

PLAN CHANGE 22 – JURISDICTIONAL ANALYSIS OF PROPOSED REVISED OUTSTANDING NATURAL FEATURES AND LANDSCAPES

1. Introduction

Plan Change 22 seeks to identify the Outstanding Natural Features and Landscapes of the Horowhenua District and to put in place District Plan objectives policies and rules to meet its obligations under sections 6 and 7 of the resource management Act.

In response to submissions the initial landscape assessment undertaken by Treadwell and Associates was peer reviewed by Boffa Miskell. This has resulted in some changes to the land now proposed to be included in ONFLs.

This analysis seeks to assist the Commissioners by assessing whether there is jurisdictional scope to amend the ONFLs in the manner proposed in the peer review report through the decision making process

In order to determine this matter the assessment considers the following

What has changed as a result of the Peer Review?
 What scope the submissions provide?
 Who would be affected?

2. What has changed as a result of the Peer Review findings?

The following table charts the scope of changes arising from the peer review.

Area	PC 22 Notified	Peer Review	Comments
Foxton Dunefields	ONL	Removed	
Coastal Foredues	ONF	ONFL	Previously based on a definition and not spatially defined. Now spatially defined, it includes a wider area than just foredues. Areas of HAL now included as ONFL.
Manawatu Estuary	ONL	ONFL	Boundary amended, includes some extra land from Foxton Dunefields and some previously HAL area. A small amount of land that was not ONFL or HAL.
Lake Horowhenua	ONF	ONFL	Combined three areas together into one ONFL. Extra land added between the Lake and Moutere the majority was HAL but there is a small area now identified which was not HAL or ONFL
Hokio Stream	ONF		
Moutere Hill	ONF		
Lake Papaitonga	ONF	ONFL	Same boundary but Waiwiri Stream added. Waiwiri Stream had previously been included in Coastal Lakes HAL, Coastal Environment HAL and Coastal Foredues ONFL
Tararua Ranges	ONL	ONFL	Reduced in size

3. What scope do the submissions provide for changes to the notified areas?

The section below identifies the specific submissions that are potentially relevant to the changes to each ONFL.

Coastal Foredune ONF/Coastal ONFL

Mighty River Power (22/087/M)

That the [Coastal foredune] definition be deleted and that replacement planning maps are provided which clearly show the location of features that merit such protection.

Meridian (Further submission in relation to 22/087/M)

Support the relief sought. Accurate and detailed planning maps should be utilised to define ONF so that all plan users can understand the implications of such a classification for their existing and proposed activities.

Royal Forest & Bird Protection Society of NZ (22/045/C)

We consider that the Coastal High Amenity Landscape should not go right down to the Mean High Water Springs along the whole coastline of Horowhenua. This coastline – like the Tararua Mountains defines our district, and is a special part of our landscape. There should be at least 200 metres of Outstanding Coastal Landscapes to protect our coastline from inappropriate subdivision, use and development.

Brendon Redfern (22/045/A)

Restrict the definition of Outstanding Natural Features in relation to the Coastal Foredues only to those dunes that are well away from existing subdivisions or form significant wildlife habitats.

Department of Conservation (22/064/Q)

Planning Map 32 be amended so that the Foxton Dunefields ONL is extended west to the Mean High Water Springs.

The submissions above clearly provide scope for the following types of changes:

- **To move from a definition to spatially defining an area**
- **For the area to be reviewed and expanded**
- **For areas that were HAL to become ONFL areas**

Lake Horowhenua/Moutere Hill

Bruce & Christine Mitchell (22/053/C)

Lake Horowhenua was once an outstanding natural feature but it is not even a HAL feature now. It is polluted and often so toxic people cannot come in contact with the water. Oppose its inclusion as an ONF in its present state.

Lakeview Farm Ltd et al (22/067E)

HDC has never approached the owners of Moutere Hill about classing it as an outstanding natural feature. If the Proposed PC 22 goes ahead it would restrict the ability to build a residence on top of Moutere Hill or develop it as a tourist destination or for a wind farm.

Lake Horowhenua and the Hokio Stream which are classed as “outstanding natural features” are continually being polluted every time there is heavy rain over the Levin township. This stormwater is the main pollutant of Lake Horowhenua and the Hokio Stream. This problem has been brought to the attention of both Horowhenua District Council and Horizons – neither Council wants to take responsibility. ...In our own case over many years we have fenced off, with the help of Horizons field staff, over 100 acres of wetlands, native bush

including Whitiki Bush and parts of Kahuka swamp on the northern end of Lake Horowhenua. Whitiki Bush and Kaihuka Swamp are rated by Horizons as number 2 in importance in the Horowhenua and number 7 in the whole of the Rangitikei, Manawatu and Horowhenua districts.

Our recommendation regarding Proposed Plan Change 22 is to do nothing – ie leave the rules unchanged. Horizons field staff are quite capable of looking after these environmental areas.

While the submission above refers to the land at the northern end of Lake Horowhenua including the Whitiki Bush and Kaihuka Swamp it does not seek that this be included in the ONFL and therefore this change to the ONFL is beyond the scope of decisions available,

Lake Papaitonga and Waiwiri Stream

Horowhenua District Council (22/076/J)

That the Waiwiri Stream be identified and protected through this plan change

Taiao Raukawa Trustees (22/111/D)

The Waiwiri Stream should be an ONF in relation to Lake Papaitonga because it is important to the wellbeing of these related systems. The Waiwiri is the stream that connects Lake Papaitonga to sea. It is the passageway for fish life found in the lake. The Waiwiri stream and its ecological values and biodiversity are undergoing stages of restoration. These systems are also of utmost importance to Ngati Kikopiri and affiliated hapu as well as the wider cross-iwi historical cultural interest.

“...and that Maps 32 and 33 be changed accordingly”.

Department of Conservation (22/064/C)

The landscape values of Lake Papaitonga ONF cannot be isolated from the Waiwiri Stream. The Waiwiri Stream provides habitat for several threatened native fish species and is crucial to the health of the entire upstream fishery as it provides access to and from the lake for migrating native fish species. It is therefore an integral part of the lake ecosystem.

Consequential amendments to Planning map 32 be made.

The above submissions clearly give scope to consider including the Waiwiri Stream as part of the Lake Papaitonga ONFL

Manawatu Estuary

Horowhenua District Council (22/076/H)

That the extent of the Manawatu Estuary ONL is amended to reflect the Estuary Ramsar boundary, but exclude the area of the Pinewood Motor Camp that has been developed. Further to this, consideration and justification should be given for the current inclusion of the Manawatu Marine Boating Club and car park area in the ONL.

The above submission clearly gives scope to revise the boundary of the Manawatu Estuary in relation to the Motor Camp and the Ramsar boundary.

Tararua Ranges

Todd Energy Ltd (22/018/A) and Mangahao Joint Venture (22/019/A)

Review the areas to be classified as on ONL. A more detailed assessment is required to differentiate between the different parts of the Ranges. An outcome could be that a larger

area is classified as High Amenity Landscapes, and a smaller area as Outstanding Natural Landscapes.

Horowhenua District Council (22/076/L)

That the proposed boundary between the Tararua Range ONL and the Hill Country HAL be amended, based on the general native bush line taken from the Land Cover Database.

There are a wide range of submissions which generally seek that the Tararua ONL be revised, in some cases specific properties are referred to in other cases it is more general

22/100/A

22/052/B

22/068/A

22/054/B

22/015/A

22/004/B

The above submissions clearly give scope to revise the boundary of the Tararua Range ONFL and to consider specific properties identified within the area notified

Foxton Dunefields

Horowhenua District Council (22/076/E)

That the Foxton Dunefields landscape be considered as an entire entity, and that there is no distinction made within the rules between land that is a dune and land that is non-dune. This would remove the need for the proposed definition of 'dune'. Given the split level of protection for the Foxton Dunefields landscape, further analysis of the Foxton Dunefields may be necessary to determine what level of protection is most appropriate for this landscape.

The above submission clearly gives scope to undertake further assessment of the Foxton Dunefields

General

Mighty River Power (22/087/O)

That proposed planning maps 32 and 33 are replaced with new planning maps which are based on a more robust methodology

Telecom NZ Ltd (22/032/K)

The plans should be amended to clearly identify Outstanding Natural Landscapes and Features and High Amenity Landscapes.

Horticulture NZ (22/059/U)

Delete proposed planning maps until further identification of Outstanding Natural Landscapes and Features has been undertaken.

The above submissions clearly give scope

- To replace the planning maps based on a robust methodology
- To amend the maps to clearly show the ONFLs and HALs
- To undertake further identification work on ONFLs

Peer Review

Jager Farms (22/105/A)

That the research and analysis be peer reviewed by someone with local knowledge, to get accurate results before proceeding.

Federated Farmers (22/058/A)

That Plan Change 22 be put on hold until a full, complete and independent peer review of the landscape assessment which underpins Plan Change 22 is carried out and the results are reported back to Council....

Rob & Heather Gaskin (22/066/D)

Seek a formal peer review of the landscape assessment that has been presented and that this be funded by HDC

The above submissions clearly give scope:

- To undertake a peer review of the landscape assessment
- To progress the Plan Change on the basis of the peer review findings

One Plan (including Skyline of Tararuas)

George & Christina Paton (22/078/B)

That the plan changes reflect and incorporate any higher values identified in Horizons One Plan ...

Donald & Vicki Bryant (22/049/B)

That the changes in this plan change are in line with the One Plan.

Telecom NZ Ltd (22/032/A)

Cross reference criteria used in the proposed One Plan and ensure that the boundaries of the Outstanding Natural Landscapes and Outstanding Natural Features are coterminous.

Tararua Aokautere Guardians (22/015/A)

The area called Tararua foothills, particularly to the north of Shannon, forms the skyline of the ranges when viewed from the plains below. This area is listed as an ONF in the Regional council's proposed One Plan (Schedule F (j)). In other areas where it does not form the skyline, the Tararua foothills are the foreground to the view of the main range. When looking from above as a map, these areas can be seen as distinct. However from almost all of the Horowhenua, the foothills in the foreground cannot be visually separated from the Forest Park main range. The level of protection is insufficient. That the Council include the entire Hill Country HAL within the Tararua Range ONL.

Submissions provide scope should the Commissioners see fit to

- To align PC 22 with the One Plan
- To include the Skyline of the Tararuas as an ONFL

Plan Change 20 Landscape Domain Boundaries

Horowhenua District Council (22/076/G)

To avoid confusion, it is recommended that there is consistency between the areas in Plan Change 20 and 22, and that the Maps in Plan Change 22 are amended to reflect any associated changes following the decision on Plan Change 20.

The above submissions gives scope

- To amend PC 22 to reflect the decision on PC 20 – in particular the Hill Country HAL boundary

4. Who would be more onerously affected by the Peer Review findings?

Coastal ONFL

The Coastal Fore-dune ONF was not spatially defined on the maps accompanying Plan Change 22. There is therefore some inherent uncertainty regarding the interpretation of the definition and therefore whether landowners were clear whether their property was captured by this definition or not.

The Peer Review has identified a Coastal ONFL which in places extends beyond the first line of dunes. The area identified as the Coastal ONFL north of Waitarere is relatively straight forward. The land captured is owned by the Crown, the Council and there are three large privately owned parcels of land. Two of these are owned by Graham Sexton and the other is owned by Basil and Jennifer Sexton.

South of Waitarere it becomes more complicated with approximately 50 land parcels identified as part of the Coastal ONFL. These are a combination of Maori Land held in multiple ownership and general land privately owned.

Given the previous Coastal Fore-dune ONF definition notified as part of Plan Change 22, it could be reasonably anticipated that land parcels with a coastal frontage would have been captured by this definition. Whilst the Peer Review captures a larger area in the majority of cases this just means a larger portion of each land parcel is now an ONFL than would have been before.

There are however four parcels that are now identified as being within the Coastal ONFL that do not have a coastal frontage. These parcels were however part of the Coastal Environment HAL.

At the very southern end of the district, the peer review includes land within the properties on the western side of Reay Mackay Grove (part of the Strathnaver Glen subdivision at Waikawa Beach). These properties were previously not identified as being within the Coastal Environment HAL or Coastal Lakes HAL. They do include the landward side of the fore-dune and again by virtue of having a coastal frontage could have anticipated being captured by Plan Change 22 through the original Coastal Fore-dune ONF definition.

Lake Horowhenua ONFL

There are a number of parcels where additional land has now been recommended to be included as part of the Lake Horowhenua ONFL.

There are five parcels that were previously not part of the ONFLs that would now have land to be included. Of these parcels there is just one parcel that was not previously captured as either a HAL or ONFL. This landowner does not appear to be a submitter on this Plan change.

Manawatu Estuary ONFL

The recommended boundary for the Manawatu Estuary now includes a number of parcels that were previously part of the Foxton Dunefields ONL. A number of these parcels are owned by Council, the Crown or relate to the river (e.g. for the purpose of river diversion or soil conservation and river control). There are two privately owned parcels that were previously not subject to any ONL status, but they were identified as part of the Coastal Environment HAL. There is a small amount of land owned by the Regional Council that was not previously ONL or HAL.

Lake Papaitonga ONFL

The peer review has recommended that the Waiwiri Stream be added to the Lake Papaitonga ONFL. The stream and its margin run through approximately 10 parcels of land between the Lake and the sea. Several of these are owned by the Council. At least two of these appear to be Maori Land and held in the ownership of multiple owners.

All of these parcels were previously identified as being part of the Coastal Environment or Coastal Lakes HAL. The parcels affected would now be subject to the higher ONFL status (except for those areas which were part of the Coastal Fore-dune ONFL)