of building a small discrete hut and to protect land, show proactive in good active management of identified land

Please correct to

Submission 015 - Nga Tamariki a Tane Society Inc – intentions of building a small discrete hut and to protect land, show proactive in good active management of identified land

Regards

Alex and Angela McIntyre

--

Alex & Angela McIntyre
376 Orangipongo Road
R.D 54
Kimbolton

Angela 027 81 55 658
Alex 027 25 12 450

Form 6

Further Submission on a Plan Change to the Manawatu District Plan

Clause 8 of First Schedule – Resource Management Act 1991

Send or deliver your submission to: Principal Planner
 Manawatu District Council
 Private Bag 10 001
 Feilding 4743
 135 Manchester Street, Feilding 4702

For enquiries: phone 06 323 0000 fax 06 323 0822 email districtplanreview@mdc.govt.nz

This is a further submission on Proposed Plan Change number 65

Submitter Details

Full name ALEXANDER ROBERT & ANGELA RUTH MCINTYRE

Physical address 376 ORANGIPONGO ROAD,
OHINGAITI

Postal address
(if different from above) 376 ORANGIPONGO ROAD
RD54
Kimbolton 4774

Contact numbers 0278155658

Phone (day)	Mobile	Fax
-------------	--------	-----

Email address armcintyre@inspire.net.nz

1. I am (Please indicate A. B. or C.)

<p>A. A person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or</p> <p>B. A person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category; or</p> <p>C. The local authority for the relevant area.</p>	<p>Please indicate A,B or C</p>
<p>Please state grounds for why you come within category A. or B. above:</p> <p>B. LAND OWNER</p>	

Please note fields 2 – 6 below should be used to support/oppose only one original submission. You can support/oppose additional original submissions by submitting the information required by fields 2 – 5 on additional pages.

2. This is a Further Submission...

in support of / in opposition to *[select one]*...

3. Submission No. (State the Submission Number and submission point i.e. S100/002)

<p><i>[Submission No.]</i></p>
<p>State the name and address of the person or organization making the original submission:</p> <p>PLEASE SEE EMAILED ATTACHMENT</p>

4. The particular parts of the submission that I support / oppose are:

<p>Clearly state which parts of the original submission you support or oppose, together with any relevant provisions of the Plan Change.</p> <p>PLEASE SEE EMAILED ATTACHMENT.</p>
--

5. The reasons for my support or opposition are:

[Give clear reasons.]

PLEASE SEE EMAILED ATTACHMENT

6. I seek the following decision from the Manawatu District Council

[Give precise details of the decision you want the Council to make.]

PLEASE SEE EMAILED ATTACHMENTS

7. Do you wish to be heard in support of your submission?

- I/we **wish** to speak in support of my/our submission
- I/we ~~do not~~ **wish** to speak in support of my/our submission

8. If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

Please indicate

Yes / ~~No~~

Signature(s)

Of person making further submission (or person authorised to sign on behalf of person making further submission)



Signature

8/6/20

Date



Signature

8/06/2020

Date

Important Information

1. The Council must receive this further submission before the closing date and time for further submissions on this Plan Change.
2. A copy of this further submission form **MUST** be served on the original submitter not later than **five working days** after the day on which the further submission is provided to the Council.
3. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change process.
4. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

NAME: ANGELA RUTH & ALEXANDER ROBERT MCINTYRE
PHYSICAL ADDRESS: 376 ORANGIPONGO ROAD, OHINGAITI
POSTAL ADDRESS: 376 ORANGIPONGO ROAD, RD 54, KIMBOLTON 4774
CONTACT NUMBER: 0278155658

Please state grounds for why you come within the category chosen above:

OWNER OF LAND

This is a further submission:

OPPOSED of submitted submissions from:

- Submission 008 - Department of Conservation strongly disagree with submission particularly 3 (c. & d.) landowners are proactive and are committed to enhancement of their land therefore the identified ONFL areas – credit is needed for their management. Horizons have implemented change through SLUI/One Plan. DOC's submission disadvantages landowners in providing a fair outcome economically just because of their location
- Submission 009 - Forest and Bird – strongly disagree to more stringent rules. Adequate protection is already provided as areas are identified as being noteworthy and memorable as it stands today.

Agree in part of submission from:

1. Submission 013 - Horizons Regional Council – agree that avoid duplication of regulations. The MDC isn't taking enough care in removing the overlap when it comes to the method for looking after the special identified areas. Currently landowners are able to learn with support with the horizon SLUI/One Plan and plan while the proposed district plan change limits our ability to learn and adapt. Mr Hudson works as a land architect and not in the field of geomorphology or ecology, Whereas the One Plan and property specific SLUI farm plans are underpinned by many experts from a variety of disciplines and are not a blanket 'one size fits all approach'.
- - Submission 017 - Barbara Hyde – strongly agree that online boxes of submission forms restricts full and free speech, simple language needs to be used, no more development is needed of Totara Reserve due to close proximity of shops in Ashurst. There is a conflict of interest in providing economic advantage for council in ONFL rules.
 - Submission 031 - Ngāti Tūwharetoa – intentions of building a small discrete hut and to protect land, show proactive in good active management of identified land

Agree with whole submission from:

- **Submission 006 - Sharn Hainsworth** - strongly agree microhydro resources and utilities needs to allow for gravitational potential energy. Also, to allow economic development for landowner.
- **Submission 001 - Lynette Worsfold**
- **Submission 003 - Karen Fallaver** - strongly agree that individual consultation of effected parties needs to be done
- **Submission 004 - Jack Baker**
- **Submission 005 - Pedersen- Wilson**- strongly agree to exclude Lake Kaikokopu
- **Submission 010 - Powerco**
- **Submission 012 - Transpower**
- **Submission 007 - Byfords Construction 2014 Ltd**
- **Submission 021 - Aggregate and Quarry Association**
- **Submission 022 - NZDF**
- **Submission 011 - Bronwyn and Jason Robb** - strongly agree mistakes in map and incorrect data/information
- **Submission 020 - Nick and Annaliese Berry** - strongly agree access for permission sorted from landowner, exotic trees need to be allowed for erosion control, earthworks and building allowed
- **Submission 024 - Steve and Julie O'Reilly**- strongly agree landowners maintain the rights of ownership and management they see fit, grazing of stock to minimise weed control in addition to their list of weeds; Old man's beard (OMB), Lupins and gorse (nitrogen fixers to river sand/riverbed. Continuation of farming practices feed pinches (animal welfare) or access to water as seen in 2020 with Drought drying up dams. Strongly agree with compensation in decrease in rate payments for land that cannot reach its full economic potential.
- **Submission 025 - Stephanie Holloway** – strongly agree that landowners are proactive in good active management of identified land and preservation and where appropriate enhancing the land to leave in a better condition that at purchase date.
- **Submission 027 - Federated Farmers NZ**
- **Submission 028 - NZTA**
- **Submission 029 - Black Fern Farms Ltd** - strongly agree that One plan farm plan's give flexibility for effective management
- **Submission 030 - Phillip McKinnon**
- **Submission 032 - Steven Crutchley and Adele Hillas**
- **Submission 033 - James Moar**
- **Submission 019 - Phillipa Williams** – agree strongly with Tuha stream being excluded. Lupin, gorse (nitrogen fixers into soil and not leaching from farmers using fertilizer) and weed control on riverbed is poor – stock needed for weed control. Councils abolished control of OMB upstream leaving downstream properties infested. Stock naturally control young plants instead of chemicals.
- **Submission 018 - Bryan Rendle** strongly agree individual assessment and consultation is needed

General comment

2. I stand firmly that the proposed Plan Change 65 should be abolished as Mr Hudson was working out of his expertise.
3. Manawatu district council failed to consult effected landowners and obtain vital information for correct analysis.
4. We as the affected parties have not seen section 32 analysis and the economic impact of the region's wealth, culture, etc

Landowners have a vested interested, out of necessity, in making our assets as versatile to retain the highest value. Privately owned land is essential to maintain the highest value for their land which comes from maximum versatility. Heavy-handed and unnecessary regulation will not build trust or a strong culture of compliance especially when there has been lack of consultation during this process and inaccurate analysis.

Landowners have adopted a culture to actively manage their land including the ONFL areas voluntarily as seen in many of these submissions. MDC needs to trust Horizons SLUI/One Plan and landowners to implement individually, enhancing the delicate microclimates/ecological/biological significant areas within the region allowing for creative uses and recognising new future technologies increasing resilience and the ability for farmers to adapt.

With an increase in natural disasters which effect the identified land, landowners will be inhibited by the proposed plan, therefore we need to obtain the right to retain the opportunity for creative uses on their land. Regulations that stops subdivision or creative uses on the land in times of hardship or for development which creates wealth for the region is detrimental and will decrease farmers resilience and the ability to adapt.

We would like continuation of grazing the Mangamako Gorge through our normal rotation of stock and in difficult times.

I would like to speak at the hearing on all proposed points of the proposed Plan Change 65. I am still gathering further information therefore are unable to give precise details at this time and if necessary, will speak on other submissions.

*I seek the following decision from the Manawatū District Council:
Give precise details of the decision you want the Council to make*

- Will there be compensation in form of a free consent processes for effected landowners?
- Will the proposed plan change 65 hold greater power/value than the SULMI/One Plan?
- What consultation/action has been taken to gain land access to view the Mangamako Gorge?
- Please provide written documentation for any consultation or communication undertaken to find out the History of Mangamako Gorge as 'history unknown' is insufficient?
- **Please provide me with a hard copy of the evidence of NIWA's predictions, including scientific data on the vertebrae and invertebrate species and aquatic life on the Mangamako Gorge in the proposed plan change 65 area.**

Further Submissions Form – Proposed Plan Change 65 to the Manawatu District Plan

Form 6 RMA

This is a further submission in support of (or in opposition to) a submission on Proposed Plan Change 65 Outstanding Natural Features and Landscapes to the Manawatu District Plan

To:

Principal Planner

Manawatu District Council

Private Bag 10 001

Feilding 4743

135 Manchester Street, Feilding 4702

Email: districtplanreview@mdc.govt.nz

Further Submitter Details:

Name: Organisation (if applicable): **Transpower New Zealand Ltd**

Address: **PO Box 1021, Wellington**

Address for Service: **Boffa Miskell Ltd, PO Box 11340, Wellington 6142, Attn: Pauline Whitney**

Daytime phone number: **0210 236 4245 / 04 901 4290**

Email address: **pauline.whitney@boffamiskell.co.nz**

Select one status:

I am or represent a person/organisation representing a relevant aspect of the public interest ~~YES~~/NO

I am or represent a person/organisation whose interest in the proposal is greater than that of the general public YES

Explain why you claim this status: **Transpower NZ Ltd is the owner and operator of the National Grid. The need to operate, maintain, develop and upgrade the National Grid is identified as a matter of national significance under the National Policy Statement on Electricity Transmission 2008. Transpower also has an interest as a landowner and occupier.**

Particular parts of submissions supported/opposed:

Details of the further submission are contained in the attached table. Included in the table are: submission point reference number, submitter name, particular parts of the submission supported or opposed, relief sought, and reasoning for the further submission point.

Transpower wishes to be heard in support of its further submission.

A handwritten signature in black ink, appearing to read 'D. Why'.

Signature of person making further submission
(or person authorised to sign on behalf of person making further submission)

Date:

11 June 2020

New Chapter: NFL – Natural Features and Landscapes

Sub Point No	Submitter Name	Plan Provision and Relief Sought	Oppose/Support	Reasons for Support or Opposition	Relief Sought Allow/Disallow
NFL - Introduction					
S10/17	Powerco	<p>NFL – Introduction</p> <p>Amend introductory text to NFL- Natural Features and Landscapes to provide greater clarity on how the objectives, policies and rules contained in this section apply in relation to Chapter 3A Network Utilities and Chapter 3D Earthworks, as follows:</p> <p>"This chapter must also be read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more specific provisions in Chapter 3A Network Utilities apply <u>and prevail over this chapter.</u> Earthworks associated with <u>network utilities</u> within Outstanding Natural Features and Landscapes are provided for in Chapter 3D Earthworks. <u>These provisions</u> prevail over the provisions contained within this chapter."</p>	Support	The submission point is supported by Transpower as it is consistent with the relief sought in Transpower’s submission regarding clear provisions for the National Grid. It is Transpower’s understanding (based on the statement provided in the introduction to Chapter NFL – Natural Features and Landscapes and the introduction statement under the NFL Rules heading) that the more specific provisions for network utilities and earthworks in Chapters 3A and 3D apply to activities associated with the National Grid where they are within ONFLs and SAFs, rather than the NFL provisions. The relief sought by the submission point would provide further clarity and certainty for plan users in relation to this matter and is therefore supported.	Allow
S10/18	Powerco	<p>NFL – Introduction</p> <p>Amend introduction text as set out in the above submission point and confirm that Chapter NFL- Natural Features and Landscapes do not apply to Network Utilities. If this relief is not accepted, Powerco objects to all objectives, policies and rules in the NFL - Natural Features and Landscapes chapters, and seeks they are amended as required to appropriately and adequately provide for the establishment, maintenance, upgrading and operation of electricity distribution lines.</p>	Support	The submission point is supported by Transpower as it is consistent with the relief sought in Transpower’s submission regarding clear provisions for the National Grid. It is Transpower’s understanding (based on the statement provided in the introduction to Chapter NFL – Natural Features and Landscapes and the introduction statement under the NFL Rules heading) that the more specific provisions for network utilities and earthworks in Chapters 3A and 3D apply to activities associated with the National Grid where they are within ONFLs and SAFs, rather than the NFL provisions. However, if the application of the plan provisions differs from this, Transpower would object to the NFL provisions and would seek their amendment to ensure the National Grid is appropriately recognised and provided for. Transpower therefore supports the relief sought by the submission point.	Allow
NFL - Permitted Activities					
S9/36	Forest and Bird	NFL-R6 (Maintenance of existing lawfully established structures as at 7 February 2020)	Neutral/Oppose	This permitted activity rule provides for maintenance activities to existing lawfully established structures as of the specified date. It is Transpower’s understanding (based on the interpretation statement provided in the introduction to	Neutral/Disallow

		Oppose as uncertain and too broad as to the potential adverse effects that could be generated through 'maintenance'. Amend to include limits on maintenance.		Chapter NFL – Natural Features and Landscapes and the introduction statement under the NFL Rules heading) that the more specific rule provisions for network utilities in Chapter 3A apply to maintenance activities associated with the National Grid within ONFLs and SAFs rather than the NFL rules. On the basis that it is the network utility rule provisions in Chapter 3A that apply to the National Grid, Transpower is neutral in terms of this submission point and the relief sought. However, if this application of the rules was to change, Transpower would oppose the relief sought by submission S9/36.	
S9/39	Forest and Bird	NFL-R9 (Earthworks associated with a permitted activity listed above and consistent with Rule 3D.4.2) Support in part - this rule should not result in allowing additional vegetation clearance as a result of earthworks. This rule is only acceptable when there are appropriate limits to vegetation clearance within the permitted activities above. Retain the rule on the basis of the amendments sought to the permitted activities.	Neutral/ Oppose	This permitted activity rule provides for earthworks activities associated with a permitted activity listed above (NFL-R1 to R8) and consistent with Rule 3D.4.2. It is Transpower's understanding (based on the interpretation statement provided in the introduction to Chapter NFL – Natural Features and Landscapes and the introduction statement under the NFL Rules heading) that the more specific rule provisions for earthworks in Chapter 3D apply to earthworks activities associated with the National Grid within ONFLs and SAFs rather than the NFL rules. On the basis that it is the Chapter 3D earthworks provisions that apply to the National Grid, Transpower is neutral in terms of this submission point and the relief sought. However, if this application of the rules was to change, Transpower would oppose the relief sought by submission S9/39.	Neutral/Disallow

Chapter 3A - Network Utilities

Sub Point No	Submitter Name	Plan Provision and Relief Sought	Oppose/Support	Reasons for Support or Opposition	Relief Sought Allow/Disallow
3A.4 Rules					
S8/53	Department of Conservation	Rule 3A.4.5 Discretionary activity Amend rule to read:	Oppose	The submission point is opposed by Transpower as it is inconsistent with the relief sought in Transpower's	Disallow

		"Any new network utility, including windfarms and new transmission and distribution electricity lines within any Outstanding Natural Feature as identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2. "		submission and the need to recognise and provide for the National Grid.	
S8/54	Department of Conservation	Rule 3A.4.6 Non Complying activity Amend the rule to read: "Any new network utility, including windfarms and new transmission and distribution electricity lines located within an Outstanding Natural <u>Feature or Landscape</u> identified in NFP-APP1 is a Non-Complying Activity."	Oppose	The submission point is opposed by Transpower as it is inconsistent with the relief sought in Transpower's submission and the need to recognise and provide for the National Grid.	Disallow
Chapter 3D - Earthworks					
3D.3 Objectives and Policies					
S8/55	Department of Conservation	Policy 1.3 Retain this standard.	Support	This submission point is supported by Transpower as the policy provides appropriate provision for earthworks within ONFLs scheduled in NFL-APP1 where they are necessary to manage risk to human health and safety.	Allow
3D.4 Rules					
S8/56	Department of Conservation	Rule 3D.4.4 discretionary activity Amend rule to read; 'Any earthworks within an Outstanding Natural Feature identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2 '	Oppose	The submission point is opposed by Transpower as it is inconsistent with the relief sought in Transpower's submission and the need to recognise and provide for the National Grid.	Disallow
S8/57	Department of Conservation	Rule 3D.4.5 non-complying activity Amend rule to read; 'Any earthworks within an Outstanding Natural <u>Feature or Landscape</u> identified in NFL-APP1, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2 f. v) or vi) is a Non-Complying Activity.'	Oppose	The submission point is opposed by Transpower as it is inconsistent with the relief sought in Transpower's submission and the need to recognise and provide for the National Grid.	Disallow

From: seamless@mdc.govt.nz
Sent: Friday, 12 June 2020 7:38 am
To: districtplanreview
Subject: Further Submissions Submitted

This is a further submission
 on Proposed Plan Change 65
 number:

Full name: Stephanie Holloway
 Physical address: 230 Awawa Road RD 9 Feilding 4779

Postal address:
(if different from above)

Contact phone number (day):

Mobile number: 0211112461

Fax number:

Email address (Please note,
 email is our preferred mode
 of contact with our
 submitters): stephhamish@gmail.com

I am: A person who has an interest in the proposal that is greater than the
 interest the general public has

Please state grounds for why
 you come within the category I am a landowner.
 chosen above:

This is a further submission: in support of

Submission number:
*(State the Submission Number
 and submission point i.e.
 S100/002)* 003, 004, 006, 016, 011, 115, 018, 020, 023, 027

State the name and address
 of the person or organization
 making the original
 submission: 003 Karen Fallaver 004 Jack Baker 006 Sharn Hainsworth 016 Angela and
 Alexander McIntyre 011 Bronwyn and Jason Robb 015 Nga Tamariki a
 Tane Society Inc 018 Bryan William George Rendle 020 Nick and
 Annaliese Berry 023 Mark and Anna Clements 027 Federated Farmers

The particular parts of the
 submission that I support /
 oppose are:

*Clearly state which parts of
 the original submission you
 support or oppose, together
 with any relevant provisions* Whole submissions

The reasons for my support or
 opposition are: Same reasons that they gave in their submissions
Give clear reasons

I seek the following decision from the Manawatū District Council:

Give precise details of the decision you want the Council to make

As was stated in the original submissions. General comments: I'm finding this a really difficult and lengthy process to follow and to get my voice heard. I feel like I'm disadvantaged in this process. Firstly, it's a fragmented process to support/oppose other submissions, easy for me to miss something or make a mistake. Secondly, I don't get paid for my time on this, others do, that's not a level playing field. Thirdly, I am not trained in writing a persuasive case and I don't have the same level of skills in this area as others may have, I almost feel like I need a lawyer for it to be fair. I'm also not confident with public speaking so that's not an option for me, but I would like to hear what is being discussed.

If you have additional information, or wish to oppose/support another original submission, you can upload it here:

No file attached

Do you wish to be heard in support of your submission?:

No

If others make a similar further submission I/we will consider presenting a joint case with them at the hearing?

Yes

From: seamless@mdc.govt.nz
Sent: Friday, 12 June 2020 11:07 am
To: districtplanreview
Subject: Further Submissions Submitted

This is a further submission on Proposed Plan Change
number: PC65

Full name: Thomas Christie

Physical address: 253 Chadwick Road | PO Box 9003, Tauranga
3142

Postal address:
(if different from above)

Contact phone number (day):

Mobile number: 0273419514

Fax number:

Email address (Please note, email is our preferred mode
of contact with our submitters):

I am: A person representing a relevant aspect of the
public interest

Please state grounds for why you come within the
category chosen above: Please see attached.

This is a further submission: in opposition to

Submission number:
*(State the Submission Number and submission point i.e.
S100/002)*

State the name and address of the person or
organization making the original submission:

The particular parts of the submission that I support /
oppose are:
*Clearly state which parts of the original submission you
support or oppose, together with any relevant
provisions*

The reasons for my support or opposition are:
Give clear reasons

I seek the following decision from the Manawatū
District Council:
*Give precise details of the decision you want the Council
to make*

If you have additional information, or wish to
oppose/support another original submission, you can
upload it here: DOC-Ref-CP27-Further-Submission-Proposed-
Plan-Change-65-MDC-DOC-6320891.pdf
(Attached)

Do you wish to be heard in support of your
submission?: Yes

If others make a similar further submission I/we will consider presenting a joint case with them at the hearing? Yes



Department of Conservation
Te Papa Atawhai

DOCDM-6320891

12 June 2020

Manawatu District Council
135 Manchester Street
Feilding

Dear Sir/Madam,

**FURTHER SUBMISSION ON PROPOSED PLAN CHANGE 65 – OUTSTANDING NATURAL
FEATURES AND LANDSCAPES**

Please find enclosed the further submission by the Director-General of Conservation in respect of Proposed Plan Change 65 – Outstanding Natural Features and Landscapes.

Please contact Thomas Christie in the first instance if you wish to discuss any of the matters raised in this further submission on 0273419514 or tchristie@doc.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Smith-Dunlop'.

Moana Smith-Dunlop
Operations Manager
Palmerston North

Department of Conservation *Te Papa Atawhai*
Hamilton Shared Services
Private Bag 3072, Hamilton 3240, New Zealand
www.doc.govt.nz

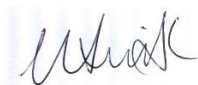
FURTHER SUBMISSION IN SUPPORT OR OPPOSITION TO, SUBMISSION ON PUBLICLY NOTIFIED
PROPOSED PLAN CHANGE 65 – OUTSTANDING NATURAL FEATURES AND LANDSCAPES

Clause 8 of Schedule 1, Resource Management Act 1991

TO: Manawatu District Council

NAME: Director-General of Conservation

1. This is a further submission in support of and in opposition to submissions on the following proposed district plan:
 - 1.1. Proposed Plan Change 65 – Outstanding Natural Features and Landscapes of the Manawatu District Council.
2. I am a person representing a relevant aspect of the public interest for the following reason:
 - 2.1. I have delegated authority in relation to the Director-General of Conservation’s statutory responsibilities under the Resource Management Act 1991.
3. I support or oppose the submissions of those persons and/ or organisations listed in the second column headed “Submitter Name” of Table 1 attached.
4. The particular parts of the submission I support or oppose are identified in the third column headed “Submission” of Table 1.
5. The reasons for my support or opposition are set out under the fifth column headed “Reasons” of Table 1.
6. In relation to those submissions I support, I seek that that submission is allowed.
7. In relation to those submissions I oppose, I seek that the part of the submission I oppose is disallowed.
8. I wish to be heard in support of my further submission.
9. If others make similar submissions, I will consider presenting a joint case with them at the hearing.



.....

Moana Smith-Dunlop
Operations Manager
Palmerston North

Acting pursuant to delegated authority
on behalf of Lou Sanson
Director-General of Conservation

Date: 12 June 2020

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

Address for service of person making further submission:

Department of Conservation
Hamilton Shared Services
PO Box 9003
Tauranga 3142

Contact person: Thomas Christie
Telephone: 027 342 9514
email: tchristie@doc.govt.nz

Table 1: Director-General of Conservation Further Submission Points:

Plan Reference	Submitter Name	No.	Decision Sought	Support/Oppose	Reasons	Relief Sought
Rangitikei River ONF	Byfords Construction 2014 Ltd	1.00	Provision be made for gravel extraction activities within the Rangitikei River ONF	Oppose	Gravel extraction activities are generally not suitable within ONFs and therefore the non-complying activity status afforded within PC65 is appropriate.	I seek that this submission point is disallowed.
Definition of SAF's	Forest & Bird	2.00	Add a new definition as follows: "Significant Amenity Features means those areas identified in APP2 as having amenity values and characteristics that distinguish them from the wider rural area. APP2 describes and recognises the visual amenity values' (i.e. perceptual and aesthetic aspects) location and description consistent with a "visual amenity landscape" under the NESPF."	Support	The proposed definition is considered appropriate to provide clarity and consistency between PC65 and the NESPF.	I seek that this submission point is allowed.
NFL – P#		2.01	Add policy direction to give effect to Policy 15 of the NZCPS.	Support	A specific policy for ONF & ONLs within the coastal environment to give effect to this direction within the NZCPS is appropriate.	I seek that this submission point is allowed.
NLF Policies		2.02	Amend policies to provide direction for the protection of the landscape or feature, rather than of the characteristics and values.	Support	This is consistent with the direction set out within s6(b) of the RMA and Policy 15 of the NZCPS.	I seek that this submission point is allowed.
Appendix 1B		2.03	Retain the Appendix 1B areas identified and ensure the Maps show all applicable overlays.	Support	Agree with submitter's stance that the policy approach to manage effects on characteristics and values of ONLFs would not necessarily provide appropriate protection for a Significant Area. The level of protection under a SAF appears to be less than that for an ONFL and unlikely to achieve the purpose of the Act in respect of a Significant Area.	I seek that this submission point is allowed.
Appendix 1B		2.04	Ensure that the Matters for Discretion in RD rules provide scope for considering effects relating to a	Support	As consequence of support of submission point 3.03.	I seek that this submission point is allowed.

			Significant Area where this is within an ONFL			
NFL-O1		2.05	Delete NFL-O1 as provided for under Policy P1 and P2.	Oppose	It is appropriate for the Policies to link back to the objectives of the PC65	I seek that this submission point is disallowed.
NFL-O2		2.06	Amend to provide protection for the ONFL opposed to characteristics and values.	Support	The proposed amended objective is consistent with the direction of RMA s6(b) and Policy 15 of the NZCPS.	I seek that this submission point is allowed.
NFL-O3		2.07	Deletion of ONF-O3 and inclusion of a new policy and rule to restrict adverse effects of fragmentation.	Support	With the inclusion of subdivision within NFL-O2 this is considered sufficient.	I seek that this submission point is allowed.
NFL-P1		2.08	the matters listed in P1 and applied in APP1 should be the same and should include those set out in Policy 15 of the NZCPS. Amended policy suggested.	Support	The suggested amendment to this provision provides consistency with the matters used by experts in APP1.	I seek that this submission point is allowed.
NFL-P4		2.09	Deletion of NFL-P4	Support	Support deletion as P4 does not include ONLs and seeks to restrict opposed to avoid.	I seek that this submission point is allowed.
NFL-P5		2.10	The current policy wording suggests that the existing farming activities contribute to the outstanding natural feature. Proposed amendment.	Support	The proposed amendment better reflects the relationship of the ONF to the existing farming activity.	I seek that this submission point is allowed.
NFL-P6		2.11	Delete or amend to apply outside the coastal environment as to be consistent with the NZCPS.	Oppose	It is considered prudent to include a policy specifically addressing avoiding cumulative effects and is not considered to be inconsistent with the NZCPS.	I seek that this submission point is disallowed.
NFL-P9		2.12	Retain this policy	Oppose	As per original submission this policy should be amended to include ONFs.	I seek that this submission point is disallowed.
NFL-P10		2.13	Retain this policy	Oppose	As per original submission this policy should be amended to 'avoid' opposed to 'restrict'.	I seek that this submission point is disallowed.
NFL-P11		2.14	Retain this policy	Support	Considered appropriate.	I seek that this submission point is allowed.
NFL-P12		2.15	This policy should also apply to Significant Amenity features.	Support	Agree policy should extend to SAFs.	I seek that this submission point is allowed.

NFL-P13		2.16	The policy requires clarification to ensure consistency with the NZCPS.	Support in Part	Support notion of providing consistency with the NZCPS. However, I seek inclusion of ONFs within policy.	I seek that this submission point is allowed.
NFL-P14		2.17	To ensure characteristics and values are not adversely affected may require restrictions not just management of effects.	Support in Part	Support proposed amendment. However, seek to have ONFs included within NFL-P13.	I seek that this submission point is disallowed.
NFL-P17		2.18	The word “enable” is inappropriate as it suggests other actions may be taken to enable the activity rather than just allowing it to continue in these circumstances.	Support	Support proposed amendment.	I seek that this submission point is allowed.
NFL-P18		2.19	The policy requires clarification as the term restrict aligns with the policy wording to the activities.	Support	Support proposed amendment.	I seek that this submission point is allowed.
NFL-P19		2.20	For clarity and consistency incorporate this policy into P12 above.	Support	Support as consequence of NFL-P12	I seek that this submission point is allowed.
NFL-R8		2.21	Amend to restrict grazing to currently grazed areas of the Rangitikei River ONF.	Support	Support proposed amendment.	I seek that this submission point is allowed.
NFL-R9		2.21	This rule should not result in allowing additional vegetation clearance as a result of earthworks.	Support in Part	Agree that no additional vegetation clearance should take place. However, still seek measurable standards and or description of the types of earthworks which may occur.	I seek that this submission point is allowed.
3A – P1.5	Powerco Ltd	3.00	Proposed new policy to recognise that the significant effects on network utilities cannot always be avoided, remedied or mitigated	Oppose	The proposed amendment removes direction from the proposed policy and acknowledgement of the sensitive nature of SAFs.	I seek that this submission point is disallowed.
3A – P3.3		3.01	Proposed amendment.	Oppose	The proposed amendment compromises the policy’s clarity and intent.	I seek that this submission point is disallowed.
3A – P3.5		3.02	Proposed amendment.	Oppose	The proposed amendment compromises the policy’s intent.	I seek that this submission point is disallowed.
3A.4.5		3.03	Support with minor amendment.	Oppose	Any new network utility, including windfarms and new transmission and distribution electricity lines within any ONF should be a non-complying activity as per original submission.	I seek that this submission point is disallowed.

3A.4.6		3.04	Proposed amendment.	Oppose	Proposed amendment removes lineal network utilities. Does not include activities within an ONF.	I seek that this submission point is disallowed.
3D.4.4		3.05	Retain as notified.	Oppose	Earthworks within an ONFLs should be non-complying to be consistent with the protections for ONL's.	I seek that this submission point is disallowed.
3D.4.5		3.06	Proposed amendment.	Oppose	Earthworks within an ONFLs should be non-complying to be consistent with the protections for ONL's.	I seek that this submission point is disallowed.
3A – P3.6	Transpower Ltd.	4.00	Proposed amendment.	Oppose	'Adverse effects that cannot be avoided will be remedied or mitigated, where practicable' Inclusion of 'where practicable' compromises the protection of the ONFLs. Mitigation is always practicable.	I seek that this submission point is disallowed.
3A.4.5		4.01	Retain as notified.	Oppose	Any new network utility, including windfarms and new transmission and distribution electricity lines within any ONF should be a non-complying activity as per original submission.	I seek that this submission point is disallowed.
3A.4.6		4.02	Provide for new National Grid infrastructure within an identified Outstanding Natural Landscape as a discretionary activity.	Oppose	Any new network utility, including windfarms and new transmission and distribution electricity lines within any ONF should be a non-complying activity as per original submission.	I seek that this submission point is disallowed.
3D.4.4		4.03	Retain as notified.	Oppose	Earthworks within an ONFL should be non-complying to be consistent with the protections for ONLs.	I seek that this submission point is disallowed.
3D.4.5		4.03	Provide for earthworks associated with the National Grid within an Outstanding Natural Landscape as a discretionary activity.	Oppose	Earthworks within an ONFLs should be non-complying to be consistent with the protections for ONLs.	I seek that this submission point is disallowed.
3.A.4.2	Horizons Regional Council	5.00	Seeks confirmation that the repowering of windfarms would not be considered a permitted activity.	Support	Due to the scale of activity, clarification on this matter is needed.	I seek that this submission point is allowed.
General	The Aggregate and Quarry Association	6.00	Provision be made for quarrying activities within ONFL's.	Oppose	Quarrying activities are generally not suitable within ONFLs and therefore the non-complying activity status afforded within PC65 is appropriate.	I seek that this submission point is disallowed.
General	NZDF	7.00	Seeks that TMTA are provided for as permitted activities within ONFLs and SAFs.	Oppose	ONFLs and SAFs are not appropriate locations for the NZDF to undertake TMTA. considering the proposed use of explosives.	I seek that this submission point is disallowed.

Nitschke Bush ONF	S Holloway	8.00	Seeks for Nitschke Bush to not be listed as an ONF and for alternative management to be arranged.	Oppose	all areas qualifying as ONF should be spatially mapped and included within the zone rules.	I seek that this submission point is disallowed.
3A – P1.5	KiwiRail Holdings	9.00	Seek amendment so the policy provides consistent recognition in relation to network utilities in the Outstanding Natural Features and Outstanding Natural Landscapes.	Support	Support proposed amendment for consistency.	I seek that this submission point is allowed.
3A – O3 & P3.1		9.01	Proposed amendment.	Oppose	Amendment undermines intent of the objective and policy.	I seek that this submission point is disallowed.
3A – P3.2		9.02	Proposed amendment.	Oppose	Amendment undermines the policy's ability to avoid cumulative effects.	I seek that this submission point is disallowed.
Significant Amenity Features	Federated Farmers NZ	10.00	The deletion of all reference to SAFs in the Plan.	Oppose	SAFs require improved definition but should be retained.	I seek that this submission point is disallowed.
NFL-P5		10.01	Amendment sought to include primary production within all ONFLs.	Oppose	No farming activities are currently recognised within ONFLs except those specifically mentioned.	I seek that this submission point is disallowed.
NFL – R#		10.02	Include a rule to allow for activities ancillary to primary production.	Oppose	NFL-R8 already adequately allows for activities in the specific ONF.	I seek that this submission point is disallowed.
NFL-R18		10.03	Non-complying activity status be deleted for activities not listed.	Oppose	This is appropriate to catch activities not otherwise considered.	I seek that this submission point is disallowed.
Makiekie and Limestone Creek ONF	Black Fern Farms Ltd	11.00	Seeks for Makiekie and Limestone Creeks to not be listed as an ONF and for alternative management to be arranged.	Oppose	All areas qualifying as ONF should be spatially mapped and included within the zone rules.	I seek that this submission point is disallowed.
Rangitikei River ONF	Ngāti Tūwharetoa	12.00	Seeks opportunity to provide input as concerned the values of Ngāti Tūwharetoa are underrepresented	Support	Seek to ensure Ngāti Tūwharetoa's interests have be properly considered.	I seek that this submission point is allowed.
Makiekie and Limestone Creek ONF	S Crutchley & A Hillas	13.00	Seeks for Makiekie and Limestone Creeks to not be listed as an ONF and for alternative management to be arranged.	Oppose	All areas qualifying as ONF should be spatially mapped and included within the zone rules.	I seek that this submission point is disallowed.



Form 6 Further Submission on a Plan Change to the Manawatu District Plan

Clause 8 of First Schedule – Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001
Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries: phone 06 323 0000 fax 06 323 0822 email districtplanreview@mdc.govt.nz

This is a further submission on Proposed Plan Change number **65**

Submitter Details

Full name Powerco Limited

Physical address Level 2, 152 Devonport Road, Tauranga, 3110
Attn: Gary Scholfield

Postal address
(if different from above)
.....
.....
.....

Contact numbers (07) 928 5659
Phone (day) Mobile Fax

Email address Gary.Scholfield@powerco.co.nz

1. I am (Please indicate A. B. or C.)

<p>A. A person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or</p> <p>B. A person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category; or</p> <p>C. The local authority for the relevant area.</p>	<p>Please indicate A,B or C</p> <p>B</p>
<p>Please state grounds for why you come within category A. or B. above:</p> <p>Network utility operator in the district - Proposed rules affect Powerco more than the general public.</p>	

Please note fields 2 – 6 below should be used to support/oppose only one original submission. You can support/oppose additional original submissions by submitting the information required by fields 2 – 5 on additional pages.

2. This is a Further Submission...

in support of / in opposition to *[select one]*... **Refer to attachment support and opposition**

3. Submission No. (State the Submission Number and submission point i.e. S100/002)

<p><i>[Submission No.]</i> S10/1-19</p>
<p>State the name and address of the person or organization making the original submission:</p> <p>Powerco Limited</p> <p>Level 2, 152 Devonport Road, Tauranga, 3110</p> <p>Attn: Gary Scholfield</p>

4. The particular parts of the submission that I support / oppose are:

<p>Clearly state which parts of the original submission you support or oppose, together with any relevant provisions of the Plan Change.</p> <p>Refer attached</p>
--

5. The reasons for my support or opposition are:

[Give clear reasons.]

Refer attached

6. I seek the following decision from the Manawatu District Council

[Give precise details of the decision you want the Council to make.]

Refer attached

7. Do you wish to be heard in support of your submission?

- I/we **wish to** speak in support of my/our submission
- I/we **do not wish** to speak in support of my/our submission

8. If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

Please indicate

Yes / No

Yes

Signature(s)

Of person making further submission (or person authorised to sign on behalf of person making further submission)



Louise Allwood
Authorised to sign on behalf of Powerco

11/06/2020

Signature

Date

Signature

Date

Important Information

1. The Council must receive this further submission before the closing date and time for further submissions on this Plan Change.
2. A copy of this further submission form **MUST** be served on the original submitter not later than five working days after the day on which the further submission is provided to the Council.
3. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change process.
4. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.



12 June 2020

**FURTHER SUBMISSIONS BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 65
OUTSTANDING NATURAL FEATURES & LANDSCAPES MANAWATŪ DISTRICT PLAN**

To: Principal Planner
Manawatu District Council
Private Bag 10-001
Fielding 4743
135 Manchester Street, Feilding 4702

Via email: districtplanreview@mdc.govt.nz

Name: Powerco Limited (Powerco)
Private Bag 13-075
Tauranga 3110

Address for Service: Powerco Limited
Level 2, 152 Devonport Road,
Tauranga 3110
Attention: Gary Schofield
Phone: (07) 928 5659
Email: Gary.Scholfield@powerco.co.nz

Thank you for providing the summary of submissions on the proposed Plan Change 65 Outstanding Natural Features & Landscapes to the Manawatu District Plan.

Our comments are attached to this letter (Attachment 1). Powerco wishes to be heard in support of this submission. If others make similar further submissions, Powerco would be prepared to consider presenting a joint case at any hearing.

Powerco could not gain an advantage in trade competition through this further submission.

If you have any queries or require additional information please do not hesitate to contact Gary Schofield on Gary.Scholfield@powerco.co.nz or ph (07) 928 5659.

Signature of person authorised to sign on behalf of Powerco Limited:

Louise Allwood
Technical Lead – Planning

Dated this 12th day of June 2020



Attachment 1 – Further submission by Powerco

ATTACHMENT 1 – POWERCO FURTHER SUBMISSION

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
S8/43	Department of Conservation	Policy 1.5	Support. This is considered appropriate. It is consistent with the purpose of s7(c) for the maintenance of amenity values. Retain this policy.	Page 6	Oppose in part	Oppose in part, Policy 1.5 as notified is unnecessarily directive. Suggested rewording this policy to recognise significant effects of network utilities cannot always be avoided, remedied or mitigated.
S12/28	Transpower	Policy 1.5	(Support with amendment) Policy 1.5 has been amended to include specific reference to " <i>those areas identified as Significant Amenity Features in NFL-APP2</i> " in order to (as detailed in the s32 report) clearly provide for SAFs in the policy framework and to recognise the differences in their characteristics and values compared with ONFLs. While the proposed reference to SAF's in Policy 1.5 is not opposed, Transpower is concerned how the policy will be applied given the directive nature of the word 'ensure' and the subjective nature of the wording "in a manner sensitive to...". Given Policy 1.5 is the only policy	Page 28	Oppose in part	Oppose in part. Policy 1.5 as notified is unnecessarily directive. Suggested rewording this policy to recognise significant effects of network utilities cannot always be avoided, remedied or mitigated. Suggested amendments to this policy still don't achieve this. The suggested amendments to this policy only provide flexibility specific to the National Grid.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>specific to Network Utilities within SAF's, Transpower seeks amendment to the proposed wording to reference the benefits and operational constraints of the National Grid to ensure the NPSET is given effect.</p> <p>Relief sought: Amend Policy 1.5 as follows: "To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, <u>including those areas identified as Significant Amenity Features in NFL-APP2, acknowledging the benefits, and locational, technical and operational requirements of the National Grid.</u>"</p>			
S26/7	KiwiRail	Policy 1.5	Unstated support or oppose. KiwiRail support recognition for network utilities in Significant Amenity Features as identified in NFL-APP2, however also seek that consistent recognition is given in the policy framework in relation to network utilities in the Outstanding Natural Features and Outstanding Natural	Page 50	Oppose in part	Oppose in part. Policy 1.5 as notified is unnecessarily directive. Powerco's previous submission suggested deleting and rewording this policy to recognise that significant effects of network utilities cannot always be avoided, remedied or mitigated.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>Landscapes as identified in NFL-APP1.</p> <p>Relief sought: "To ensure network utilities are constructed and located in a manner sensitive to the amenity and landscape values where they are located, including those areas identified as <u>Outstanding Natural Features and Outstanding Natural Landscapes in NFL-APP1 and Significant Amenity Features in NFL-APP2.</u>"</p>			
S12/29	Transpower	Objective 3	<p>Support. The s32 report states that Objective 3 has been amended to provide consistency with the proposed Natural Features and Landscapes chapter and with the National Planning Standards, and states that the overall intent of Objective 3 has not changed since it was introduced under PC55. Transpower notes that Objective 3 is one of the provisions currently on hold pending the review of provisions under PC65. The s32 report also states that this change is considered to provide plan users with greater certainty (an outcome sought</p>	29	Support in part	Support in part. Powerco suggested minor amendments to Objective 3 to clarify its interpretation and reference to new network utilities.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>from the appeal on PC55). Objective 3 has been reworded to clarify it specifically relates to the protection of the characteristics and values of the ONFLs identified in NFL-APP1 (and historic heritage) from the inappropriate use and development of network utilities. Transpower supports the reference to "inappropriate use and development" and notes that this provides consistency with the proposed objectives in the new Natural Features and Landscapes chapter, particularly NFL-O2.</p> <p>Retain Objective 3 as amended.</p>			
S26/8	KiwiRail	Objective 3	<p>KiwiRail supports the intent of the objective, however has a concern that existing uses, and any associated maintenance or improvements to these, may not align with the characteristics and values of the ONF and ONL that are to be protected. Protection is considered a high threshold to be addressed, and may not allow rail associated works necessary for the safe operation of the network, to be undertaken.</p>	51	Support in part	<p>Powerco suggested minor amendments to Objective 3 to clarify its interpretation and reference to new network utilities compared to maintenance and upgrading of existing network utilities. The intent of Powerco's original submission aligns with KiwiRail.</p>

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>Further to that, the appropriateness or otherwise of works proposed is often a subjective assessment and provides no certainty for KiwiRail that works would be facilitated by this Objective.</p> <p>Amend as follows: "The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and <u>the</u> development of network utilities <u>is facilitated</u>."</p>			
S28/6	Waka Kotahi NZTA	Objective 3	<p>(Support with amendment) The Transport Agency supports the intent of this objective. It does, however, have concerns about how it can be achieved given its qualitative nature and the extent to which it is in conflict with Objective 1. The high threshold of the 'protection' provision may be difficult for linear infrastructure to achieve its economic, environmental and social outcomes as required by the LTA and One Plan Policy 3-1. 'Protection' of characteristics and values is also dependent on how</p>	57	Support in part	<p>Powerco suggested minor amendments to Objective 3 to clarify its interpretation and reference to new network utilities compared to maintenance and upgrading of existing network utilities as it was unnecessarily restrictive. Agree there is ambiguity around what inappropriate means.</p>

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>the provision of “inappropriate” use and development is assessed by plan users and decision makers and is subject to a fair amount of interpretation uncertainty for applicants.</p> <p>Adopt amended quantitative provisions: "The characteristics and values of ONFL's... from the inappropriate use and development of network utilities are managed through an effects-based hierarchy."</p>			
S8/44	Department of Conservation	Objective 3	<p>Support. This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this objective</p>	6	Oppose in part	Oppose in part, Powerco suggested amendments to Objective 3 so the objective refers to new network utilities. .
S12/30	Transpower	Policy 3.1	<p>Neutral. Transpower supports Policy 3.1 on the basis of the provision of a National Grid specific policy (i.e. Policy 3.6) that is amended to be consistent with the relief sought by Transpower.</p> <p>Retain Policy 3.1 on the basis of the provision of a National Grid specific policy (Policy 3.6) in Chapter 3A that is amended to be</p>	29	Oppose	Oppose, Policy 3.1 is a duplication of the intent and purpose of Objective 3. Policy 3.1 is more restrictive than Objective 3.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			consistent with the relief sought by Transpower.			
S26/9	KiwiRail	Policy 3.1	<p>Unstated. KiwiRail supports the intent of the objective, however has a concern that existing uses, and any associated maintenance or improvements to these, may not align with the characteristics and values of the ONF and ONL that are to be protected. Protection is considered a high threshold to be addressed, and may not allow rail associated works necessary for the safe operation of the network, to be undertaken. Further to that, the appropriateness or otherwise of works proposed is often a subjective assessment and provides no certainty for KiwiRail that works would be facilitated by this Objective.</p> <p>Amend as follows: "The characteristics and values of the Outstanding Natural Features and Landscapes identified in NFL-APP1 and historic heritage are protected from the inappropriate use and <u>the</u> development of network utilities <u>is facilitated</u>."</p>	51	Oppose	Oppose, Policy 3.1 is a duplication of the intent and purpose of Objective 3. Policy 3.1 is more restrictive than Objective 3. The amendments proposed do not alleviate the duplication.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
S28/7	Waka Kotahi NZTA	Policy 3.1	<p>Support. (Support with amendment) The Transport Agency supports the intent of this policy. We do however, have concerns about how it can be achieved given its qualitative nature. The high threshold of the 'protection' provision may not allow our projects to achieve the economic, environmental and social outcomes required by the LTA.</p> <p>Adopt amended provision: "protect <u>recognise and provide for the characteristics and values...</u>"</p>	58	Oppose in part	Oppose in part, Powerco submitted to delete policy 3.1. Noting the removal of "protect" is supported.
S8/45	Department of Conservation	Policy 3.1	<p>Support. This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this policy.</p>	6	Oppose	Oppose, Policy 3.1 is a duplication of the intent and purpose of Objective 3. Policy 3.1 is more restrictive than Objective 3. The amendments proposed do not alleviate the duplication.
S26/10	KiwiRail	Policy 3.2	<p>KiwiRail is concerned with the adoption of an 'avoid' policy, and the unreasonably high threshold this may establish, which in turn may prevent KiwiRail from carrying out the works necessary to maintain a safe and efficient rail network. In the event of</p>	51	Support in part	Support in part, the proposed amendments allow for a cascade effects based approach if locating within the ONF or ONL's are unavoidable, particularly where significant cumulative effects may occur.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>consent being required, the use of 'avoid' does not enable the management of significant adverse cumulative effects. KiwiRail would support clarity for a consenting pathway where works are required that may need resource consent.</p> <p>Amend as follows: "To avoid, <u>remedy, mitigate or offset</u> significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes."</p>			Powerco's original submission was to retain as notified.
S28/8	Waka Kotahi NZTA	Policy 3.2	(Support with amendment) The Transport Agency does not support the use of the term 'avoid' in this policy. This term sets an unreasonably high, perhaps unachievable threshold, that may prevent the Transport Agency from carrying out its statutory obligations. The term 'avoid' does not provide for the management of significant adverse cumulative effects. The Transport Agency needs a clear decision-making pathway for its projects, which this provision as notified does not provide. Whilst	58	Support in part	Support in part, the proposed amendments allow for a cascade effects based approach if locating within the ONF or ONL's are unavoidable, particularly where significant cumulative effects may occur.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>the Transport Agency will seek to avoid such adverse effects where practicable, the complexities of infrastructure projects (their functional and operational needs and their national and regional importance) may not always allow for 'avoidance'.</p> <p>Furthermore, it is not clear how 'cumulative' effects will be assessed for linear infrastructure.</p> <p>Clarify how cumulative effects will be assessed for linear infrastructure. Adopt the cascading provisions of policy 3.3 within Chapter 3A or amend the provisions: "To avoid remedy or mitigate significant adverse cumulative effects from new network utilities on the characteristics and values of Outstanding Natural Features and Landscapes."</p>			
S13/10	Horizons Regional Council	Policy 3.3	Support. With regard to the proposed district plan provisions, Horizons supports Chapter 3A Policy 3.3 as it gives effect to the other aspects of One Plan Objective 6-2 and Policies 6-6 and 6-7.	35	Support in part	Powerco supports the intent of Policy 3.3 with amendments as proposed to provide one effects threshold and remove the definition within the policy.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			The submitters believe that the proposed rules will enable MDC to implement the effects management hierarchy set in One Plan Policy 6-6(a) and (b) and reflected in Policies NFI-P6, NFL-P7, and 3A 3.2 and 3.3. However, they do not unreservedly support all of the rules proposed in the plan change.			
S26/11	KiwiRail	Policy 3.3	Support. KiwiRail support the policy, specifically that it enables effects to be remedied or mitigated, and provides recognition for infrastructure of national or regional importance. Retain as notified.	51	Support in part	Powerco supports the intent of Policy 3.3 with amendments as proposed to provide one effects threshold and remove the definition within the policy.
S28/9	Waka Kotahi NZTA	Policy 3.3	Support. (Potentially support with clarification) The Transport Agency supports the effects-based hierarchy approach of this policy, specifically that it acknowledges and provides for the complexity and importance of network utilities. There does not appear to be an explanation of footnote '2' and as such, we cannot definitively comment on this provision.	58	Support in part	Powerco supports the intent of Policy 3.3 with amendments as proposed to provide one effects threshold and remove the definition within the policy.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			Clarification of footnote 2 in bullet point 'a'.			
S8/47	Department of Conservation	Policy 3.3	This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development. Retain this policy.	6	Oppose in part	Powerco opposes in part Powerco supports the intent of Policy 3.3, however requests amendments as proposed to provide one effects threshold and remove the definition within the policy.
S16/31	Angela and Alexander McIntyre	Policy 3.4	Should read to add future network utilities and landowner owned. [Note submission refers to NFL-P25 however consider this point relates to 3A P3.4.] Should read: "To enable the operation, maintenance, replacement or minor upgrading of existing <u>or future</u> network utilities <u>and landowner owned</u> located within or adjacent to Outstanding Natural Features and Landscapes and Significant Amenity Features."	43	Oppose in part	Oppose in part. Private or publicly owned infrastructure should not be distinguished within a policy or rule. Retain Policy 3.4 as notified.
S12/34	Transpower	Policy 3.5	Transpower generally supports Policy 3.5 on the basis of the separate provision of a National Grid specific policy (i.e. Policy 3.6) that seeks to give effect to the NPSET. Transpower also supports the reference to "inappropriate	31	Support in part	Support in part, Powerco's original submission is for the retention of this policy with amendments to Policy 3.5 for clarity and to assist in the application of Policies 3.4

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>use and development" within the policy and notes that this provides consistency with the proposed objectives in the new Natural Features and Landscapes chapter, particularly NFL-O2.</p> <p>Retain Policy 3.5 on the basis of the provision of a National Grid specific policy (Policy 3.6) consistent with the relief sought by Transpower.</p>			and 3.5 as one is in contrast to the other.
S8/50	Department of Conservation	Policy 3.5	<p>This is considered appropriate. It is consistent with the purpose of s6(b) for the protection of ONFL's from inappropriate use and development.</p> <p>Retain this policy.</p>	6	Oppose in part	Oppose in part, Powerco's original submission is for the retention of this policy with amendments to Policy 3.5 for clarity and to assist in the application of Policies 3.4 and 3.5 as one is in contrast to the other. The amendments seek to refer to new network utilities rather than all.
S8/53	Department of Conservation	Rule 3A.4.5 Discretionary activity	<p>It is considered appropriate for new activities within ONF's to be non-complying activities to be consistent with s6(b) and the below rule.</p> <p>Amend rule to read: "Any new network utility, including windfarms and new transmission</p>	7	Oppose	Oppose, Powerco previously submitted that a non-complying activity is a high threshold to reach and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			and distribution electricity lines within any Outstanding Natural Feature as identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2."			to achieve sustainable management. It is not always possible to completely avoid sensitive areas such as these.
S8/54	Department of Conservation	Rule 3A.4.6 Non Complying Activity	<p>It is considered appropriate for new activities within ONF's to be included within the non-complying activities to be consistent with s6(b).</p> <p>Amend the rule to read: "Any new network utility, including windfarms and new transmission and distribution electricity lines located within an Outstanding Natural <u>Feature</u> or Landscape identified in NFP-APP1 is a Non-Complying Activity."</p>	7	Oppose	Oppose, Powerco previously submitted that a non-complying activity is a high threshold to reach and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management. It is not always possible to completely avoid sensitive areas such as these.
S28/12	Waka Kotahi NZTA	Policy 1.3	<p>(Support with amendment) The Transport Agency supports the intent of this policy however, as all our projects require earthworks we seek clarification as to what 'restrict earthworks' means and how this provision will be quantified and assessed by plan users and decision makers.</p> <p>Clarification of the provision 'restrict' as it relates to earthworks; how this provision</p>	59	Support in part	Support in part, Powerco previously supported this policy with minor amendments. Powerco agrees 'restrict' is ambiguous.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			will be quantified and assessed by plan users and decision makers.			
S8/56	Department of Conservation	Rule 3D.4.4 discretionary activity	<p>Oppose. It is considered appropriate for earthworks within ONF's to be non-complying activities to be consistent with s6(b) and the below rule.</p> <p>Amend rule to read: "Any earthworks within an Outstanding Natural Feature identified in NFL-APP1 or Significant Amenity Feature identified in NFL-APP2."</p>	7	Oppose	Oppose, any earthworks within an ONF as a Non-Complying Activity is a very high standard to meet and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management. It is not always possible to completely avoid sensitive areas such as these.
S8/57	Department of Conservation	Rule 3D.4.5 non-complying activity	<p>It is considered appropriate for earthworks within ONF's to be included within the non-complying activities to be consistent with s6(b).</p> <p>"Any earthworks within an <u>Outstanding Natural Feature or Landscape</u> identified in NFL-APP1, except within an existing road corridor, or in the National Grid Yard that do not comply with 3D.4.2f.v) or vi) is a Non-Complying Activity."</p>	7	Oppose	Oppose, any earthworks within an ONF as a Non-Complying Activity is a very high standard to meet and pre-empts the need to weigh the protection of natural resources against the appropriate development of physical resources in order to achieve sustainable management. It is not always possible to

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
						completely avoid sensitive areas such as these.
S26/1	KiwiRail	Introduction	Support. KiwiRail support the note provided in the Introduction in relation to ensuring that these provisions are read alongside Chapter 3A in relation to Network Utilities, and that clarity is provided that the more specific provisions of Chapter 3A apply. Retain as proposed.	50	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.
S28/2	Waka kotahi NZTA	NFL-O2	Support in part) The Transport Agency supports the intent of Objectives O2 and O4. However, they may be conflicting given O2 seeks to 'protect', which sets a very high threshold, and O4 seeks to 'maintain or enhance'. Nonetheless, it is our understanding (confirmed by MDC Policy Planner) that as there are no Network Utility specific provisions in the new NFL chapter, the specific provisions in amended Chapters 3A and 3D apply to roading activities. This is explained on page 1 of the Introduction to the new NFL chapter.	56	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.

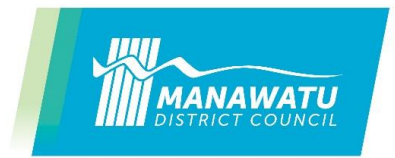
No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			Retain the explanatory note on page 1 Introduction as notified			
S28/3	Waka Kotahi NZTA	NFL-O4	<p>(Support in part) The Transport Agency supports the intent of Objectives O2 and O4. However, it considers they may be conflicting given O2 seeks to 'protect', which sets a very high threshold, and O4 seeks to 'maintain or enhance'. Nonetheless, it is our understanding (confirmed by MDC Policy Planner) that as there are no Network Utility specific provisions in the new NFL chapter, the specific provisions in amended Chapters 3A and 3D apply to roading activities. This is explained on page 1 of the Introduction to the new NFL chapter.</p> <p>Retain the explanatory note on page 1 Introduction as notified</p>	56	Support in part	Support in part, agree the introduction text is needed however, suggested further amendments to clarify which provisions prevail.
S28/4	Waka kotahi NZTA	Policies – general comment	<p>(Support in part) The Transport Agency understands that there are no Network Utility specific provisions in the new NFL chapter. As such, the specific provisions in amended Chapters 3A and 3D apply to any Network Utility activities, including roads.</p>	57	Support in part	Support in part, agree the introduction test is needed however, suggested further amendments to clarify which provisions prevail.

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>The Transport Agency considers that the wording explaining this on Page 1 within the Introduction section is adequate for plan users to determine which provisions are relevant when applying for, or processing applications, for Network Utilities. Nonetheless, the Transport Agency also seeks to ensure that the policies, read together with Chapters 3A and 3D, are appropriately enabling of the state highway network. The specific amendments to policies required may depend on whether the primary relief sought by this submission (of omitting current/impending state highway designations from the mapped ONFs) is granted.</p> <p>Retain explanatory note on Page 1 Introduction as notified; potentially amend policies to reflect the importance of enabling state highway operations (specific wording may depend on whether primary relief is granted).</p>			
S12/3	Transpower	Introduction	(Support with amendment) Section 4.9.3 of the s32 report for PC65 identifies that as a result of	25	Support in part	Support in part, agree the introduction test is needed however, suggested further

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>PC55 (District Wide Rules), there is an intention that Chapter 3A (Network Utilities) will be standalone at the completion of the Sectional District Plan Review. The changes to Chapter 3A outlined by PC65 are intended to be a step towards this, in relation to ONFLs and SAFs. A specific statement is proposed in the introduction to the new NFL-Natural Features and Landscapes chapter that clarifies for activities involving network utilities within ONFLs and SALs it is the more specific provisions in Chapter 3A (Network Utilities) that apply, and provisions for earthworks within ONFLs are provided in Chapter 3D (Earthworks). Transpower supports the approach of developing a standalone chapter that addresses network utilities as it provides clarity and certainty for plan users in terms of the objective, policy and rules provisions that apply to network utilities activities (including the National Grid), including where such activities are located with ONFLs and SAFs. This approach is</p>			<p>amendments to clarify which provisions prevail.</p>

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			<p>also considered to provide consistency with the National Planning Standards. Transpower also supports the statement in the introduction to the NFL- Natural Features and Landscapes chapter that clarifies which rule provisions apply to Network Utilities and earthworks activities within ONFLs and SAFs. Transpower requests a minor amendment to the wording of this statement to ensure clarity for plan users.</p> <p>Retain the statement in the introduction to the Natural Features and Landscapes chapter that clarifies for network utilities. It is the more specific provisions in Chapter 3A that apply; and amend the wording of the last part of the statement relating to earthworks as follows: "This chapter must also read alongside Chapter 3A Network Utilities and Chapter 3D Earthworks. For activities involving Network Utilities within Outstanding Natural Features and Landscapes and Significant Amenity Features the more specific provisions in</p>			

No.	Submitter	Plan Change provision	Summary of Submission / relief sought by the submitter	Summary of submissions page reference	Support or oppose the submission	Reasons for support or opposition
			Chapter 3A Network Utilities apply. Earthworks within Outstanding Natural Features and Landscapes <u>and Significant Amenity Features</u> are provided for in Chapter 3D Earthworks."			



Form 6 Further Submission on a Plan Change to the Manawatu District Plan

Clause 8 of First Schedule – Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001
Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries: phone 06 323 0000 fax 06 323 0822 email districtplanreview@mdc.govt.nz

This is a further submission on Proposed Plan Change number

Submitter Details

Full name Natasha Reid for Waka Kotahi NZ Transport Agency

Physical address 56 The Square Palmerston North

Postal address See attached
(if different from above)

Contact numbers See attached
Phone (day) Mobile Fax

Email address Natasha.Reid@nzta.govt.nz

1. I am (Please indicate A, B, or C.)

<p>A. A person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or</p> <p>B. A person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category; or</p> <p>C. The local authority for the relevant area.</p>	Please indicate A, B or C
<p>Please state grounds for why you come within category A. or B. above:</p> <p>Waka Kotahi are the road controlling authority and with two of our state highway designations being within two proposed ONFs, we have an interested greater than the general public.</p>	

Please note fields 2 – 6 below should be used to support/oppose only one original submission. You can support/oppose additional original submissions by submitting the information required by fields 2 – 5 on additional pages.

2. This is a Further Submission...

in support of / in opposition to *[select one]*...see attached.

3. Submission No. (State the Submission Number and submission point i.e. S100/002)

<p><i>[Submission No.] see attached</i></p>
<p>State the name and address of the person or organization making the original submission:</p> <p>See attached.</p>

4. The particular parts of the submission that I support / oppose are:

<p>Clearly state which parts of the original submission you support or oppose, together with any relevant provisions of the Plan Change.</p> <p>See attached.</p>

5. The reasons for my support or opposition are:

[Give clear reasons.]

6. I seek the following decision from the Manawatu District Council

[Give precise details of the decision you want the Council to make.]

See attached.

7. Do you wish to be heard in support of your submission?

- I/we **wish to** speak in support of my/our submission
- I/we **do not wish** to speak in support of my/our submission

8. If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

Please indicate

Yes / No

Signature(s)

Of person making further submission (or person authorised to sign on behalf of person making further submission)

.....

Signature

Date



.....12/06/2020.....

.....

Signature

Date

Important Information

1. The Council must receive this further submission before the closing date and time for further submissions on this Plan Change.
2. A copy of this further submission form **MUST** be served on the original submitter not later than five working days after the day on which the further submission is provided to the Council.
3. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change process.
4. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

Form 6

**Pursuant to Clause 8 of the first Schedule of the Resource Management Act 1991
Further Submission to Plan Change 65 of the Manawatū District Plan.**

12 June 2020

Attn: District Plan Team
Manawatu District Council
Private Bag 10-001,
Feilding 4743

Via Email: districtplanreview@mdc.govt.nz

This is a further submission on a change proposed to the following plan:

Proposed Plan Change 65 to the Manawatū District Plan (PC65).

We could not gain an advantage in trade competition through this further submission.

Waka Kotahi NZ Transport Agency (Transport Agency) supports and opposes the submissions as below and overleaf.

Original Submission

Our submission did not make comment on the proposed NFL chapter because these policies do not apply to network utilities. I have in this further submission however, provided comment on other submission points that relate to the NFL chapter. This is because there still may be interpretation issues by plan users between the proposed NFL chapter and the amended Network Utility and Earthworks chapters.

General relief sought

In all cases the Transport Agency continues to seek the specific relief sought or such other relief that addresses the Transport Agency's position detailed in the points below.

The Transport Agency would like to be heard in support of this further submission.



Natasha Reid

Principal Planner Consents and Approvals
Waka Kotahi NZ Transport Agency
Consentsandapprovals@nzta.govt.nz

Name and number of original submitters	Plan provision	Transport Agency's position	Reason for the Transport Agency's further submission	Decision sought by the Transport Agency
<i>Department of Conservation 008</i>	NFL-P10 <i>"To restrict the development of new buildings or structures within an ONF..."</i>	Oppose	We support the term 'restrict' and do not agree that it is weak nor that it needs to be replaced with the term 'avoid'. The term 'avoid' does not provide for the management of effects.	Retain policy as drafted and disallow this submission point.
<i>Department of Conservation 008</i>	NFL-P11 <i>"To restrict the removal of indigenous vegetation from ONFLs..."</i>	Oppose	We support the term 'restrict' and do not agree that it needs to be replaced with the term 'avoid'. The term 'avoid' does not provide for the management of vegetation removal.	Retain policy as drafted and disallow this submission point.
<i>Department of Conservation 008</i>	NFL-P12 <i>"To restrict the introduction of exotic species...within ONFLs..."</i>	Oppose	We support the term 'restrict' and do not agree that it needs to be replaced with the term 'avoid'.	Retain policy as drafted and disallow this submission point.
<i>Forest and Bird 009</i>	NFL-02	Neutral	We would like to explore this further with Forest and Bird following their further explanation at the hearing.	Reserve our decision and seek clarification.
<i>Forest and Bird 009</i>	NFL-04	Neutral	We would like to explore this further with Forest and Bird following their further explanation at the hearing.	Reserve our decision and seek clarification.
<i>Forest and Bird 009</i>	NFL-P6	Neutral	We would like to explore this further with Forest and Bird following their further explanation at the hearing.	Reserve our decision and seek clarification.

<i>Forest and Bird 009</i>	NFL-R6	Neutral	We are unclear what the submitter is seeking to limit. We would like to explore this further with Forest and Bird following their further explanation at the hearing.	Reserve our decision and seek clarification.
<i>Forest and Bird 009</i>	NFL-R9	Oppose	The effects of earthworks will be managed by Rule 3D.4.2 so it is unnecessary to make this activity anything other than permitted.	Retain as drafted and disallow this submission point.
<i>Powerco Ltd 010</i>	3A Policy 1.5	Support	Their proposed drafting recognises the benefits network utilities provide and is less directive than that drafted.	Allow this submission point.
<i>Powerco Ltd 010</i>	3A Policy 3.3	Support in part	Their proposed drafting is considered appropriate and more user friendly. Our support is subject to clarification as per our original submission.	Allow this submission point subject to clarifying footnote 2 in bullet point 'a'.
<i>Transpower 012</i>	3A Introduction Explanatory Note	Support	We support the proposed addition to the explanatory note, which ensures clarity for plan users.	Allow this submission point.



Federated Farmers of New Zealand

Further Submission to the Manawatu District Council Plan Change 65

12 June 2020



Form 6 Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation
Clause 8 of Schedule 1, Resource Management Act 1991

To: **Manawatu District Council**
 Submitter: **Federated Farmers of New Zealand – Manawatu/Rangitikei**

This is a further submission in support of, and opposition to, submissions on the following proposed plan change
Plan Change 65 – Outstanding Natural Landscapes and Features

I am

- a person representing a relevant aspect of the public interest;
- a person who has an interest in the proposal that is greater than the interest the general public has.

Grounds for further submission

Federated Farmers of New Zealand is a representative body for farmers, so both represents a relevant aspect of the public interest and has an interest in the proposal that is greater than the interest that the general public has.

- I support (or oppose) the submitters stated in the schedule attached to this further submission.
- The particular parts of the submission I support (or oppose) are variously stated with respect to respective submitters in the schedule attached to this further submission.
- I seek that the submission be allowed or disallowed as stated for the respective submitters in the schedule attached to this further submission.
- I wish to be heard in support of my further submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Coralee Matena

Coralee Matena on behalf of Federated Farmers of New Zealand – Manawatu Rangitikei
(person authorised to sign on behalf of person making further submission).

Date: 12 June 2020

Contact for service: Coralee Matena – Senior Regional Policy Advisor

Electronic address for service: cmatena@fedfarm.org.nz

Submitter Name	Provisions	Support/ Oppose	Reasons for Further Submission	Decision Sought
1 – Lynette Worsford 2 – Barbara Thomasen 3 – Karen Fallaver 4 – Jack Baker 5 – Pederson and Wilson families 6 – Sharn Hainsworth 11 – Bronwyn and Jason Robb 14 – Melissa Wilde 15 – Nga Tamariki a Tane Society inc 16 – Angela and Alexander McIntyre 18 – Bryan Rendle 19 – Phillipa Williams 20 – Nick and Annaliese Berry 23 – Mark and Anna Clements 24 – Umutoi Valley Farms Ltd 25 – Stephanie Holloway 29 – Black Fern Farms 30 – Phillip McKinnon 31 - Ngāti Tūwharetoa 32 – Steven Crutchley and Adele Hillas 33 – James Moar	General comments – Council process, lack of consultation and Landscape Assessment, mapping, duplication of Regional Council functions	Support	<p>Federated Farmers has been involved with early consultation on Outstanding Natural Features and Landscapes (ONFLs), when bundled with Plan Change 53, however we have not directly been involved with recent consultation on the topic. We were of the understanding that Council had undertaken consultation with impacted landowners and addressed concerns pre notification – however the submissions received indicate that this was not as successful as Council believed. We therefore support the submitters who have raised concerns about Council’s consultation process.</p> <p>Federated Farmers also supports the concerns raised by submitters about the landscape assessments and subsequent mapping of landscapes and features. It is disappointing to see Council progressing a Plan Change based on landscape assessments that have not been ground-truthed. We therefore support the submitters requests for Council to re-visit these assessments/maps and work individually with landowners to ensure that they are accurate. It would be appropriate for Council to put retract this Plan Change with a view to undertaking further mapping, assessment and landowner consultation before progressing further.</p> <p>Section 5 of the RMA seeks to achieve sustainable management, enabling people and communities to provide for their economic, social and cultural well beings. The District Plan must continue to ensure that farmers are enabled to make the necessary decisions to safeguard the ongoing financial viability of their primary production activities. Productive land use shapes the land, contributing to the amenity as recognised by Council and therefore should not be restricted.</p> <p>Federated Farmers also supports the submissions seeking to avoid duplication of regulation between the District and Regional Council. Where an activity is under the jurisdiction and management of the Regional Council, it should not be captured by District Plan provisions.</p>	That the submission be accepted where it aligns with the submission and relief sought by FFNZ.

<p>8 - Department of Conservation 9 – Forest and Bird</p>	<p>Submission in full</p>	<p>Oppose</p>	<p>Federated Farmers considers that the relief sought has the potential to unfairly restrict primary production activities. Federated Farmers seeks to be involved in any changes which may result in controls over rural land/farming. Federated Farmers is in particular concerned that the submission:</p> <ul style="list-style-type: none"> - proposes relief that may result in objectives, policies and methods that will impact on primary production. - is not consistent with Section 6(b) of the RMA. The RMA does not give direction to avoid all activities in ONFLs. The RMA directs that ONFLs are to be protected from inappropriate activities. - endorses the Council’s proposal to include Significant Amenity Features. Federated Farmers does not support the inclusion of Significant Amenity Features and therefore seeks the deletion of all references to SAF’s in the Plan. - does not align with Section 5 of the RMA which seeks to achieve sustainable management, enabling people and communities to provide for their economic, social and cultural well beings. The RMA does not require every activity or proposed activity to maintain and enhance amenity values. The direction in section 5(c) to avoid, remedy or mitigate any adverse effects of activities on the environment, clearly contemplates that activities may have adverse effects on amenity values and still be in accordance with the sustainable management purpose of the Act. - the relief proposed may create extra unnecessary and overly onerous regulatory burden. Regulatory frameworks should err on the side of a ‘less restrictive regime’ where the purposes of the plan can be met (following the principle in Royal Forest and Bird Protection Society Inc v Whakatane District Council [2017] NZEnvC 51). - endorses the Council’s proposal for a default non-complying status for activities that are not assigned a status elsewhere. This default status is inconsistent with the RMA, and overly onerous compared to other district plans. 	<p>That the submission be rejected and the relief sought by FFNZ be retained.</p>
---	---------------------------	---------------	---	---

<p>10 – Powerco 12 – Transpower 22 – New Zealand Defence Force 26 – KiwiRail 28 – NZTA</p>	<p>Submission in full</p>	<p>Neutral</p>	<p>Federated Farmers seeks to ensure that the District Plan is enabling for farmers and does not unfairly restrict primary production activities. We therefore do not support any relief proposed that is inconsistent with the submission made by Federated Farmers, and/or where it may result in objectives, policies and methods that will impact on primary production.</p>	<p>That the submission be rejected where it is inconsistent with the relief sought by Federated Farmers, and/or where it may result in objectives, policies and methods that will impact on primary production.</p>
<p>7 – Byfords Construction 13 – Horizons Regional Council 21 – Aggregate and Quarry Association of NZ</p>	<p>Enabling current activities</p>	<p>Support in part</p>	<p>Federated Farmers supports in part the relief sought from the submitter to provide for current activities (such as gravel extraction or track maintenance), as it is provided for by Section 5 of the RMA (sustainable management, enabling people and communities to provide for their economic, social and cultural well beings).</p>	<p>That the submission be accepted where it aligns with the submission and relief sought by FFNZ.</p>

Federated Farmers thanks the Manawatu District Council for considering our further submission to Proposed Plan Change 65.





Form 6 Further Submission on a Plan Change to the Manawatu District Plan

Clause 8 of First Schedule – Resource Management Act 1991

Send or deliver your submission to: Principal Planner
Manawatu District Council
Private Bag 10 001
Feilding 4743
135 Manchester Street, Feilding 4702

For enquiries: phone 06 323 0000 fax 06 323 0822 email districtplanreview@mdc.govt.nz

This is a further submission on Proposed Plan Change number

Submitter Details

Full name Gary Massicks

Physical address c/- BakerAg

Manchester Square

Feilding

Postal address
(if different from above)

Contact numbers 323 2220 027 582 3222

Phone (day) Mobile Fax

Email address gary@bakerag.co.nz

1. I am (Please indicate A. B. or C.)

<p>A. A person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or</p> <p>B. A person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category; or</p> <p>C. The local authority for the relevant area.</p>	<p>Please indicate A,B or C</p>
---	-------------------------------------

Please state grounds for why you come within category A. or B. above:

B – This information is supporting a submission of an existing land owner than could be effected by this change

Please note fields 2 – 6 below should be used to support/oppose only one original submission. You can support/oppose additional original submissions by submitting the information required by fields 2 – 5 on additional pages.

2. This is a Further Submission...

in support of / in opposition to *[select one]*...opposition

3. Submission No. (State the Submission Number and submission point i.e. S100/002)

[Submission No.]

State the name and address of the person or organization making the original submission:

Charlie & Chrissy Pedersen and Helen Wilson
(sorry unsure of their submission number)

4. The particular parts of the submission that I support / oppose are:

Clearly state which parts of the original submission you support or oppose, together with any relevant provisions of the Plan Change.

See attached summary

5. The reasons for my support or opposition are:

[Give clear reasons.]

See attached summary

6. I seek the following decision from the Manawatu District Council

[Give precise details of the decision you want the Council to make.]

See attached summary

7. Do you wish to be heard in support of your submission?

I/we **wish to** speak in support of my/our submission

I/we **do not wish** to speak in support of my/our submission

8. If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

Please indicate

Yes / No

Signature(s)

Of person making further submission (*or person authorised to sign on behalf of person making further submission*)

Gary Massicks

15/6/2020

.....
Signature

.....
Date

Important Information

1. The Council must receive this further submission before the closing date and time for further submissions on this Plan Change.
2. A copy of this further submission form **MUST** be served on the original submitter not later than five working days after the day on which the further submission is provided to the Council.
3. Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public. Your submission will only be used for the purpose of the Plan Change process.
4. Only those submitters who indicate they wish to speak at the hearing will be sent a copy of the planning report.

Further Submission re Plan Change 65 – Outstanding Natural Features and Landscapes – Lake Kaikokopu

12th June 2020

Attn Andrea Harris and Matthew MacKay
Manawatu District Council
Private Bag 10001
FEILDING 4743

cc Charlie & Chrissy Pedersen
and Helen Wilson
51 Main Street
FOXTON 4814

Dear Andrea and Matthew,

BACKGROUND

-) This summary of information is in support of the Pedersen/Wilson submission on Plan Change 65 and a Statement of Facts on the history of the Lake and to correct the information provided in the Draft Policy Statement.
-) I am an Agricultural Consultant employed by BakerAg in Fielding. I have worked with the Pedersen and Wilson family for over 10 years in an advisory role regarding the Mahoe Farm, on which the former Lake Kaikokopu sits.
-) To my knowledge, there has been no on farm inspection or assessment with the landowners regarding the current or previous state of this area within the boundaries of the property by any staff from Manawatu District Council.

STATEMENT OF FACTS

History

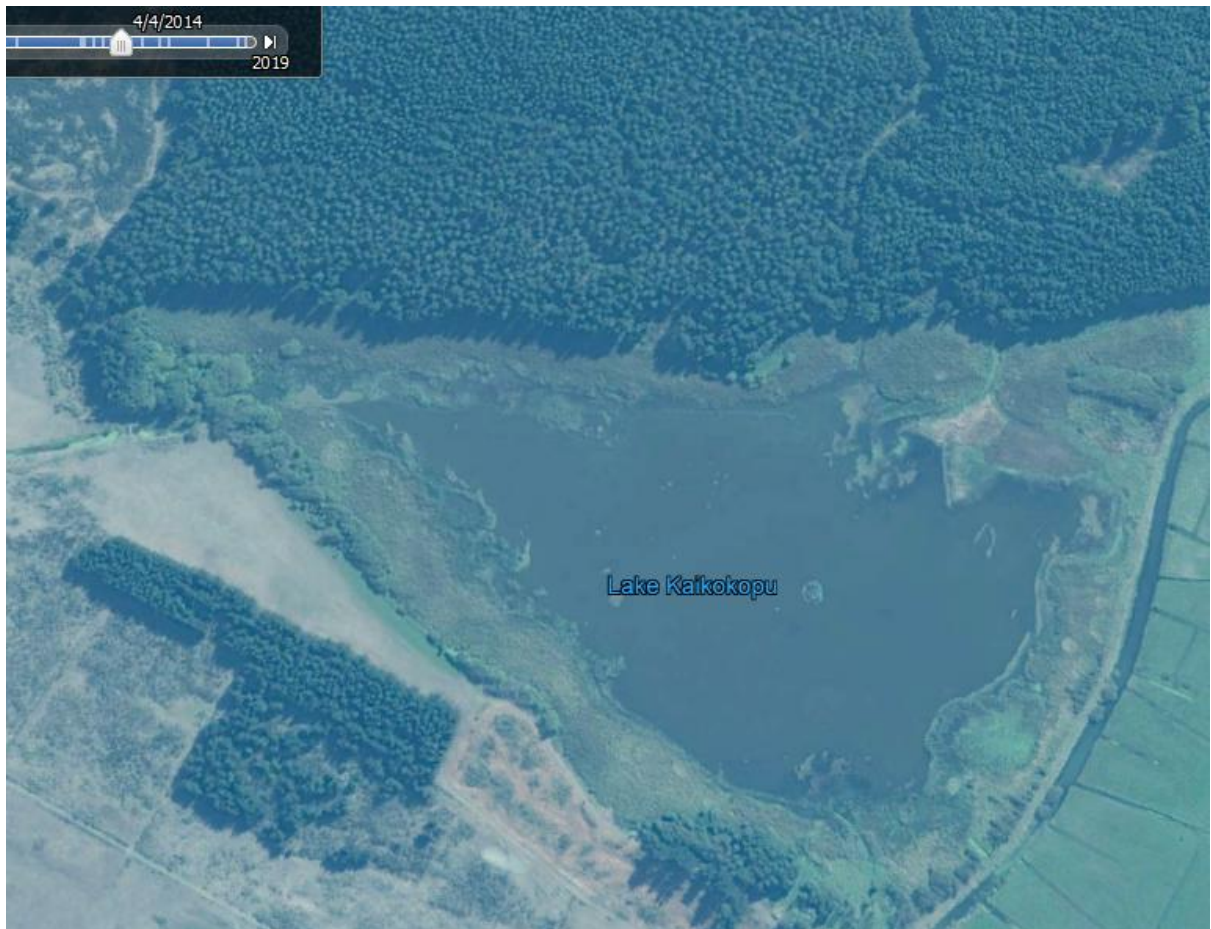
-) According to family records a drain always existed in the region to drain the soils out through to Himatangi beach.
-) During the 1940's and 50's, noted from local knowledge, there was significant work carried out in the region with previous drainage boards/councils artificially draining the region.
-) Lake Kaikokopu was a man-made feature (not a natural lake), that was created many years ago in the 1950s by Helen Wilson's extended family. It was made for the purpose of creating a duck shooting pond and to artificially manage water levels across the surrounding district. A number of drains that are managed by managed Manawatu District Council flow into this area.
-) A combination of the weir and a flood pump was used to artificially lower and raise the level of the lake. During summer periods the purpose was to hold the water level up to increase the soil moisture, which would improve pasture growth during dry periods. Then during the winter periods the weir allowed for a reduction in the lake level to artificially drain the region via man-made drains.
-) This man-made lake became a popular duck shooting pond for locals over the years but was never included in QE2 covenant lands.
-) The lake area has always been fenced off and a stock excluded area on the farm.

8 Manchester Square
Feilding 4702

06 323 2220

www.bakerag.co.nz

Google Earth Image dated 4th April 2014



2015 onward

-) During late June 2015 there was a significant rain event that caused flooding in the region.
-) This significant rain event lifted the level of the lake up and a combination of the water pressure and debris caused a failure of the weir. This failure drained the lake out through the stream and at the time caused significant damage to the road through the sand dunes at Himatangi Beach.
-) Following the destruction of the weir over the next few seasons, it was discovered that the creation of the artificial lake was not as positive towards the region as once thought. The removal of the lake improved the regional drainage and has now reduced potential damage that was previously caused during winter months.
-) There is now an improvement in the farm system that allows for better management of the farm environment. There was an area of the farm that for wetter times of the year was extremely waterlogged and very hard to manage. Grazing during these wetter periods was causing the detrimental effect on the soil structure and the environment. Now that the lake has gone this area of the farm can be grazed without causing damage.
-) There were some discussions during 2017 with Horizons Regional Council with the consideration of the status of the lake and the weir. The Regional Council were not willing to provide any assistance in the reinstatement of the weir. Therefore, the decision was made to leave the area as it is today.
-) Today the area is still stock excluded on the farm and it has now dried out significantly and is essentially a stream or drain through the area. The surrounding areas can now be walked across for most of the year. In the past there was potentially populations of fish in the lake

but now does not appear to be a permanent fish population. This change was caused by the extreme weather event and not man made.

Google Earth Image dated 4th April 2014



DECISION SOUGHT

-) That the area known as Lake Kaikokopu was previously a man-made lake and is now only described as a drain or stream, should be removed from the classification as an Outstanding Natural Features and Landscapes.

Yours faithfully

BAKERAG

A handwritten signature in black ink, appearing to read "Gary Massicks".

Gary Massicks

Agricultural Consultant