



## **Section 42A Report to the District Plan Review Hearing Panel**

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### **Proposed Horowhenua District Plan Natural Features and Values**

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**April 2013**



Hearing Date: 12 April 2013  
Report Prepared by: Sheena McGuire  
Report Number: 06.01

## **NOTE TO SUBMITTERS**

Submitters should note that the hearings on the Proposed District Plan have been organised according to topic. A total of 14 hearings are scheduled to hear submissions on each of the 14 topics. The topic which is the subject of this report is Natural Features and Values.

It is very likely that submitters who have made submission points in relation to Chapter 3 - Natural Features and Values may have also made submission points on other parts of the Proposed Plan. This report only addresses those submission points that are relevant to this subject of this report.

The hearings of submissions to the Proposed District Plan are being collectively heard by a Panel of eight commissioners. The appointed commissioners include a combination of local Councillors and independent commissioners. In most cases each hearing will be heard by a panel of three commissioners selected from the eight panel members. This does mean that different commissioners will be sitting on different hearings. It therefore will require submitters to ensure that when speaking at a hearing that they keep to their submission points that have been covered by the Planning Report for that hearing.

To assist submitters in finding where and how their submissions have been addressed in this report, a submitter index has been prepared and can be found at the very end of the report. The index identifies the page number(s) of where the submitter's submission points have been addressed in the report.

Submitters may also find the table contained in Section 6.2 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

## EXECUTIVE SUMMARY

The Horowhenua District Plan has been operative for over 13 years (since 13<sup>th</sup> September 1999). During this time Council has undertaken a number of plan changes the majority have been a minor technical nature. In 2009 Council publicly notified three substantive plan changes that sought to address Rural Subdivision, Urban Growth and Outstanding Natural Features and Landscapes. A significant portion of the Operative District Plan has not be reviewed or modified since becoming operative in 1999. The Council in fulfilling its statutory duties has undertaken a review of those parts of the District Plan that have not been subject of a plan change after 2008.

This report focuses on the topic of Natural Features and Values. The relevant provisions within the Proposed Plan are largely contained within Chapter 3 (Natural Features and Values) and Schedule 3 - Notable Trees with some related provisions appearing in the Zone Rules, Assessment Criteria and General Provision chapters of the Proposed Plan. The related relevant provisions within the Operative District Plan have in part been the subject of three principal plan changes and review process since the District Plan became operative (September 1999). Firstly, Plan Change 7 introduced provisions relating to Notable Trees (as part of the Heritage Chapter), secondly, Plan Change 8 related to indigenous flora/fauna (Significant Natural Areas), and thirdly, the recently proposed Plan Change 22 for Outstanding Natural Features and Landscapes. The remaining parts of the Natural Features and Values chapter relating to lakes, rivers and other water bodies has not been the subject of any plan change or review since the District Plan became operative.

The Proposed District Plan was publicly notified for submissions on 14 September 2012. The period for further submissions closed 20 December 2012. Through the public notification process a number of submissions were received supporting and opposing the Proposed Plan provisions. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the District Plan Review Hearings Panel on the issues raised. All submission points have been evaluated in this report, with specific recommendations for each point raised within each submission. These recommendations include amendments to the Proposed Plan, including refinements to the wording of some provisions. Whilst recommendations are provided, it is the role of the District Plan Review Hearing Panel to consider the issues, the submissions received, the evidence presented at the hearing, and the advice of the reporting planner for Council before making a decision.

The officer's recommendations on the key issue raised in the submissions include:

- Upholding the responsibility for Council to consider the impact of subdivision, use and development on indigenous biological diversity.
- Providing clarity around the purpose and application of Schedule 12 - Priority Water Bodies and the interrelationship with providing public access to water bodies in Chapter 4 - Open Space and Access to Water Bodies.
- Providing clarity around what the term 'water body' includes to provide protection for wetlands in the District.

The District Plan Review Hearings Panel in making its decisions will determine whether to accept, reject or accept in part, the submissions received, and as a consequence, any amendments to be made to the Proposed Plan.

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# 1. Introduction

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## 1.1 Qualifications

My full name is Sheena McGuire. I hold a Bachelor of Resource and Environmental Planning (Honours) degree from Massey University, Palmerston North, New Zealand. I am a Graduate Member of the New Zealand Planning Institute. I am a Policy Planner at Horowhenua District Council and I have been involved with the review of the Horowhenua District Plan since joining in September 2011. My involvement has included assistance with the preparation of District Plan Discussion Documents including researching and evaluating issues and options for Plan provisions, drafting and reviewing Plan provisions for both Councillor Workshops and District Plan Review Advisory Group Meetings and preparation and review of the notified Proposed District Plan and Section 32 Reports. My involvement now includes the preparation and review of Section 42A Reports.

## 1.2 Purpose

The purpose of this report is to assess the Proposed District Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised in submissions, and an analysis of the appropriateness and effectiveness of the proposed provisions in providing for the protection and enhancement of natural features and values in the Horowhenua District. I provide my findings and recommendations to the Hearings Panel in accordance with Section 42A of the Resource Management Act.

## 1.3 Outline

This report considers submissions and further submissions which were received on “Chapter 3 - Natural Features and Values” and “Schedule 3 - Notable Trees” and well as associated rules and definitions in Chapters 15, 19, 20, 25 and 26 of the Proposed Horowhenua District Plan (referred to in this report as “the Proposed Plan”). This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

- An overview of the Proposed Plan provisions
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan

The report discusses each submission or groups of similar submissions and includes a recommendation from the report writer on each submission that has received, **but the recommendation is not the decision of the Horowhenua District Council** (“the Council”).

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearings Panel will make a decision on the submissions. The decision report prepared by the Hearing Panel will include the Hearing Panel’s decision to accept, accept in part, or reject individual submission points, and any amendments to the Proposed Plan. All recommendations in this report are subject to consideration of any further evidence provided by submitters at the hearing.

The amendments to the Proposed Plan arising from the staff recommendations discussed throughout this report are listed in full in Section 6.1. The suggested amendments are set out in the same style as the Proposed Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual provisions in the Proposed Plan. As far as possible, the individual submission points are listed in order to match the contents of each Plan provision. The submission points relating to text or maps are listed first.

Each submission and further submission has been given a unique number (e.g. 58). Further submissions follow the same number format although they start at the number 500, therefore any submitter number below 500 relates to an original submission and any submitter number of 500 or higher relates to a further submission.

In addition to the submission number, each submission point (relief sought) has been given a unique number (e.g. 01). When combined with the submitter number, the submission reference number reads 58.01, meaning submitter number 58 and submission point number 01. A similar numbering system has been used for further submissions.

This report contains selected text from the Proposed Plan itself, either when changes have been requested by a submitter or where a change is recommended by Council officers or advisers. Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text is recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text is recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

## **2. Proposed Horowhenua District Plan**

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### **2.1 Background**

In November 2009, Council resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has undertaken 23 District Plan changes since the District Plan was made operative in September 1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision, urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22 which were not operative at the time the Proposed Plan was notified.

Chapter 3 – Natural Features and Values of the Proposed Plan contains the Issues, Objectives, Policies and Methods for the identification, protection and management of Outstanding Natural Features and Landscapes, Indigenous Biodiversity, Rivers, Lakes and Other Water Bodies, and Notable Trees within the Horowhenua District. Proposed Chapter 3 is an updated version of Section 3: Natural Features and Values of the Operative District Plan excluding the matter of Outstanding Natural Features and Landscapes that was recently subject to a separate review as Proposed Plan Change 22. There are rules and definitions in the Proposed Plan which govern the management of natural features and values and these have effectively been updated and revised following a review of both these provisions and Chapter 3. In addition, the provisions relating to

Notable Trees have been moved from Section 7: Heritage in the Operative District Plan to Chapter 3: Natural Features and Values in the Proposed Plan as the basis for identifying Notable Trees has a wider ambit than just historic heritage reasons.

## **2.2 Consultation & Process**

As outlined in the Section 32 Report associated with the Proposed Plan, general and targeted consultation has been undertaken for the District Plan Review from 2009. The general consultation was undertaken in two phases: 1. Survey and 2. Discussion Document (refer to the Section 32 Report for further details on the consultation approach and process).

General and targeted consultation was undertaken in relation to rivers, lakes and water bodies, as well as notable trees. This consultation was carried out as part of the Horowhenua Development Plan (November 2006) and the District Plan Review Discussion Document (October 2011). In addition, those land owners with notable trees on their property listed in the Operative Plan were contacted in regards to the reassessment of their significant tree(s) and the outcome of such assessment. An article was also published in the Community Connection Newsletter in April 2011 highlighting the purpose of a Notable Tree Register and the process for nominating a tree, including inviting nominations for new trees.

### **2.2.1 Late Submissions**

No late submissions were received which raised matters relating to Chapter 3 – Natural Features and Values.

## **3. Statutory Requirements**

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### **3.1 Resource Management Act 1991**

In preparing a District Plan, Council must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans
- Section 76, District Rules

Below I have summarised the key matters from the above requirements which are particularly relevant to this report. The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 4 of this report.

*Section 5: managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*



- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

*Section 6 of the RMA outlines the matters of national importance:*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) the protection of recognised customary activities.*

*Section 7 sets out Other Matters that must be given particular regard including:*

- (b) The efficient use and development of natural and physical resources;*
- (c) The maintenance and enhancement of amenity values;*
- (d) Intrinsic values of ecosystems;*
- (f) Maintenance and enhancement of the quality of the environment:*

Under Section 30 of the RMA, regional councils have the function of controlling the use of land for the purpose of maintaining and enhancing ecosystems in water bodies and coastal water. They are also responsible for objectives, policies and methods for maintaining biological diversity.

Under Section 31 of the RMA, territorial authorities are responsible for controlling the effects of the use, development, or protection of land, including for the purpose of maintaining indigenous biological diversity.

Given these overlapping responsibilities for indigenous biodiversity, Section 62(1)(i)(iii) of the RMA requires a regional policy statement to state the respective local authority responsibilities which are to apply, in the whole or any part of the region, through specifying the objectives, policies and

methods for the control of the use of land to maintain indigenous biodiversity. Territorial authorities are then required to give effect to this policy direction in the regional policy statement through their district plans (s75(3)(c)).

Section 76 of the RMA outlines provisions about district plan rules. It includes the following provisions about urban trees:

- (4A) *However, a rule must not prohibit or restrict the felling, trimming, damaging, or removal of any tree or group of trees in an urban environment unless the tree or group of trees is—*
- (a) *specifically identified in the plan; or*
  - (b) *located within an area in the district that—*
    - (i) *is a reserve (within the meaning of section 2(1) of the Reserves Act 1977); or*
    - (ii) *is subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.*
- (4B) *In subsection (4A), urban environment means an allotment no greater than 4000m<sup>2</sup>—*
- (a) *that is connected to a reticulated water supply system and a reticulated sewerage system; and*
  - (b) *on which is a building used for industrial or commercial purposes, or a dwelling house.*

This Section of the RMA requires scheduling of significant trees and vegetation, if tree protection rules are to form part of the District Plan. The scheduling of significant trees and vegetation requires a robust process and accurate Schedule that adequately reflects the significance of the District's tree assets.

All of the above matters contribute to the consideration of issues for natural features and values.

### **3.2 Proposed Amendments to Resource Management Act**

Central government has initiated a reform of the Resource Management Act (RMA) with a focus on reducing delays and compliance costs. The reform is being undertaken in two phases. Phase 1 focused on streamlining and simplifying the RMA, including changes to the preparation of district plans. Phase 2 focuses on more substantive issues concerning freshwater, aquaculture, urban design, infrastructure and the Public Works Act. Work on Phase 1 commenced late in 2008, while work on Phase 2 commenced in mid-2009.

The Phase 1 work culminated in the Resource Management (Simplifying and Streamlining) Amendment Act 2009, which came into force in October 2009. In respect of the Horowhenua District Plan and the Proposed Plan, the main effect of this Amendment Act have been process related to the further submission process, ability for simplified decision reports and notices, and changes when rules have effect.

In terms of Phase 2, in December 2012 the Resource Management Reform Bill was introduced to Parliament for its first reading and was referred to the Local Government and Environment Committee for submissions and consultation. In terms of District Plan Reviews and Proposed District Plans, this Bill propose changes in relation to the analysis that underpins District Plans including greater emphasis on the need for quantitative assessment of costs and benefits and the need to consider regional economic impact and opportunity costs, and ensuring decision-making is based on adequate, relevant, and robust evidence and analysis, and to increase the level of transparency of decision-making. It is noted this Bill includes transitional provisions which state these new assessment and decision-making requirements do not apply to proposed plans after the further submission period has closed (refer Schedule 2, Clause 2 of the Bill).

In addition, the Resource Management Reform Bill 2012 includes some technical changes to clarify and improve the workability of the RMA. One of these technical changes relates to clarifying the requirements of tree protection rules to ensure they only apply to a tree or group of trees that is specifically identified in a schedule to a plan by street address or legal description of the land, and that a group of trees means a cluster, grove, or line of trees that are located on the same or adjacent allotments identified by precise location.

Central government is also considering further changes to the RMA. In late February 2012 the government released a discussion document on proposals it is considering to change the RMA. The proposed reform package identifies six proposals:

Proposal 1: Greater national consistency and guidance

Proposal 2: Fewer resource management plans

Proposal 3: More efficient and effective consenting

Proposal 4: Better natural hazard management

Proposal 5: Effective and meaningful iwi/Maori participation

Proposal 6: Working with councils to improve practice

At the time of writing this report, there have been no announcements or other research relating to the subjects of this report.

### **3.3 Local Government Act 2002**

The Local Government Act 2002 (LGA) is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It aims to accomplish this by giving local authorities a framework and power to decide what they will do and how. To balance this empowerment, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken.

The LGA also provides local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Section 14 of the LGA sets out the principles of local government with one of the principles stating:

*(h) in taking a sustainable development approach, a local authority should take into account—*

*(i) the social, economic, and cultural interests of people and communities; and*

*(ii) the need to maintain and enhance the quality of the environment; and*

*(iii) the reasonably foreseeable needs of future generations*

The above role and principle generally align with the overall purpose and principles of the Resource Management Act.

There are no other specific provisions in the LGA relevant to the subject matter of this report.

### **3.4 National Environmental Standards**

No Operative National Environmental Standards are considered specifically relevant to this report.

### **3.5 National Policy Statements**

Under Section 75(3)(a) of the Resource Management Act, a District Plan must give effect to any National Policy Statement (NPS).

#### **National Policy Statement for Freshwater Management (2011)**

The National Policy Statement for Freshwater Management (NPSFW) came into effect on 1 July 2011. The NPSFW is intended to recognise the value of freshwater to New Zealand and give national direction to Councils. The NPSFW sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

While the NPSFW imposes an obligation on all consent authorities to have regard to the NPSFW in consent decision making, in terms of the impact on the District Plan there are no direct obligations.

The obligations to give effect to this NPSFW fall on the Regional Council which is consistent with their functions under Section 30 of the RMA.

The link to the District Plan is where the Regional Policy Statement or Regional Plan introduces provisions to implement the NPSFW that affect land use which could include the management of activities on the surface of water (a District Council responsibility). The District Council needs to be aware of those activities which it has control over, such as the creation of esplanade reserves

No provisions of the NPS are considered specifically relevant to the subject of this report.

#### **Proposed National Policy Statement on Indigenous Biodiversity (2011)**

The Ministry for the Environment (MfE) consulted publicly on a proposed National Policy Statement on Indigenous Biodiversity in early 2011. This Proposed NPS received a high number (426) of submissions. In terms of the current status of this proposed NES, the MfE states "The Ministry for the Environment is preparing a report and recommendations on the proposed National Policy Statement for the Minister for the Environment to consider. The Government intends to consider the report from the Waitangi Tribunal on claim 262 before finalising the NPS. Part of this claim relates to rights in respect to indigenous flora and fauna." Given the status of the proposed NPS and the number of submissions received, it is not specifically considered in assessing the matters in this report.

### **3.6 Operative Regional Policy Statement & Proposed One Plan**

Under Section 74(2) of the Resource Management Act, the Council shall have regard to any proposed regional policy statement, in this case, the Horizons Regional Council Proposed One Plan. In addition, under Section 75(3)(c) of the Resource Management Act, a District Plan must

give effect to any Regional Policy Statement. The Operative Manawatu-Wanganui Regional Policy Statement became operative on 18 August 1998. The Proposed One Plan (incorporating the Proposed Regional Policy Statement) was publicly notified on May 2007 and decisions on submissions notified in August 2010. In total 22 appeals were received, with some resolved through mediation while others were heard by the Environment Court. Interim decisions were issued by the Environment Court in August 2012 with final decisions expected in early 2013. In addition, Federated Farmers of NZ Inc and Horticulture NZ have appealed these interim decisions to the High Court in relation to non-point source discharges and run-off (nutrient management).

Given the very advanced nature of the Proposed One Plan in the plan preparation process and that all matters relevant to the District Plan Review are beyond challenge, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by the Proposed District Plan.

Chapter 7 of the Proposed One Plan contains the regions significant resource management issues, objectives, policies and methods relating to landscape, indigenous biological diversity and historic heritage. The relevant objectives and policies are listed below:

*Objective 7-1: Indigenous biological diversity*

*Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biological diversity, including enhancement where appropriate.*

*Policy 7-1: Responsibilities for maintaining indigenous biological diversity*

*In accordance with s62(1)(i) RMA, local authority responsibilities for controlling land use activities for the purpose of managing indigenous biological diversity in the Region are apportioned as follows:*

*(a) The Regional Council must be responsible for:*

- (i) developing objectives, policies and methods for the purpose of establishing a Region-wide approach for maintaining indigenous biological diversity, including enhancement where appropriate*
- (ii) developing rules controlling the use of land to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity, including enhancement where appropriate.*

*(b) Territorial Authorities must be responsible for:*

- (ii) retaining schedules of notable trees and amenity trees in their district plans or such other measures as they see fit for the associated with indigenous biological diversity, but not for the purpose of protecting significant indigenous vegetation and significant habitats of indigenous fauna as described in (a)(ii) above.*

*(c) Both the Regional Council and Territorial Authorities must be responsible for:*

- (i) *recognising and providing for matters described in s6(c) RMA and having particular regard to matters identified in s7(d) RMA when exercising functions and powers under the RMA, outside the specific responsibilities allocated above, including when making decisions on resource consent applications.*

*Policy 7-8: Natural character*

- (a) *The natural character of the coastal environment, wetlands, rivers and lakes and their margins must be preserved and these areas must be protected from inappropriate subdivision, use and development.*
- (b) *The natural character of these areas must be restored and rehabilitated where appropriate and reasonably practicable.*

*Policy 7-8A: Managing natural character*

*In relation to the natural character of:*

- (a) *the component of the coastal environment which is not coastal marine area (CMA), and*
- (b) *wetlands, rivers and lakes and their margins subdivision, use or development must generally be considered appropriate if it:*
  - (c) *is compatible with the existing level of modification to the environment,*
  - (d) *has a functional necessity to be located in or near the wetland, river or lake and no reasonably practicable alternative locations exist,*
  - (e) *is of an appropriate form, scale and design to blend with the existing landforms, geological features and vegetation,*
  - (f) *will not, by itself or in combination with effects of other activities, significantly disrupt natural processes or existing ecosystems, and*
  - (g) *will provide for the restoration and rehabilitation of natural character where that is appropriate and reasonably practicable.*

*Policy 7-9: Public access to and along rivers and lakes and their margins*

- (a) *Activities within or near rivers and lakes must be established and operated in a manner which readily provides for public access. Public access may be restricted only where necessary for safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a resource consent.*
- (b) *Public access for recreational purposes must recognise the need to protect rare habitats, threatened habitats and at-risk habitats.*
- (c) *Public access must recognise existing private property rights.*

The Horowhenua District Plan must give effect to the above objectives and policies in the Proposed One Plan.

Policy 7-1 above sets out local authority responsibilities for controlling land use activities for the purpose of managing indigenous biological diversity. Essentially the Proposed One Plan is directing that the Regional Council will have all responsibilities for the maintenance of indigenous biological diversity in developing objectives, policies and methods including rules. Territorial authorities are then only responsible for retaining schedules of notable or amenity trees for recognition and identification purposes as opposed to protecting significant indigenous vegetation. As a result of these Proposed One Plan provisions, district plans in the Manawatu-Wanganui region will no longer be able to include land use provisions (including rules) for maintaining indigenous biological diversity. Therefore, the majority of the indigenous vegetation and habitats of indigenous fauna provisions in the Operative District Plan do not form part of the Proposed Plan.

Notwithstanding the above, district councils still have an overarching responsibility in relation to Sections 6(c) and 7(d) of the RMA (i.e. protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and intrinsic values of ecosystems) when making decisions on resource consent applications. For example, in determining an application for a subdivision consent which contains or is adjacent to an area of significant indigenous vegetation, the district council would need to recognise and provide for the protection of this area, and have particular regard to the intrinsic values of its ecosystems.

In relation to lakes, rivers and other water bodies, the Proposed One Plan provides policy direction on managing of land use, subdivision and development on the margins of lakes, rivers and water bodies to preserve their natural character.

This direction is to be considered in analysing the submissions on Chapter 3 – Natural Features and Values and associated Rules and Definitions in the Proposed Plan.

### **3.7 Operative Horowhenua District Plan**

As noted above, the Operative Horowhenua District Plan has been operative for over 13 years (since 13<sup>th</sup> September 1999) and a number of plan changes have been made since.

The Operative District Plan was originally notified without a Notable Tree Schedule or any means for protecting trees of significance in the District. Through the submission and hearing process, it was concluded that there was support to protect trees with special characteristics and values from being damaged or removed and Council's response was the initiation of Plan Change 7. Plan Change 7 became operative in August 2000 and incorporated provision for the identification and protection of Notable Trees into the Operative District Plan.

Plan Change 8 amended the Plan provisions relating to indigenous vegetation and habitats of indigenous fauna. This Plan Change amended the overall policy framework in Section 3 of the Operative Plan for indigenous vegetation and habitats of indigenous fauna, as well as introducing general indigenous vegetation rules and site-specific rules with a Schedule of Significant Natural Areas. This Plan Change was made operative in January 2005.

As outlined earlier, resource management issues pertaining to Outstanding Natural Features and Landscapes have been recently addressed through a separate plan change process (i.e. Plan Change 22). Plan Change 22 is currently subject to five appeals lodged with the Environment Court.

Apart from these changes, no other changes have been made to natural features and values provisions since the District Plan was made operative.

## 4. Analysis of Submissions

### 4.1 Introduction

#### 4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
67.08	Taiao Raukawa Environmental Resource Unit	In-Part	The submitter seeks the amendment of Chapter 3 Introduction.	Amend Chapter 3 Introduction to read 'kaitiaki is to preserve the <del>sprit</del> <u>spirit</u> of the land'.	

One submission was received in regards to the introduction section of Chapter 3 – Natural Features and Values.

#### 4.1.2 Discussion & Evaluation

1. Taiao Raukawa Environmental Resource Unit (67.08) seeks that the word 'sprit' is amended to correctly read as 'spirit'.
2. The decision requested is a minor correction that will help to accurately define the term 'kaitiaki' and help plan users with interpretation of the term and how it is applied in Chapter 3. It is recognised that 'spirit' was the intended word to be use in this context and that the misspelling of the word on page 3-1 of Chapter 3 should be corrected. For this reason, I recommend that submission point 67.08 is accepted.

#### 4.1.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
67.08		Taiao Raukawa Environmental Resource Unit		Accept

#### 4.1.4 Recommended Amendments to the Plan Provisions

Amend third paragraph of Introduction on page 3-1 as follows:

To Tangata Whenua it is specifically the natural environment that provides an identity. It is turangawaewae – a standing place, where the role of kaitiaki is to preserve the spirit of the land. The natural environment is the creator, providing physical and spiritual nourishment.

## 4.2 Issue 3.2 Indigenous Biological Diversity

#### 4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.45	Federated Farmers of New Zealand	In-Part	The Horizons Regional Council under the One Plan now must be responsible for developing objectives, policies and methods for the purpose of developing a region wide approach for managing indigenous biological diversity, which has been acknowledged in the Issue Discussion on page 3-5.	Amend Issue 3.2 to provide for a transfer of the biodiversity function from the Horowhenua District Council to the Manawatu-Wanganui Regional Council under Section 33 of the RMA and associated consultation takes place.	506.29 Ernslaw One Ltd - Support
96.46	Federated Farmers of New Zealand	In-Part	<p>Federated Farmers considers that Issue 3.2 needs to accurately reflect pressures on indigenous biodiversity from introduced pests and weeds. We are concerned that Issue 3.2 places blame on land use activities on biodiversity loss and ignores the many positive contributions of landowners to biodiversity.</p> <p>It is critical for both the Regional and the District Councils to acknowledge that in many instances the reason why indigenous biodiversity still exists on privately owned land is because landowners have, at their own expense, protected the area and as such have provided a significant public good.</p> <p>Federated Farmers also considers it vital that an accurate reflection of the pressures on the maintenance of indigenous biodiversity is outlined within the District Plan.</p> <p>Within Issue 3.2 and paragraph 2 of the Issues Discussion the current wording is highly suggestive that clearance by landowners and stock access to patches of bush are the key threats to indigenous biodiversity in the region. This is not the case and in many instances the protection that private landowners have provided for indigenous biodiversity on their land which includes fencing and extensive pest management at their own expense is the very reason it still exists.</p>	<p>Amend Issue 3.2 as follows:</p> <p>Land use, subdivision and development can result in the damage and destruction of areas of significant indigenous vegetation and significant habitats of indigenous fauna and the intrinsic values of ecosystems, including loss of indigenous biological diversity. <u>The single biggest threat to the long term viability of indigenous biodiversity is that of invasive pests, both plant and animal. Pressure from land use activities such as clearance of forest and scrub and drainage of wetland areas is tightly controlled and significantly constrained through the regional policy statement.</u></p> <p>Or words to that effect.</p>	<p>506.30 Ernslaw One Ltd - Support</p> <p>527.08 Director-General of Conservation (DoC) - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			The community must be better informed about the true threats facing indigenous biodiversity and it is a responsibility of the District Council to serve the community better in this regard.		

Federated Farmers of New Zealand made two submission points in opposition to parts of Issue 3.2. Federated Farmers seek that a transfer of the indigenous biological diversity function to the Regional Council should be provided for in Issue 3.2. Federated Farmers also request that Issue 3.2 is amended to accurately reflect the pressures on indigenous biological diversity in the Horowhenua District. Three further submission points were made on these submission points in both support and opposition.

#### **4.2.2 Discussion & Evaluation**

1. Federated Farmers (96.45) seek that a transfer of functions under Section 33 of the RMA take place regarding the Regional Council's function to control land use for the management of indigenous biological diversity under the Proposed One Plan. This submission point was supported by Ernslaw One Ltd (506.29).
2. It is recognised that Federated Farmers do not favour the setting of responsibilities for indigenous biological diversity to be primarily undertaken by the Regional Council. As outlined in the introductory section of this report, the roles and responsibilities of Regional Council and Territorial Authorities in respect to indigenous biological diversity are defined in the Proposed One Plan. These roles and responsibilities were the subject of legal challenge and have been upheld by the High Court.
3. Section 33 of the RMA sets out a process for a local authority to transfer one or more of their powers, duties or functions to another public authority. This process requires a special consultative procedure which would allow those in support or opposition to have their say on the transfer. While the process does allow for public involvement and transfer of powers, the roles and responsibilities of Regional Council and Territorial Authorities in regards to indigenous biological diversity are clearly set in the Proposed One Plan. Therefore, I am unsure of what exact responsibilities the District Council would be transferring to the Regional Council in relation to indigenous biodiversity, as the District Council has very limited responsibilities. The transfer of powers would not necessarily change as a result of this process. Therefore, it is recommended the Proposed Plan and Issue 3.2 be retained as notified. Therefore I recommend that submission point 96.45 and further submission 506.29 be rejected.
4. Federated Farmers (96.46) seek the amendment of Issue 3.2 to place emphasis on the role of pests and weeds in the loss of indigenous biological diversity and in doing so, appreciate that private land owners are not the sole cause of biodiversity loss and have made positive contributions to biodiversity. This submission point was supported by Ernslaw One Ltd (506.30) and opposed by the Director-General of Conservation (DoC) (527.08).
5. Federated Farmers (96.46) have provided suggested wording to provide the clarity around the issue of a loss of biodiversity. It is accepted that greater emphasis could be placed on the

role of pests and invasive plant species in the loss of biodiversity. However, the Issue Discussion for Issue 3.2 is seen as the appropriate section of the Proposed Plan to deal with this matter. The Issue Discussion as notified already states that both pests and land disturbance are the main causes of biodiversity loss in the district but greater clarity could be provided on the different types of pests such as animals and weeds as well as highlighting the impact of pests in indigenous biological diversity loss to plan users.

6. It is not seen as appropriate to amend the wording of Issue 3.2 as the issue clearly states what the problem is, being potential land use, subdivision and development overall which is what the Proposed Plan is seeking to control. Although a major factor in biodiversity loss, the role of controlling pests and plant invasions is not a function of HDC and the suggested wording may detract from the primary issue Council is seeking to control. Submission point 96.46 has merit in seeking an accurate account of the pressures on indigenous biological diversity and this can be adequately provided for in the Issue Discussion which provides context to the Issue. I recommend that the relief sought by Federated Farmers (96.46) is accepted in-part. Further submission points 506.30 and 527.08 are therefore accepted in-part.

#### 4.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.45		Federated Farmers of New Zealand		Reject
	506.29	Ernslaw One Ltd	Support	Reject
96.46		Federated Farmers of New Zealand		Accept In-Part
	506.30,	Ernslaw One Ltd	Support	Accept In-Part
	527.08	Director-General of Conservation (DoC)	Oppose	Accept In-Part

#### 4.2.4 Recommended Amendments to the Plan Provisions

Amend Issue Discussion for Issue 3.2 to read:

...

"The remaining natural habitats are is small, fragmented and under pressure from pests and disturbance faced with a number of pressures. One of the main threats to indigenous biological diversity in the Horowhenua District is pests such as feral animals and invasive weeds. In addition to this, there are land use A number of activities that have the potential to adversely affect remaining areas of significant indigenous vegetation and habitats of indigenous fauna. Such activities and their effects include uncontrolled stock grazing that can damage indigenous forest understorey and limit regeneration, and the fragmentation of remnant indigenous forest and wetland areas through clearance for pasture and exotic forestry. ~~Other threats include, feral animals, invasion of weeds and drainage.~~"

## 4.3 Objective 3.2.1

### 4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
27.04	Horizons Regional Council	Oppose	This objective does not give effect to the Regional Policy Statement as it attempts to covers areas outside territorial authority jurisdiction. Policy 7-1(b)(ii) of the POP specifies what territorial authorities must be responsible for. The District Council is not required to address protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna that are covered by Schedule E of the POP. If the intent of the objective is to deal with amenity issues associated with notable trees and amenity trees then this should be made explicit.	Delete Objective 3.2.1 and replace with an objective that covers the matters signalled in Policy 7-1(b)(ii) of the POP as the areas of territorial authority jurisdiction.	517.12 Horticulture NZ – In-Part
96.47	Federated Farmers of New Zealand	Oppose	<p>Federated Farmers recognise that both the Regional and the District Council have an obligation under the RMA to maintain indigenous biodiversity under section 30 (ga) and 31 (b) (iii).</p> <p>However Federated Farmers note that within the Regional Plan and Regional Policy Statement there is now extensive protection provided for indigenous biodiversity and that the Regional Council will take and retain control of land use for the management of indigenous biodiversity. Although this is accepted by Federated Farmers as the decision of the Court, we remain concerned that the required transfer of the biodiversity function process and the associated community consultation did not occur as required under Section 33 of the RMA.</p> <p>The submitter expects that the protection required under Objective 3.2.1 of the District Plan does not extend beyond that protection already granted under the One</p>	<p>Amend Objective 3.2.1 to provide for a transfer of the biodiversity function from the Horowhenua District Council to the Manawatu-Wanganui Regional Council under Section 33 of the RMA and associated consultation takes place, and</p> <p>Delete Objective 3.2.1.</p>	<p>506.31 Ernslaw One Ltd - Support</p> <p>517.13 Horticulture NZ - Support</p> <p>527.09 Director-General of Conservation (DoC) - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Plan.		
101.11	Director-General of Conservation (DoC)	In-Part	Objective 3.2.1 is reasonable but should align with Horizons Regional Council's Proposed One Plan.	Amend Objective 3.2.1 as follows so that it aligns with the Horizons Regional Council's One Plan;  To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna <u>or to maintain indigenous biological diversity including enhancement where appropriate.</u>	

Submissions made on Objective 3.2.1 all relate to the roles and responsibilities of the Regional Council and HDC in applying land use controls for maintaining indigenous biological diversity. The submissions seek alignment with the Proposed One Plan in fulfilling the District Council's obligations in regards to indigenous biological diversity.

Objective 3.2.1 as notified reads "*To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna*".

#### **4.3.2 Discussion & Evaluation**

1. Horizons Regional Council (27.04) seek the deletion of Objective 3.2.1. Horizons submit that Objective 3.2.1 and the subsequent policies and methods do not align with Proposed One Plan Policy 7-1. Horticulture NZ (517.12) support this submission in-part.
2. Policy 7-1 sets out local authority responsibilities for controlling land use activities for the purpose of managing indigenous biological diversity. Essentially the Proposed One Plan directs that the Regional Council will have all responsibilities for the maintenance of indigenous biological diversity in developing objectives, policies and methods including rules. Territorial authorities are then only responsible for retaining schedules of notable or amenity trees for recognition and identification purposes as opposed to protecting significant indigenous vegetation. As a result of these Proposed One Plan provisions, district plans in the Manawatu-Wanganui region will no longer be able to include land use provisions (including rules) for maintaining indigenous biological diversity.
3. Notwithstanding the above, district councils still have an overarching responsibility in relation to Sections 6(c) and 7(d) of the RMA (i.e. protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and intrinsic values of ecosystems) when making decisions on resource consent applications. For example, in determining an application for a subdivision consent which contains or is adjacent to an area of significant indigenous vegetation, the district council would need to recognise and provide for the protection of this area, and have particular regard to the intrinsic values of its ecosystems.

4. The intent of Objective 3.2.1 is not considered to duplicate or remove the responsibility of the Regional Council in developing objectives, policies and methods for the purpose of maintaining indigenous biological diversity. Rather, this objective is to ensure that the District Plan meets its obligations under the RMA provides the ability for the District Council to consider the impact of land use activities and subdivision on indigenous biological diversity and impose conditions where Regional Council may not have the jurisdiction or ability to do so. On this basis, I recommend submission point 27.04 is rejected and 517.12 is accepted in-part.
5. Federated Farmers (96.47) seek that a transfer of the indigenous biological diversity function from HDC to Horizons under Section 33 of the RMA takes places. This would allow for a special consultative process to take place. Federated Famers also request that Objective 3.2.1 is deleted or amended to align with the responsibilities for maintaining indigenous biological diversity in the Proposed One Plan. Ernslaw One Ltd (506.31) and Horticulture NZ (517.13) support this submission and DoC (527.09) opposes this submission.
6. While the Section 33 process allows for public involvement, the roles and responsibilities of Regional Council and Territorial Authorities in regards to indigenous biological diversity in Proposed One Plan would not change as a result of this process and would therefore not necessarily influence a change in responsibilities for managing indigenous biological diversity. As discussed earlier, the intent of Objective 3.2.1 is not to duplicate responsibilities but provide HDC with a framework to assess the impact of a land use activity or subdivision on indigenous biological diversity, and impose conditions where Regional Council does not have any jurisdiction or responsibilities in the consent process. I recommend that submission points 96.47, 506.31 and 517.13 are rejected and 527.09 is accepted.
7. DoC (101.11) seek that Objective 3.2.1 is amended to align with the wording of the Proposed One Plan. The Objective currently reads "To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna" and DoC have submitted that the wording should replicate that in the Proposed One Plan to read "*To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity including enhancement where appropriate*". This amended wording is supported as it aligns with the Proposed One Plan policy and the role of the District Council under the Proposed One Plan and the RMA. I recommend that submission point 101.11 is accepted.

#### 4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
27.04		Horizons Regional Council		Reject
	517.12	Horticulture NZ	In-Part	Accept In-Part
96.47		Federated Farmers		Reject
	506.31	Ernslaw One Ltd	Support	Reject
	517.13	Horticulture NZ	Support	Reject
	527.09	Director-General of Conservation (DoC)	Oppose	Accept

101.11		Director-General of Conservation (DoC)		Accept
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#### 4.3.4 Recommended Amendments to the Plan Provisions

Amend Objective 3.2.1 Indigenous Biological Diversity to read:

"To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity including enhancement where appropriate."

## 4.4 Policy 3.2.2

### 4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.00	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the inclusion of the protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity to Policy 3.2.2.	Amend Policy 3.2.2 to incorporate protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity.	
27.05	Horizons Regional Council	Oppose	Policy 3.2.2 does not give effect to the Regional Policy Statement as they attempt to cover areas outside territorial authority jurisdiction. Policy 7-1(b)(ii) of the POP specifies what territorial authorities must be responsible for. The District Council is not required to address protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna that are covered by Schedule E of the POP. There is a related issue of managing the effects of subdivision which may impact on significant habitat areas and the ability to impose covenants and the like. This is a matter that could be addresses through the policy stream as would be a policy for areas of indigenous biodiversity not listed in Schedule E of the POP.	Delete Policy 3.2.2 and replace with a policy that seeks to recognise and retain notable trees and amenity trees within the district, in line with the requirements of the POP.	517.14 Horticulture NZ - In Part
101.12	Director-General of Conservation (DoC)	Support	<del>Submitter supports Policy 3.2.3.</del> Submitter supports Policy 3.2.2.	<del>Retain Policy 3.2.3 as notified.</del> Retain Policy 3.2.2 as	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				notified.	

Three submissions were made on Policy 3.2.2. These submissions raised matters including the need for the protection of the natural light cycle at night and the need for alignment with the Proposed One Plan.

Policy 3.2.2 reads "*Manage the effects of subdivision, use and development to avoid, remedy or mitigate the adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna and the intrinsic values of the ecosystems.*"

#### **4.4.2 Discussion & Evaluation**

1. Horowhenua Astronomical Society (26.00) seek the inclusion of the protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity. Policy 3.2.2 seeks to manage the effects of subdivision, use and development on significant indigenous vegetation. The protection of the natural light cycle at night may have positive impacts on indigenous biological diversity (e.g. maintain natural daily rhythms of individual species). However, this policy seeks to manage adverse effects in order to protect indigenous biological diversity rather than indirectly protect other values which may have an effect on biodiversity. I recognise the merit in providing for the protection of the natural light cycle and note that the adverse effects of lightspill have been considered in the Section 42A Reports for Open Space and Access to Water Bodies, Water and the Surface of Water; Urban Environment and Rural Environment. It is recommended in these reports that an additional Assessment Criteria is included in Chapter 25 of the Proposed Plan to ensure that adverse effects generated from lightspill on the night sky is included in any assessment. It is my view that this is an appropriate amendment which would provide greater protection of the natural night light cycle rather than the relief sought in submission point (26.00). On this basis I recommend that submission point 26.00 is accepted in-part.
2. Horizons (27.05) request that Policy 3.2.2 is deleted and replaced with a policy that seeks to recognise and retain notable trees and amenity trees within the district to align with the requirement of the Proposed One Plan. This is supported by Horticulture NZ (517.14) in-part.
3. The intent of Policy 3.2.2 is not seen to depart entirely or conflict with the responsibilities set out in the Proposed One Plan. This policy aims to allow Council to assess and manage the environmental effects where a land use activity or subdivision may adversely affect an area of significant indigenous vegetation or habitat of indigenous fauna. This assessment is not considered to occur in isolation from the Proposed One Plan but with respect to criteria and matters in the Proposed One Plan as outlined in Methods for Issue 3.2. Policy 3.2.2 is not considered to be a duplication of the Regional Council responsibility but another measure to ensure that Sections 6(c) and 7(d) of the RMA are upheld by the District Council. Policy 3.2.2 would allow Council to ensure appropriate steps are taken to manage adverse effects on indigenous biological diversity where Regional Council may not have the jurisdiction to. It is for these reasons that I recommend submission point 27.05 is rejected.
4. I note that the submission point by DoC contained in the Summary of Submissions did not reflect the original submission. I have noted that DoC (101.12) support Policy 3.2.2 and request that this Policy is retained as notified.



### 4.4.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.00		Horowhenua Astronomical Society		Accept In-Part
27.05	517.14	Horizons Regional Council Horticulture NZ	In-Part	Reject Reject
101.12		Director-General of Conservation (DoC)		Accept

### 4.4.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 3.2.2.

## 4.5 Policy 3.2.3

### 4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.17	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the inclusion of the protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity to Policy 3.2.3.	Amend Policy 3.2.3 to incorporate protection of the natural light cycle at night as a way of maintaining and enhancing indigenous biological diversity.	
27.34	Horizons Regional Council	Oppose	Policy 3.2.3 does not give effect to the Regional Policy Statement as they attempt to cover areas outside territorial authority jurisdiction. Policy 7-1(b)(ii) of the POP specifies what territorial authorities must be responsible for. The District Council is not required to address protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna that are covered by Schedule E of the POP. There is a related issue of managing the effects of subdivision which may impact on significant habitat areas and the ability to impose covenants and the like. This is a matter that could be addresses through the policy stream as would be a policy for areas of indigenous	Delete Policy 3.2.3 and replace with a policy that seeks to recognise and retain notable trees and amenity trees within the district, in line with the requirements of the POP.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			biodiversity not listed in Schedule E of the POP.		
96.48	Federated Farmers of New Zealand	In-Part	<p>Federated Farmers supports Policy 3.2.3 which seeks to encourage subdivision, land use and development which maintains and enhances biodiversity. Regulation is not always only about regulating undesirable activities but also should include encouragement of desirable activities.</p> <p>While the submitter recognises that there is limited scope for the District Council to encourage activities when biodiversity is a function that the Regional Council has assumed, there are still opportunities. Many landowners undertake personal actions that maintain or enhance indigenous biodiversity on their properties by carrying out pest and weed control, fencing off areas, formally protecting areas by QEII covenants, and planting native species. These actions are undertaken because of the value placed in the inherent values of the land by the landowner.</p>	<p>Amend Policy 3.2.3 as follows:</p> <p>Encourage subdivision, land use and development that maintains and enhances indigenous biological diversity through the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna, <u>and recognise voluntary actions undertaken by landowners.</u></p> <p>Or words to that effect.</p>	506.32 Ernslaw One Ltd - Support
101.13	Director-General of Conservation (DoC)	In-Part	<p>The Policy is generally supported. The addition of the words “where appropriate” will ensure that these types of activities are suitable on the basis that the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna are provided for.</p>	<p>Amend Policy 3.2.3 as follows:</p> <p>Encourage <u>where appropriate</u> subdivision, land use and development that maintains and enhances indigenous biological diversity through the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p>	

Four submissions were made on Policy 3.2.3. Submissions related to the protection of the natural light cycle at night; the alignment of the policy with the Proposed One Plan; recognition and encouraging of voluntary works to enhance biodiversity; and the wording of the policy.

Policy 3.2.3 reads "*Encourage subdivision, land use and development that maintains and enhances indigenous biological diversity through the protection and enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*"

#### **4.5.2 Discussion & Evaluation**

1. Horowhenua Astronomical Society (26.17) seek the inclusion of the protection of the natural light cycle at night as a way of maintaining an enhancing indigenous biological diversity. Policy 3.2.3 seeks to encourage subdivision, land use and development that maintains and enhances indigenous biological diversity. The protection of the natural light cycle at night may have positive impacts on indigenous biological diversity but this policy seeks to encourage the protection and enhancement of indigenous biological diversity through subdivision, land use and development rather than indirectly through protecting other values. As discussed earlier, amendments to Assessment Criteria for Zone Chapters is seen to adequately provide for the protection of the natural night light cycle as opposed to the specific relief sought in submission point 26.17. On this basis I recommend that submission point 26.17 is accepted in-part.
2. Horizons (27.34) request that Policy 3.2.3 is deleted and replaced with a policy that seeks to recognise and retain notable trees and amenity trees within the district to align with the requirements of the Proposed One Plan.
3. As discussed earlier, the intent of Policy 3.2.3 is not seen to depart entirely from or conflict with the responsibilities set out in the Proposed One Plan. This policy aims to allow Council to assess and manage the environmental effects where a land use activity or subdivision may adversely affect an area of significant indigenous vegetation or habitat of indigenous fauna. Policy 3.2.3 would allow Council to ensure appropriate steps are taken to manage these adverse effects on indigenous biological diversity where the Regional Council may not have the jurisdiction to do so. It is for these reasons that I recommend submission point 27.34 is rejected.
4. Federated Farmers (96.48) seek amendment to Policy 3.2.3 to allow for the recognition of private land owners who take voluntary action to enhance or maintain indigenous biodiversity. This submission is supported by Ernslaw One Ltd (506.32). While voluntary actions of private land owners to enhance or maintain indigenous biodiversity are admirable, HDC is required to give effect to the Proposed One Plan which places this responsibility and method with the Regional Council. HDC can no longer include rules for significant natural areas as well as grant schemes to assist land owners with enhancement and maintenance of such areas and recognition of best practice, as this role is no longer a function of HDC under the Proposed One Plan. I recommend that submission point 96.48 and 506.32 are rejected as HDC no longer have the function of implementing a policy which provides for recognition of voluntary actions for the protection of indigenous biological diversity.
5. DoC (101.13) seek the inclusion of the wording 'where appropriate' in Policy 3.2.3. While there may be situations where it may not be appropriate to encourage subdivision, land use and development that maintains and enhances indigenous biodiversity, the application of the term 'where appropriate' is subjective and could provide for varying interpretations of the policy. It is therefore recommended that submission point 101.13 is rejected.

### 4.5.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.17		Horowhenua Astronomical Society		Accept In-Part
27.34		Horizons Regional Council		Reject
96.48	506.32	Federated Farmers Ernslaw One Ltd	Support	Reject Reject
101.13		Director-General of Conservation (DoC)		Reject

### 4.5.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 3.2.3.

## 4.6 Issue 3.3 Lakes, Rivers and Other Water Bodies & Issue Discussion

### 4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.20	Todd Energy Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Issue 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.21	KCE Mangahao Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Issue 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				projects.	
80.22	Todd Energy Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Issue Discussion 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.24	KCE Mangahao Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Issue Discussion 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
96.50	Federated Farmers of New Zealand	In-Part	Within paragraph 2 of the Discussion of Issue 3.3 the division of the responsibility of activities in and adjacent to water bodies is conversed. It is important to recognise that the rules within Chapter 12 of the Horizons One Plan have a significant impact on activities along the margins of water bodies. Setback distances for vegetation clearance, land disturbance and cultivation as well as the activity status of activities within these setback distances is now explicit in the One Plan rules. Although these rules are yet to be finalised its important that the District Plan effectively links through to the Regional Plan.  The last paragraph on page 3-7 states that there remains potential	Amend 3.3 Issue Discussion as follows:  .....The management of water its self (taking, use and discharge.); <u>activities including land disturbance, vegetation clearance and cultivation on the margins of water bodies (Chapter 5 and 12 Regional Policy Statement and Regional Plan)</u> and the beds of fresh water bodies (Chapter 16, <u>Regional Plan</u> ) are managed by Horizons Regional Council. Or words to that effect.	513.13 Rayonier New Zealand Ltd - Support  517.11 Horticulture NZ - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			for the modification of river margins due to unsustainable land use practices, vegetation clearance and earthworks. Federated Farmers strongly disagrees with this statement. Not only does the One Plan control such activities through the rules stream of Chapter 12, but Chapter 16 of the One Plan is also very explicit regarding what can and what can't be done in and adjacent to water bodies (refer to table 16.1 of the One Plan).		

Todd Energy Ltd and KCE Mangahao Ltd made submissions that relate to the scheduled priority water bodies and the purpose of these. Both submitters seek an explanation of the priority water bodies to assist with the interpretation and application of Schedule 12 and the associated provisions.

Federated Farmers made a submission seeking clear linkages and reference to the Proposed One Plan and the responsibilities of the Regional Council.

#### **4.6.2 Discussion & Evaluation**

1. Todd Energy Ltd (80.20, 80.22) and KCE Mangahao Ltd (92.21, 92.24) seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Issue 3.3 and the Issue Discussion.
2. The purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to provide for the maintenance and enhancement of public access to significant water bodies and to create a buffer between priority water bodies and any developments adjacent to these. Chapter 4 - Open Space and Access to Water Bodies seeks to outline the purpose and application of Schedule 12 in relation to public access to priority water bodies. Chapter 3 - Natural Features and Values seeks to outline the purpose and application of Schedule 12 in relation to the protection of the natural character of priority water bodies.
3. Issue 3.3 addresses the issue of inappropriate subdivision, land use and development on water bodies. To respond to this issue, there are policies and methods in place including identifying priority water bodies with high natural character and significant values.
4. The purpose and application of Schedule 12 is not clearly stated in Issue 3.3 and submission points 80.20, 80.22, 92.21 and 92.24 have merit in suggesting that this purpose should be provided to assist with interpretation and application of the Schedule and associated policies and rules.
5. It is recommended that Issue 3.3 is retained as the Explanation and Principal Reasons for Objective 3.3.1 is considered a more appropriate part of the chapter to provide for the relief sought. I recommend that the Explanation and Principals Reasons are amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend

that submission points 80.20 and 92.21 are accepted in-part and submission points 80.22 and 92.24 are accepted.

6. Federated Farmers (96.50) seek that all Regional Council responsibilities for the management of activities in and adjacent to lakes, rivers or streams are listed in the Issue Discussion for Issue 3.3. This submission point is supported by Rayonier New Zealand Ltd (513.13) and Horticulture NZ (517,11). The Proposed One Plan provides rules in relation to activities on and along the margins of water bodies and a clear link to these provisions should be provided through accurately listing Regional Council responsibilities. I recommend that paragraph two of Issue Discussion 3.3 is amended as requested in submission point 96.50 to provide for this clarification.

#### 4.6.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
80.20		Todd Energy Ltd		Accept In-Part
92.21		KCE Mangahao Ltd		Accept In-Part
80.22		Todd Energy Ltd		Accept
92.24		KCE Mangahao Ltd		Accept
96.50		Federated Farmers		Accept
	513.13	Rayonier New Zealand Ltd	Support	Accept
	517.11	Horticulture NZ Ltd	Support	Accept

#### 4.6.4 Recommended Amendments to the Plan Provisions

Amend second paragraph of Issue Discussion for Issue 3.3 to read:

...

"Responsibility for the management of activities in and adjacent to lakes, rivers or streams is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the margins of rivers, lakes and other water bodies. The management of the water itself (taking, use, discharges), activities including land disturbance, vegetation clearance and cultivation on the margins of water bodies, as well as the beds of freshwater bodies, are managed by Horizons Regional Council."

...

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides

an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 -Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

## 4.7 Objective 3.3.1

### 4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.24	Todd Energy Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Objective 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.25	KCE Mangahao Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority	Amend Objective 3.3.1 to clarify the purpose and application of Schedule	



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
101.14	Director-General of Conservation (DoC)	In-Part	Issue 3.3 briefly discusses Lakes, Rivers and Other Water Bodies (including wetlands). Objective 3.3.1 omits any reference to wetlands despite this being discussed throughout the section. Horowhenua is well known for its national important coastal wetlands some of which may occur wholly or partially in the "coastal marine area". The RMA definition of "water bodies" does not include wetlands which occur in the coastal marine area, meaning these areas would not be covered by the Objective.	Amend Objective 3.3.1 as follows:  To protect the natural character of lakes, rivers, <u>wetlands</u> and other water bodies and their margins, from inappropriate use, and development.	

Todd Energy Ltd and KCE Mangahao Ltd made submissions that relate to the scheduled priority water bodies and the purpose of these. Both submitters seek an explanation of the priority water bodies to assist with the interpretation and application of Schedule 12 and the associated provisions.

DoC made a submission seeking clarification on what 'other water bodies' involves. DoC suggest that wetlands are not included in the term 'other water bodies' yet wetlands warrant protection under Objective 3.3.1.

Objective 3.3.1 reads "*To protect the natural character of lakes, rivers and other water bodies and their margins, from inappropriate use and development.*"

#### **4.7.2 Discussion & Evaluation**

1. Todd Energy Ltd (80.24) and KCE Mangahao Ltd (92.25) seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Objective 3.3.1.
2. As discussed earlier, the purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to provide for the maintenance and enhancement of public access to significant water bodies and to create a buffer between priority water bodies and any developments adjacent to these. The purpose and application of Schedule 12 is not clearly stated in Objective 3.3.1 and submission points 80.24 and 92.25 have merit in suggesting that this purpose should be provided to assist with interpretation and application of the Schedule and associated policies and rules.

3. It is recommended that Objective 3.3.1 is retained as currently worded and the Explanation and Principal Reasons for Objective 3.3.1 is considered a more appropriate part of the chapter to provide for the relief sought. I recommend that the Explanation and Principal Reasons is amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend that submission points 80.24 and 92.25 are accepted in-part
4. DoC (101.14) seek amendment to Objective 3.3.1 to ensure that wetlands are adequately protected as natural features in the Horowhenua District. DoC suggest rewording of the objective to list wetlands as a feature to protect as well as lakes, rivers and other water bodies.
5. DoC have raised the concern that wetlands may not be protected, particularly if they are not considered a 'water body' in Objective 3.3.1. Water body as defined under the RMA does not include wetlands and therefore DoC are correct in identifying this potential gap. To align with Section 6(a) of the RMA, it is recommended 'wetlands' be specifically add to all references in Chapter 3 of the Proposed Plan which state "lakes, rivers, wetlands and other waterbodies'.
6. In addition, to clarify what is meant by the reference 'other waterbodies' in Chapter 3, and to ensure that all forms of water bodies are protected in Chapter 3, it is recommended that the term 'water body' is clearly explained in the Issue Discussion for Issue 3.3. For these reasons, I recommend the Issue Discussion for Issue 3.3 is amended to provide certainty and clarity around use of the term 'water body'.

#### **4.7.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
80.24		Todd Energy Ltd		Accept In-Part
92.25		KCE Mangahao Ltd		Accept In-Part
101.14		Director-General of Conservation (DoC)		Accept In-Part

#### **4.7.4 Recommended Amendments to the Plan Provisions**

Amend Issue 3.3 Heading and Issue Statement to read:

Issue 3.3 Lakes, Rivers, Wetlands and Other Water Bodies

Inappropriate subdivision, land use and development in, on, or adjacent to lakes, rivers, wetlands and other water bodies, can adversely affect their natural character and other values such as ecological, recreation, cultural and amenity values.

Amend Issue Discussion for Issue 3.3 to read:

"The Horowhenua has numerous lakes, rivers and other water bodies of varying size and significance which are valued for a range of conservation, recreation, cultural, amenity and intrinsic reasons. In the context of this District Plan 'other water bodies' includes streams and tributaries, wetlands and dune lakes. Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of ~~wetlands, lakes, and rivers;~~ and wetlands and their

margins, and the protection of them from inappropriate use, subdivision and development. Another matter of national importance provided for in the RMA is the maintenance and enhancement of public access to and along lakes and rivers.

Responsibility for the management of activities in and adjacent to lakes, rivers, wetlands or streams other water bodies is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the margins of rivers, lakes, wetlands and other water bodies. The management of the water itself (taking, use, discharges), as well as the beds of freshwater bodies, are managed by Horizons Regional Council.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values. There are smaller dune lakes and wetlands scattered throughout the rural areas of the District. The Manawatu River is the largest river in the Horowhenua and its catchment includes extensive land area outside of the District. There are a number of other rivers and streams draining from the Tararua Ranges towards the Tasman Sea. In addition, there are other smaller streams and tributaries across the plains and coastal areas connected to these lakes and rivers.

Lakes, rivers, wetlands and other water bodies have many values. They are natural drainage channels and systems. The water bodies and their edges provide habitats for both aquatic and terrestrial species. They also often function as ecological corridors along which animals move to other habitats. In addition, they form an integral component of the landscape. They are also important for recreational uses such as boating, fishing and swimming.

Water bodies also have important cultural values. For Tangata Whenua, waters are seen as the lifeblood of the land and therefore, of the people. Access to water and the management of water quality and ecological systems are important to Tangata Whenua for social, economic, spiritual and cultural reasons, including customary activities. The margins of water bodies are also where many wāhi tapu and other cultural heritage sites may be located.

Public access to and along water bodies is also a major issue, as limited access constrains the recreational values of freshwater environments. However, access must be provided in a form that does not adversely affect the conservation values, increase risk to natural hazards or any operational requirements of adjoining landowners, such as farming operations.

Activities on land near water bodies can adversely affect the values of the water bodies if not properly managed. Over time, water bodies and their margins can deteriorate because of changes to land use in their catchments. As many water bodies throughout the District flow through farmland, there has been, and remains, potential for modification of the river-water body margin areas by unsustainable land use practices, vegetation clearance, or earthworks. In addition, the subdivision of land on the edges of river, lakes, wetlands and wetlands other water bodies leads to intensified settlement that in turn can detrimentally affect the natural character of riparian areas and potential conflict with their recreational use (for example, wetlands used for hunting).

Fundamental to preserving the natural character of lakes, rivers and other water bodies is the need to protect the attributes that constitute natural character of Horowhenua's lakes, rivers, wetlands and other water bodies and their amenity values – in particular, the potential loss of reasonable buffer areas along the edge of water bodies. Such buffers allow for vegetated strips, which are important for ecological purposes (fish habitats and reduction of water and silt runoff from pastures), as well as to maintain visual and landscape values. Such buffers can also provide for

public access and natural hazard defence systems. The required depth of such buffers will vary widely – in urban areas, they need not be as extensive as they need to be in rural areas, particularly on the banks of major rivers, lakes, wetlands and other water bodies~~wetlands~~.

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

Amend Policy 3.3.2 as follows:

Identify priority lakes, rivers, wetlands, and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic values.

Amend Policy 3.3.3 as follows:

Manage the design, location and scale of subdivision and/or land development and use adjoining lakes, rivers, wetlands and other water bodies so they retain their special values and natural character.

Amend Policy 3.3.4 as follows:

Ensure subdivision, use and development protects the natural character of lakes, rivers, wetlands and other water bodies and maintain and enhance their special values by having regard to the following matters in assessing proposals:

- extent to which natural processes, elements and patterns that determine the area’s natural character are sustained, and/or restored and rehabilitated;
- degree of change to landform and relief;
- degree of protection of vegetation cover and patterns, including use of a buffer;
- compatibility with existing level of modification to the environment;
- functional necessity to be located in or near the water body and no reasonably practicable alternative locations exist;
- ability to mitigate any potential adverse effects of subdivision, use, and development; and
- provision of public amenity and access to land acquired by Council for reserve purposes.

Amend Policy 3.3.5 as follows:

Ensure the adverse effects on the natural character and special values of lakes, rivers, wetlands and other water bodies are avoided or mitigated through establishing setbacks for activities and buildings that may cause adverse effects.

Amend Policy 3.3.7 as follows:

Enable customary activities to be undertaken within and adjacent to lakes, rivers, wetlands and other water bodies.

Amend Policy 3.3.8 as follows:

Promote a strategic approach to the management of lakes, rivers, wetlands and other water bodies and their margins and catchments, particularly by using management plans for areas with significant environmental issues that require a collaborative approach with other groups or organisations.

Amend Policy 3.3.9 as follows:

Provide for the maintenance of the natural character of lakes, rivers, wetlands and other water bodies, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network.

## 4.8 Policy 3.3.2

### 4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.51	Federated Farmers of New Zealand	In-Part	Policy 3.3.2 links through to Schedule 12 of the District Plan but also through to the One Plan schedule AB: Surface Water Management Values where the water bodies of the Horizons region are all given values which include	Amend Policy 3.3.2 as follows:  Identify priority lakes, rivers and other water bodies with high natural character and conservation, recreation,	528.20 Horizons Regional Council - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>values such as natural state, sites of significance cultural and sites of significance aquatic. There should be good alignment between the District and the Regional Plan regarding the priority water bodies in the Horowhenua District.</p> <p>Policy 3.3.2 does not explain to what purpose priority water bodies are to be identified. Policy 3.3.3 follows on to provide for management of subdivision and/or land development in order to retain values but does not mention prioritising, so it is perhaps to be assumed that this is why priority water bodies are identified. Rules for the creation of esplanade reserves and strips during subdivisions in Conditions for Subdivision 24.2.5 directly reference the Schedule 12 priority water bodies, and seem to be the only application of priority water bodies in the District Plan. In order to provide further clarity for Policy 3.3.2 the purpose of prioritising water bodies should be included directly into this policy to ensure that priority water bodies are only used to provide a network of esplanade reserves.</p>	<p>cultural, amenity and intrinsic value, <u>for the purpose of creating a comprehensive network of esplanade reserves and strips to maintain and enhance public access and natural character.</u></p>	
80.03	Todd Energy Ltd	In-Part	<p>There is no clear policy link to the two different groups of Priority Water Bodies identified in Schedule 12. This policy states that priority water bodies will be identified but it does not identify the purpose of the priority or how it will be applied.</p>	<p>Amend Policy 3.3.2. provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.</p> <p>The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.</p>	
92.03	KCE Mangahao Ltd	In-Part	<p>There is no clear policy link to the two different groups of Priority Water Bodies identified in Schedule</p>	<p>Amend Policy 3.3.2. provide clear policy direction and to clarify the</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			12. This policy states that priority water bodies will be identified but it does not identify the purpose of the priority or how it will be applied.	purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
101.15	Director-General of Conservation (DoC)	In-Part	Policy 3.3.2 could be improved to better provide for the protection of wetlands generally. One of the matters of national importance in Section 6 of the RMA is the preservation of the natural character of wetlands, lakes and rivers, and their margins. Policy 3.3.2 needs to implement the Objective and provide for all types of wetland and also margins.	Amend Policy 3.3.2 through rewording to better provide for wetland types generally.	

Four submissions were received on Policy 3.3.2. Federated Farmers, Todd Energy Ltd and KCE Mangahao Ltd all sought clarity over the purpose of priority water bodies and Schedule 12 is to be applied in the context of natural features and values. DoC also sought improvement to Policy 3.3.2 in providing greater protection of wetlands.

Policy 3.3.2 reads "*Identify priority lakes, rivers and other water bodies and their margins, from inappropriate use, and development.*"

#### **4.8.2 Discussion & Evaluation**

1. Federated Farmers (96.51) seek amendment to Policy 3.3.2 to state the purpose of identifying priority lakes, rivers and other water bodies with high natural character. Horizons Regional Council (528.20) oppose this submission point.
2. It is accepted that the purpose and application of priority water bodies in Chapter 3 is not clear. Rather than amend Policy 3.3.2, it is recommended that the Explanation and Principal Reasons for Issue 3.3 are amended to thoroughly outline the purpose of priority water bodies and the meaning of Group 1 and 2 Priority Water Bodies, and explain how related objectives and policies are to be applied to achieve this purpose. On this basis, I recommend submission points 96.51 and 528.20 are accepted in-part.
3. Todd Energy Ltd (80.03) and KCE Mangahao Ltd (92.03) seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Policy 3.3.2.
4. As discussed earlier, the purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to maintain and enhance public access to significant water bodies and to create a buffer

between priority water bodies and any developments adjacent to these. The purpose and application of Schedule 12 is not clearly stated in Policy 3.3.2 and submission points 80.03 and 92.03 make a valid point in seeking amendment to assist with interpretation of how Schedule 12 is related to the overarching objective.

5. It is recommended that Policy 3.3.2 is retained as the Explanation and Principal Reasons for Objective 3.3.1 is considered a more appropriate part of the chapter to provide for the relief sought. I recommend that the Explanation and Principal Reasons are amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend that submission points 80.03 and 92.03 are accepted in-part.
6. DoC (101.15) seek amendment to Policy 3.3.2 to ensure that wetlands are adequately protected as natural feature in the Horowhenua District. DoC suggest rewording of the objective to list wetlands as a feature to protect as well as lakes, rivers and other water bodies.
7. DoC have raised the concern that wetlands may not be protected if not considered as a 'water body' in Policy 3.3.2. As discussed earlier, water body as defined under the RMA does not include wetlands and therefore DoC are correct in identifying this potential gap. To align with Section 6(a) of the RMA, it is recommended 'wetlands' be specifically add to all references in Chapter 3 of the Proposed Plan which state "lakes, rivers, wetlands and other waterbodies'. To ensure that all forms of water bodies are protected in Chapter 3 it is recommended that the term 'water body' is clearly defined in the Issue Discussion for Issue 3.3. I recommend the Issue Discussion for Issue 3.3 is amended to provide certainty and clarity around use of the term 'water body'.

#### **4.8.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
96.51	528.20	Federated Farmers Horizons Regional Council	Oppose	Accept In-Part Accept In-Part
80.03		Todd Energy Ltd		Accept In-Part
92.03		KCE Mangahao Ltd		Accept In-Part
101.15		Director-General of Conservation (DoC)		Accept In-Part

#### **4.8.4 Recommended Amendments to the Plan Provisions**

Amend Policy 3.3.2 as follows:

Identify priority lakes, rivers, wetlands, and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic values.

Amend Issue Discussion for Issue 3.3 to read:

"The Horowhenua has numerous lakes, rivers, wetlands and other water bodies of varying size and significance which are valued for a range of conservation, recreation, cultural, amenity and intrinsic reasons. In the context of this District Plan 'other water bodies' includes streams and



tributaries, wetlands and dune lakes. Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of ~~wetlands, lakes, and rivers,~~ and wetlands and their margins, and the protection of them from inappropriate use, subdivision and development. Another matter of national importance provided for in the RMA is the maintenance and enhancement of public access to and along lakes and rivers.

Responsibility for the management of activities in and adjacent to lakes, rivers, wetlands or ~~streams other water bodies~~ is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the margins of rivers, lakes, wetlands and other water bodies. The management of the water itself (taking, use, discharges), as well as the beds of freshwater bodies, are managed by Horizons Regional Council.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values. There are smaller dune lakes and wetlands scattered throughout the rural areas of the District. The Manawatu River is the largest river in the Horowhenua and its catchment includes extensive land area outside of the District. There are a number of other rivers and streams draining from the Tararua Ranges towards the Tasman Sea. In addition, there are other smaller streams and tributaries across the plains and coastal areas connected to these lakes and rivers.

Lakes, rivers, wetlands and other water bodies have many values. They are natural drainage channels and systems. The water bodies and their edges provide habitats for both aquatic and terrestrial species. They also often function as ecological corridors along which animals move to other habitats. In addition, they form an integral component of the landscape. They are also important for recreational uses such as boating, fishing and swimming.

Water bodies also have important cultural values. For Tangata Whenua, waters are seen as the lifeblood of the land and therefore, of the people. Access to water and the management of water quality and ecological systems are important to Tangata Whenua for social, economic, spiritual and cultural reasons, including customary activities. The margins of water bodies are also where many wāhi tapu and other cultural heritage sites may be located.

Public access to and along water bodies is also a major issue, as limited access constrains the recreational values of freshwater environments. However, access must be provided in a form that does not adversely affect the conservation values, increase risk to natural hazards or any operational requirements of adjoining landowners, such as farming operations.

Activities on land near water bodies can adversely affect the values of the water bodies if not properly managed. Over time, water bodies and their margins can deteriorate because of changes to land use in their catchments. As many water bodies throughout the District flow through farmland, there has been, and remains, potential for modification of the ~~river water body~~ margin areas by unsustainable land use practices, vegetation clearance, or earthworks. In addition, the subdivision of land on the edges of river, lakes, wetlands and ~~wetlands~~ other water bodies leads to intensified settlement that in turn can detrimentally affect the natural character of riparian areas and potential conflict with their recreational use (for example, wetlands used for hunting).

Fundamental to preserving the natural character of lakes, rivers, wetlands and other water bodies is the need to protect the attributes that constitute natural character of Horowhenua's lakes, rivers and other water bodies and their amenity values – in particular, the potential loss of reasonable buffer areas along the edge of water bodies. Such buffers allow for vegetated strips, which are

important for ecological purposes (fish habitats and reduction of water and silt runoff from pastures), as well as to maintain visual and landscape values. Such buffers can also provide for public access and natural hazard defence systems. The required depth of such buffers will vary widely – in urban areas, they need not be as extensive as they need to be in rural areas, particularly on the banks of major rivers, lakes and other water bodies ~~wetlands~~.

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

## 4.9 Policy 3.3.3

### 4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.21	Todd Energy Ltd	In-Part	There is no clear policy link to the two different groups of Priority Water Bodies identified in Schedule	Amend 3.3.3 to provide clear policy direction and to clarify the purpose and	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			12. Policy 3.3.3 is generic and does not link to priority water bodies.	application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.22	KCE Mangahao Ltd	In-Part	There is no clear policy link to the two different groups of Priority Water Bodies identified in Schedule 12. Policy 3.3.3 is generic and does not link to priority water bodies.	Amend 3.3.3 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
96.52	Federated Farmers of New Zealand	Oppose	Federated Farmers submits that Policy 3.3.3 be deleted, as we have suggested an amendment to Policy 3.3.2 which should address concerns regarding subdivision and development reducing public access and natural character.	Delete Policy 3.3.3	517.15 Horticulture NZ – Support  528.21 Horizons Regional Council - Oppose
101.16	Director-General of Conservation (DoC)	In-Part	Policy 3.3.3 could be improved to better provide for the protection of wetlands generally. One of the matters of national importance in Section 6 of the RMA is the preservation of the natural character of wetlands, lakes and rivers, and their margins. Policy 3.3.3 needs to implement the Objective and provide for all types of wetland and also margins.	Amend Policy 3.3.3 through rewording to better provide for wetland types generally.	

Four submissions were received in relation to Policy 3.3.3. The content of submissions range from amendments for the purpose of clarity to providing for protection of wetlands to deletion of the Policy altogether.

Policy 3.3.3 reads "*Manage the design, location and scale of subdivision and/or land development and use adjoining lakes, rivers and other water bodies so they retain their special values and natural character.*"

#### **4.9.2 Discussion & Evaluation**

1. Todd Energy Ltd (80.21) and KCE Mangahao Ltd (92.22) seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Policy 3.3.3.
2. As discussed earlier, the purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to maintain and enhance public access to significant water bodies and to create a buffer between priority water bodies and any developments adjacent to these. The purpose and application of Schedule 12 is not clearly stated in Policy 3.3.3 and submission points 80.21 and 92.22 make a valid point in seeking amendment to assist with interpretation of how Schedule 12 is related to the overarching objective.
3. It is recommended that Policy 3.3.3 is retained as the Explanation and Principal Reasons for Objective 3.3.1 is considered a more appropriate part of the chapter to provide for the relief sought. I recommend that the Explanation and Principals Reasons are amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend that submission points 80.21 and 92.22 are accepted in-part.
4. Federated Farmers (96.52) seek the deletion of Policy 3.3.3. This submission point is supported by Horticulture NZ (517.15) and opposed by Horizons (528.21). Federated Farmers sought amendment to Policy 3.3.2 which would make Policy 3.3.3 redundant, and therefore, to avoid duplication, it is requested that Policy 3.3.3 is deleted. As Policy 3.3.2 has not been recommended to change as sought by Federated Farmers in submission (96.51), it is recommended that Policy 3.3.3 is retained. On this basis, I recommend submission point 96.52 and 517.15 are rejected and 528.21 is accepted.
5. DoC (101.16) seek amendment to Policy 3.3.3 to ensure that wetlands are adequately protected as natural feature in the Horowhenua District. DoC suggest rewording of the objective to list wetlands as a feature to protect as well as lakes, rivers and other water bodies.
6. DoC have raised the concern that wetlands may not be protected if not considered as a 'water body' in Policy 3.3.2. As discussed earlier, water body as defined under the RMA does not include wetlands and therefore DoC are correct in identifying this potential gap. To align with Section 6(a) of the RMA, it is recommended 'wetlands' be specifically add to all references in Chapter 3 of the Proposed Plan which state "lakes, rivers, wetlands and other waterbodies'. To ensure that all forms of water bodies are protected in Chapter 3 it is recommended that the term 'water body' is clearly defined in the Issue Discussion for Issue 3.3. I recommend the Issue Discussion for Issue 3.3 is amended to provide certainty and clarity around use of the term 'water body'.

#### **4.9.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
80.21		Todd Energy Ltd		Accept In-Part

92.22		KCE Mangahao Ltd		Accept In-Part
96.52		Federated Farmers		Reject
517.15		Horticulture NZ		Reject
528.21		Horizons Regional Council		Accept
101.16		Director-General of Conservation (DoC)		Accept In-Part

#### **4.9.4 Recommended Amendments to the Plan Provisions**

Amend Policy 3.3.3 as follows:

Manage the design, location and scale of subdivision and/or land development and use adjoining lakes, rivers, wetlands and other water bodies so they retain their special values and natural character.

Amend Issue Discussion for Issue 3.3 to read:

"The Horowhenua has numerous lakes, rivers, wetlands and other water bodies of varying size and significance which are valued for a range of conservation, recreation, cultural, amenity and intrinsic reasons. In the context of this District Plan 'other water bodies' includes streams and tributaries, wetlands and dune lakes. Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of ~~wetlands, lakes, and rivers,~~ and wetlands and their margins, and the protection of them from inappropriate use, subdivision and development. Another matter of national importance provided for in the RMA is the maintenance and enhancement of public access to and along lakes and rivers.

Responsibility for the management of activities in and adjacent to lakes, rivers, wetlands or ~~streams other water bodies~~ is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the margins of rivers, lakes and other water bodies. The management of the water itself (taking, use, discharges), as well as the beds of freshwater bodies, are managed by Horizons Regional Council.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values. There are smaller dune lakes and wetlands scattered throughout the rural areas of the District. The Manawatu River is the largest river in the Horowhenua and its catchment includes extensive land area outside of the District. There are a number of other rivers and streams draining from the Tararua Ranges towards the Tasman Sea. In addition, there are other smaller streams and tributaries across the plains and coastal areas connected to these lakes and rivers.

Lakes, rivers, wetlands and other water bodies have many values. They are natural drainage channels and systems. The water bodies and their edges provide habitats for both aquatic and terrestrial species. They also often function as ecological corridors along which animals move to other habitats. In addition, they form an integral component of the landscape. They are also important for recreational uses such as boating, fishing and swimming.

Water bodies also have important cultural values. For Tangata Whenua, waters are seen as the lifeblood of the land and therefore, of the people. Access to water and the management of water quality and ecological systems are important to Tangata Whenua for social, economic, spiritual and

cultural reasons, including customary activities. The margins of water bodies are also where many wāhi tapu and other cultural heritage sites may be located.

Public access to and along water bodies is also a major issue, as limited access constrains the recreational values of freshwater environments. However, access must be provided in a form that does not adversely affect the conservation values, increase risk to natural hazards or any operational requirements of adjoining landowners, such as farming operations.

Activities on land near water bodies can adversely affect the values of the water bodies if not properly managed. Over time, water bodies and their margins can deteriorate because of changes to land use in their catchments. As many water bodies throughout the District flow through farmland, there has been, and remains, potential for modification of the river-water body margin areas by unsustainable land use practices, vegetation clearance, or earthworks. In addition, the subdivision of land on the edges of river, lakes, wetlands and wetlands/other water bodies leads to intensified settlement that in turn can detrimentally affect the natural character of riparian areas and potential conflict with their recreational use (for example, wetlands used for hunting).

Fundamental to preserving the natural character of lakes, rivers and other water bodies is the need to protect the attributes that constitute natural character of Horowhenua's lakes, rivers, wetlands and other water bodies and their amenity values – in particular, the potential loss of reasonable buffer areas along the edge of water bodies. Such buffers allow for vegetated strips, which are important for ecological purposes (fish habitats and reduction of water and silt runoff from pastures), as well as to maintain visual and landscape values. Such buffers can also provide for public access and natural hazard defence systems. The required depth of such buffers will vary widely – in urban areas, they need not be as extensive as they need to be in rural areas, particularly on the banks of major rivers, lakes and other water bodies/wetlands.

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows

a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

## 4.10 Policy 3.3.4

### 4.10.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.02	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks that the natural processes of the night should be sustained, restored and rehabilitated in areas related to lakes, rivers and other water bodies. Excessive inefficient artificial lighting systems can disrupt natural processes both adjacent to and within water bodies and can be reflected into the night sky causing skyglow.	Amend Policy 3.3.4 to consider and control the amount and type of artificial lighting for any subdivision or development proposals close to a water body.	
80.23	Todd Energy Ltd	In-Part	There is no clear policy link to the two different groups of Priority Water Bodies identified in Schedule 12. Policy 3.3.4 is generic and does not link to priority water bodies.	Amend 3.3.4 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.23	KCE Mangahao Ltd	In-Part	There is no clear policy link to the two different groups of Priority Water Bodies identified in Schedule 12. Policy 3.3.4 is generic and does not link to priority water bodies.	Amend 3.3.4 to provide clear policy direction and to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				further development of the Mangahao Power Station and renewable electricity generation projects.	

Three submissions were made on Policy 3.3.4. The submissions raised the importance of the natural processes of the night and the impact on processes adjacent to and within water bodies and again, the need for clarity around the purpose and application of Schedule 12 - Priority Water Bodies.

Policy 3.3.4 reads "*Ensure subdivision, use and development protects the natural character of lakes, rivers and other water bodies and maintain and enhance their special values by having regard to the following matters in assessing proposals:*

- *extent to which natural processes, elements and patterns that determine the area's natural character are sustained, and/or restored and rehabilitated;*
- *degree of change to landform and relief;*
- *degree of protection of vegetation cover and patterns, including use of a buffer;*
- *compatibility with existing level of modification to the environment;*
- *functional necessity to be located in or near the water body and no reasonably practicable alternative locations exist;*
- *ability to mitigate any potential adverse effects of subdivision, use, and development; and*
- *provision of public amenity and access to land acquired by Council for reserve purposes."*

#### **4.10.2 Discussion & Evaluation**

1. The Horowhenua Astronomical Society Inc (26.02) seek the amendment of Policy 3.3.4 to consider and control the amount and type of artificial lighting for any subdivision or development proposal close to a water body. Policy 3.3.4 seeks to provide assessment matters to ensure subdivision, use and development protects natural character of lakes, rivers and other water bodies. Such matters of assessment are aimed at providing direction at a policy level rather than specifics such as sustaining, restoring and rehabilitating natural light processes. Methods in Chapter 3 provide for rules and assessment of environmental effects for subdivision and development proposals. These methods are considered the most effective approach for ensuring that developments do not adversely affect the values of lakes, rivers and other water bodies in the district.
2. I note that the Subdivision and Development Principles and Requirements 2012 includes measures to ensure new street lighting in rural areas and sensitive urban areas are designed to have anti-glare shields fitted or be of a type that restricts light dispersion into the sky. Under Rule 24.1.1(a), all new developments and subdivisions are required to comply with this document. To this end, there is recognition that lightspill from streetlighting can be managed in a way that has less impact on the night sky. These existing measures, in addition to the recommended amendments to the assessment criteria across all zones as discussed earlier are seen to more effectively provide for the relief sought rather than



amending the policy. On this basis, I recommend that submission point 26.02 is accepted in-part.

3. Todd Energy Ltd (80.23) and KCE Mangahao Ltd (92.23) seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Policy 3.3.4.
4. As discussed earlier, the purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to maintain and enhance public access to significant water bodies and to create a buffer between priority water bodies and any developments adjacent to these. The purpose and application of Schedule 12 is not clearly stated in Policy 3.3.4 and submission points 80.23 and 92.23 make a valid point in seeking amendment to assist with interpretation of how Schedule 12 is related to the overarching objective.
5. It is recommended that Policy 3.3.4 is retained and the Explanation and Principal Reasons for Objective 3.3.1 is considered a more appropriate part of the chapter to provide for the relief sought. I recommend that the Explanation and Principals Reasons are amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend that submission points 80.23 and 92.23 are accepted in-part.

#### **4.10.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.02		Horowhenua Astronomical Society		Accept In-Part
80.23		Todd Energy Ltd		Accept In-Part
92.23		KCE Mangahao Ltd		Accept In-Part

#### **4.10.4 Recommended Amendments to the Plan Provisions**

Amend Policy 3.3.4 as follows:

Ensure subdivision, use and development protects the natural character of lakes, rivers, wetlands and other water bodies and maintain and enhance their special values by having regard to the following matters in assessing proposals:

- extent to which natural processes, elements and patterns that determine the area's natural character are sustained, and/or restored and rehabilitated;
- degree of change to landform and relief;
- degree of protection of vegetation cover and patterns, including use of a buffer;
- compatibility with existing level of modification to the environment;
- functional necessity to be located in or near the water body and no reasonably practicable alternative locations exist;
- ability to mitigate any potential adverse effects of subdivision, use, and development; and
- provision of public amenity and access to land acquired by Council for reserve purposes.

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

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## 4.11 Policy 3.3.5

### 4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.17	Director-General of Conservation (DoC)	In-Part	Policy 3.3.5 could be improved to better provide for the protection of wetlands generally. One of the matters of national importance in Section 6 of the RMA is the preservation of the natural character of wetlands, lakes and rivers, and their margins. Policy 3.3.5 needs to implement the Objective and provide for all types	Amend Policy 3.3.5 through rewording to better provide for wetland types generally.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			of wetland and also margins.		

One submission was received on Policy 3.3.5. This submission seeks amendment to providing for protection of wetlands as a water body of significance.

Policy 3.3.5 reads "*Ensure the adverse effects on the natural character and special values of lakes, rivers and other water bodies are avoided or mitigated through establishing setbacks for activities and buildings that may cause adverse effects.*"

#### 4.11.2 Discussion & Evaluation

1. DoC (101.17) seek amendment to Policy 3.3.5 to ensure that wetlands are adequately protected as natural feature in the Horowhenua District. DoC suggest rewording the objective to list wetlands as a feature to protect as well as lakes, rivers and other water bodies.
2. As discussed above for the issue, objective and other policies, I recommend the Issue Discussion for Issue 3.3 is amended to provide certainty and clarity around use of the term 'water body' and reference to 'wetlands' be added to Policy 3.3.5.

#### 4.11.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.17		Director-General of Conservation (DoC)		Accept In-Part

#### 4.11.4 Recommended Amendments to the Plan Provisions

Amend Policy 3.3.5 as follows:

Ensure the adverse effects on the natural character and special values of lakes, rivers, wetlands and other water bodies are avoided or mitigated through establishing setbacks for activities and buildings that may cause adverse effects.

Amend Issue Discussion for Issue 3.3 to read:

The Horowhenua has numerous lakes, rivers, wetlands and other water bodies of varying size and significance which are valued for a range of conservation, recreation, cultural, amenity and intrinsic reasons. In the context of this District Plan 'other water bodies' includes streams and tributaries, wetlands and dune lakes. Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of ~~wetlands, lakes, and rivers;~~ and wetlands and their margins, and the protection of them from inappropriate use, subdivision and development. Another matter of national importance provided for in the RMA is the maintenance and enhancement of public access to and along lakes and rivers.

Responsibility for the management of activities in and adjacent to lakes, rivers, wetlands or ~~streams~~ other water bodies is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the margins of rivers, lakes, wetlands and other water bodies. The management of the water itself

(taking, use, discharges), as well as the beds of freshwater bodies, are managed by Horizons Regional Council.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values. There are smaller dune lakes and wetlands scattered throughout the rural areas of the District. The Manawatu River is the largest river in the Horowhenua and its catchment includes extensive land area outside of the District. There are a number of other rivers and streams draining from the Tararua Ranges towards the Tasman Sea. In addition, there are other smaller streams and tributaries across the plains and coastal areas connected to these lakes and rivers.

Lakes, rivers and other water bodies have many values. They are natural drainage channels and systems. The water bodies and their edges provide habitats for both aquatic and terrestrial species. They also often function as ecological corridors along which animals move to other habitats. In addition, they form an integral component of the landscape. They are also important for recreational uses such as boating, fishing and swimming.

Water bodies also have important cultural values. For Tangata Whenua, waters are seen as the lifeblood of the land and therefore, of the people. Access to water and the management of water quality and ecological systems are important to Tangata Whenua for social, economic, spiritual and cultural reasons, including customary activities. The margins of water bodies are also where many wāhi tapu and other cultural heritage sites may be located.

Public access to and along water bodies is also a major issue, as limited access constrains the recreational values of freshwater environments. However, access must be provided in a form that does not adversely affect the conservation values, increase risk to natural hazards or any operational requirements of adjoining landowners, such as farming operations.

Activities on land near water bodies can adversely affect the values of the water bodies if not properly managed. Over time, water bodies and their margins can deteriorate because of changes to land use in their catchments. As many water bodies throughout the District flow through farmland, there has been, and remains, potential for modification of the river-water body margin areas by unsustainable land use practices, vegetation clearance, or earthworks. In addition, the subdivision of land on the edges of river, lakes, wetlands and wetlands/other water bodies leads to intensified settlement that in turn can detrimentally affect the natural character of riparian areas and potential conflict with their recreational use (for example, wetlands used for hunting).

Fundamental to preserving the natural character of lakes, rivers and other water bodies is the need to protect the attributes that constitute natural character of Horowhenua's lakes, rivers, wetlands and other water bodies and their amenity values – in particular, the potential loss of reasonable buffer areas along the edge of water bodies. Such buffers allow for vegetated strips, which are important for ecological purposes (fish habitats and reduction of water and silt runoff from pastures), as well as to maintain visual and landscape values. Such buffers can also provide for public access and natural hazard defence systems. The required depth of such buffers will vary widely – in urban areas, they need not be as extensive as they need to be in rural areas, particularly on the banks of major rivers, lakes, wetlands and other water bodies/wetlands.

## 4.12 Policy 3.3.6

### 4.12.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
96.14	Federated Farmers of New Zealand	In-Part	<p>Federated Farmers supports Policy 3.3.6 which seeks to promote and encourage planting of water margins. Non-regulatory methods are an important part of the tool box when managing water margins and amenity values of natural features.</p> <p>However, corresponding methods are limited to co-operation with regional initiatives, particularly as the One Plan has assumed functions over biodiversity. In corresponding conditions for subdivision 24.2.5 article (h) states that Council may require reserves to be fenced. There is an opportunity here to promote and encourage fencing and riparian planting by providing financial assistance, gifting of plants, rates relief or regulatory incentives such as transferable development rights.</p>	Amend Policy 3.3.6 to include non-regulatory methods which promote and encourage actions such as financial assistance, provision of material and plants, rates relief and regulatory incentives. Or words to this effect.	506.08 Ernslaw One Ltd - Support
101.18	Director-General of Conservation (DoC)	In-Part	<p>Policy 3.3.6 is not clear when the term "planted water body margins". There is no mention or explanation throughout the section to advise the reader what this term involves?</p>	Amend Policy 3.3.6 by clarifying what is meant by the term "planted water body margins" or provide explanation within the section.	

Two submissions were received on Policy 3.3.6. Submissions seek clarification on the proposed methods to provide for Policy 3.3.6 and the term 'planted water body margins'.

Policy 3.3.6 reads "*Promote and encourage the development or maintenance of planted water body margins.*"

### 4.12.2 Discussion & Evaluation

1. Federated Farmers (96.14) seek the inclusion of non-regulatory methods to provide for Policy 3.3.6. The intent of the policy is supported by Federated Farmers, however, methods are seen to be limited to co-operation with regional initiatives. The decision requested by Federated Farmers is an amendment of Policy 3.3.6 to provide for non-regulatory methods such as financial assistance. It is inferred that this change would also be reflected in the methods for Issue 3.3. This submission point is supported by Ernslaw One Ltd (506.08).

2. While there is merit in providing non-regulatory methods in promoting and encouraging the development or maintenance of planted water body margins, as outlined in paragraph 2, page 3-10, a collaborative and strategic approach is considered the most efficient and effective approach. Specific methods have not been provided for, as the integrated use and management of the margins of water bodies requires effective management by Council and other key agencies such as the Regional Council. Joint funding and management of initiatives is considered to already be provided for by this policy and the associated method. On this basis, I recommend that submission points 96.14 and 506.08 are rejected.
3. DoC (101.18) seek clarification of the meaning of the term 'planted water body margins'. DoC request that Policy 3.3.6 is amended to clarify what this term involves or that clarity is provided in the explanation section. The term planted water body margins is not referred to or defined within any section under Issue 3.3. Planted water body margins is considered to essentially be referring to riparian planting, with is a more commonly used term. To avoid any confusion and allow for consistency in terminology used in Issue 3.3 and the associated objective, policies and methods, it is recommended the wording of Policy 3.3.6 is amended accordingly. For this reason, I recommend submission point 101.18 is accepted.

#### 4.12.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
96.14		Federated Farmers		Reject
	506.08	Ernslaw One Ltd	Support	Reject
101.18		Director-General of Conservation (DoC)		Accept

#### 4.12.4 Recommended Amendments to the Plan Provisions

Amend Policy 3.3.6 to read as:

"Promote and encourage the development or maintenance of riparian planteding along water body margins."

### 4.13 Policy 3.3.8

#### 4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.26	Horticulture NZ	Support	Horticulture NZ supports a strategic and collaborative approach to management of lakes, rivers and other water bodies and their margins and catchments. This approach to Lake Horowhenua was sought through the Proposed One Plan, seeking that all parties are	Retain Policy 3.3.8.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			involved in developing a management approach to the lake.		

One submission was received in support of Policy 3.3.8.

Policy 3.3.8 reads "*Promote a strategic approach to the management of lakes, rivers and other water bodies and their margins and catchments, particularly by using management plans for areas with significant environmental issues that require a collaborative approach with other groups or organisations.*"

#### 4.13.2 Discussion & Evaluation

1. Horticulture NZ (98.26) submitted in support of Policy 3.3.8. The decision requested was to retain Policy 3.3.8 as notified. As this is the only submission made on this policy, I recommend that submission point 98.26 is accepted.
2. As a consequential amendment to earlier submission points made by the DoC, it is recommended Policy 3.3.8 is amended to include reference to 'wetlands'.

#### 4.13.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.26		Horticulture NZ		Accept

#### 4.13.4 Recommended Amendments to the Plan Provisions

Amend Policy 3.3.8 as follows:

Promote a strategic approach to the management of lakes, rivers, wetlands and other water bodies and their margins and catchments, particularly by using management plans for areas with significant environmental issues that require a collaborative approach with other groups or organisations.

## 4.14 Policy 3.3.9

### 4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
83.05	Ross Hood & Margaret Hood	Oppose	Oppose the statement in the Explanation and Principle Reasons of Policy 3.3.9 that... <i>recreational use and enjoyment of water bodies should continue to be made, as such activities do not create</i>	No specific relief request. Inferred: Amend Policy 3.3.9 through acknowledging that recreational use and enjoyment of water	528.15 Horizons Regional Council - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p><i>significant environmental issues.</i></p> <p>Human interaction with nature can have adverse effects. Giving people greater access to rivers is not warranted and in most cases not even wanted.</p> <p>You cannot preserve the natural character of stream/ivers if they are being fenced off or accessed by hoards of people.</p>	bodies can have adverse effects on the environment.	
101.42	Director-General of Conservation (DoC)	In-Part	Submitter generally supports Policy 3.3.9 but it would be improved by adding reference to the margins of lakes and rivers, consistent with Section 6 of the RMA. Cross referencing to Section 11, particularly policy 11.1.3 would aid this policy.	<p>Amend Policy 3.3.9 as follows:</p> <p>Provide for the maintenance of the natural character of lakes, rivers <u>and their margins</u> and other water bodies, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network.</p> <p>Include a cross reference to Section 11, Policy 11.1.3.</p>	

Two submissions were made on Policy 3.3.9. Ross and Margaret Hood question the impact of cultural and recreational use and enjoyment of water bodies and an amendment to the wording of the policy is requested by DoC.

Policy 3.3.9 reads "*Provide for the maintenance of the natural character of lakes, rivers and other water bodies, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network.*"

#### **4.14.2 Discussion & Evaluation**

1. Hood (83.05) oppose the statement in the Explanation and Principal Reasons for Policy 3.3.9 which states that cultural and recreational use, and enjoyment of water bodies do not create significant environmental issues. The Hood's support that all human interaction with nature can have adverse effects and through providing access to water bodies and this is providing opportunity for environmental damage when access is not warranted or wanted. Horizons (528.15) oppose this submission point.
2. Council is required by the RMA to maintain and enhance public access to and along lakes and rivers. It is recognised that human activity can have adverse effects on the environment. However, cultural and recreational use of water bodies can also have many positive effects, such as a source of food and enjoyment. The current nature and level of use of water bodies



in the Horowhenua is not considered to have a severe impact on water bodies in comparison with other activities such as vegetation clearance or earthworks. Chapter 4 outlines a suite of objectives and policies that provide for maintaining and enhancing public access to water bodies while preserving the natural character. This policy framework sets the direction for best practice in terms of managing access to water ways for cultural and recreational use and enjoyment, as well as minimising potential environmental effects. The policy framework in Chapter 4 (Open Space and Access to Water Bodies) recognises that esplanade areas have multiple values. However, there may be situations where the provision of public access would not be the most appropriate response in managing the balance between public access and maintaining the values of water bodies and their margins. On the basis that Council have a statutory duty to maintain and enhance public access to water bodies, and provisions are in place to manage activities on margins of water bodies, I recommend submission point 83.05 is rejected and submission point 528.15 is accepted.

3. DoC (101.42) seek amendment to Policy 3.3.9 to ensure that there is consistency with Section 6 of the RMA. It is also requested that a cross reference is provided to direct plan users to other relevant sections in the Proposed Plan.
4. Throughout Chapter 3 there is various reference to lakes, rivers and other water bodies, and their margins. However, Policy 3.3.9 refers only to the water bodies themselves and not their margins. DoC submit that there should be reference to water body margins and this is accepted as it is consistent with the RMA. DoC also request that a cross reference is added to refer to Chapter 11 - Water and the Surface of Water. Although this cross-reference may assist plan users in providing direction to other relevant parts of the Proposed Plan, cross referencing is only provided in Rule Chapters. For consistency, it is recommended that cross referencing is left to Rule Chapters. I therefore recommend that submission point 101.42 be accepted in-part.

#### **4.14.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
83.05		Ross and Margaret Hood		Reject
528.15		Horizons Regional Council		Accept
101.42		Director-General of Conservation (DoC)		Accept In-Part

#### **4.14.4 Recommended Amendments to the Plan Provisions**

Amend Policy 3.3.9 to read as:

"Provide for the maintenance of the natural character of lakes, rivers, wetlands and other water bodies and their margins, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network."

## 4.15 Explanation & Principal Reasons for Objective 3.3.1

### 4.15.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.26	Todd Energy Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Explanation and Principle Reasons 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.17	KCE Mangahao Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Explanation and Principle Reasons 3.3.1 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	

Two submissions were received on the Explanation and Principal Reasons for Issue 3.3. Both submissions request clarification on the purpose and application of Schedule 12 - Priority Water Bodies.

### 4.15.2 Discussion & Evaluation

1. Todd Energy Ltd (80.26) and KCE Mangahao Ltd (92.17) seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in 3.3 Explanation and Principal Reasons.
2. As discussed earlier, the purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to maintain and enhance public access to significant water bodies and to create a buffer between priority water bodies and any developments adjacent to these. The purpose and application of Schedule 12 is not clearly stated in the Explanation and Principal Reasons for Objective 3.3.1 and submission points 80.26 and 92.17 make a valid point in seeking amendment to assist with interpretation of how Schedule 12 is to be applied.

3. It is recommended that the Explanation and Principal Reasons for Objective 3.3.1 is amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend that submission points 80.26 and 92.17 are accepted.

#### **4.15.3 Reporting Officer's Recommendation**

<b>Sub. No</b>	<b>Further Sub. No.</b>	<b>Submitter Name</b>	<b>Further Submitter Position</b>	<b>Officer's Recommendation</b>
80.26		Todd Energy Ltd		Accept
92.17		KCE Mangahao Ltd		Accept

#### **4.15.4 Recommended Amendments to the Plan Provisions**

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

## 4.16 Methods for Issue 3.3 & Objective 3.3.1

### 4.16.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.25	Todd Energy Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Methods 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	
92.26	KCE Mangahao Ltd	In-Part	There is no explanation or purpose provided of the difference between Group 1 and Group 2 Priority Water Bodies identified in Schedule 12. A clearer direction is necessary to enable the implications of priority water bodies to be determined.	Amend Methods 3.3 to clarify the purpose and application of Schedule 12 and the two groups or priority water bodies.  The resultant wording should not constrain the further development of the Mangahao Power Station and renewable electricity generation projects.	

Two submissions were made on Methods for Issue 3.3. Todd Energy Ltd and KCE Mangahao Ltd. These submissions relate to the purpose and application of Schedule 12 Group 1 and 2 Priority Water Bodies.

### 4.16.2 Discussion & Evaluation

1. Todd Energy Ltd (80.25) and KCE Mangahao Ltd (92.26) both seek clarification on the purpose and application of Group 1 and 2 Priority Water Bodies in Methods for Issue 3.3.
2. As discussed earlier, the purpose of Schedule 12 Priority Water Bodies Groups 1 and 2 is to maintain and enhance public access to significant water bodies and to create a buffer between priority water bodies and any developments adjacent to these. The purpose and application of Schedule 12 is not clearly stated in the Methods for Issue 3.3 and submission points 80.25 and 92.26 make a valid point in seeking amendment to assist with interpretation of how Schedule 12 is related to the overarching objective.
3. It is recommended that the Methods for Issue 3.3 are retained and the Explanation and Principal Reasons for Objective 3.3.1 is considered a more appropriate part of the chapter to provide for the relief sought. I recommend that the Explanation and Principals Reasons are

amended to provide an explanation of the purpose of Schedule 12 and its application. On this basis, I recommend that submission points 80.25 and 92.26 are accepted in-part.

#### 4.16.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
80.25		Todd Energy Ltd		Accept In-Part
92.26		KCE Mangahao Ltd		Accept In-Part

#### 4.16.4 Recommended Amendments to the Plan Provisions

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

## 4.17 Issue 3.4 Notable Trees

### 4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.20	Director-General of Conservation (DoC)	Support	The issues, discussion, objectives, and policies of this section are generally supported as written.	Retain intent of Issue 3.4.	

One submission was received in support of Issue 3.4 as notified in the Proposed Plan.

### 4.17.2 Discussion & Evaluation

1. DoC (101.20) submitted in support of Issue 3.4 and inferred that the intent of Issue 3.4 be retained as notified. The support is noted and I recommend that Issue 3.4 is retained and that submission point 101.20 be accepted.

### 4.17.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.20		Director-General of Conservation (DoC)		Accept

### 4.17.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Issue 3.4.

## 4.18 Methods for Issue 3.4 & Objective 3.4.1

### 4.18.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
16.00	Robert White	Support	Support the method for providing financial incentives for landowners with notable trees on their property. Submitter seeks repairs to the submitter's broken path caused by Notable Trees.	No specific decision requested.  Inferred: Retain the method which outlines the potential for Council to provide financial assistance through a fund for land owners with notable trees on their property. Assist the submitter with repair of broken path.	

One submission was received on the Methods for Issue 3.4. Robert White supports the offer of financial assistance for those land owners with notable trees on their property.

#### 4.18.2 Discussion & Evaluation

- White (16.00) made a submission in support of the method for consideration of providing incentives for the maintenance and protection of notable trees. No specific relief was sought however, it is inferred that the methods be retained. The support is noted and I recommend the Methods for Issue 3.4 are retained as notified and that the submission point 16.00 be accepted.

#### 4.18.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
16.00		Robert White		Accept

#### 4.18.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Methods for Issue 3.4 & Objective 3.4.1.

### 4.19 Chapter 3 - General Matters

#### 4.19.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.25	Horticulture NZ	In-Part	It is recognised that there are significant water bodies in the district where there is a requirement to protect natural character and Section 3.3.1 provides for that. However the term 'adjacent' is used in a number of the policies. Horticulture NZ seeks to ensure that the extent of 'adjacent' does not impact on existing primary production activities. It is also important to recognise that there are activities adjacent to water bodies that are managed through the Proposed One Plan because of potential discharges to water. Horticulture NZ wants to avoid duplication in terms of requirements between the district and regional plans.	Amend the provisions in relation to Issue 3.3 to ensure that existing primary production activities are not adversely affected through provisions in Section 3.3 or duplication of Regional Plan requirements.	
96.49	Federated Farmers of New	In-Part	Federated Farmers is concerned that the suite of provisions under	Amend Chapter 3 to relocate all provisions	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Zealand		<p>Issue 3.3 are misplaced in the Natural Features and Values section of the Plan, and that they seem to belong more in the Open Space and Access provisions in Chapter 4.</p> <p>Priority water bodies do not link to Outstanding Natural Features and Landscapes provisions which already identify features according to strict criteria and are addressed in the suite of provisions under Issue 3.1, although some features such as Lake Horowhenua and Lake Papaitonga appear in both lists. Other priority water bodies have not been assessed using ONFL criteria and are not intended to fulfil Section 6( b) functions of the RMA,</p> <p>The key reason for the specific identification of priority water bodies appears to be the application of more comprehensive network of esplanade strips or reserves around these features. This is supported by the fact that subdivision is highlighted as the main problem in Issue 3.3, the emphasis of policies on subdivision and public access, and the practical application of Schedule 12 to Conditions 24.2.5 for esplanade reserves/strips in the subdivision chapter of the Plan. The purpose of priority water bodies appears to be more related to Section 6(d) of the RMA.</p> <p>Therefore Federated Farmers submits that the provisions under Issue 3.3 are relocated to Chapter 4: Open Space and Access to Water Bodies.</p>	under Issue 3.3 to Chapter 4: Open Space and Access to Water Bodies.	
25.00	Michael White	In-Part	The submitter seeks the inclusion of an issue and associated policies on the preservation and reclamation of the night sky. The feature of the night sky is being eroded by light pollution. There are proven detrimental effects of light pollution to flora, fauna and human health as	Amend Chapter 3 to include the night sky as a natural feature and the protection of the night time environment through proper lighting controls and rules a priority. Council should register	525.16 Maurice and Sophie Campbell - Support



Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			well as depriving all citizens of their right to see and observe the night sky.	the Levin Adventure Park as a Star Park and commit to reducing and controlling light pollution around this area to a minimum.	
11.17	Philip Taueki	Support	Support the sentiments expressed in Chapter 3.	No specific relief requested.  Inferred: Retain and implement the objectives and policies in Chapter 3.	
60.11	Muaupoko Co-operative Society	Support	The submitter relies on the submission made by Philip Taueki for the following matters. Support the sentiments expressed in this Chapter.	No specific relief requested.  Inferred: Retain and implement the objectives and policies in Chapter 3.	

Five submissions were made on general matters relating to Chapter 3 - Natural Features and Values. Horticulture NZ seek appropriate amendments to avoid duplication in terms of requirements between district and regional plans. Federated Farmers made a submission on the location of Issue 3.3 in Chapter 3, Michael White seeks the inclusion of provisions for the protection of the night sky and Philip Taueki and the Muaupoko Co-operative Society support the sentiments expressed in Chapter 3.

#### **4.19.2 Discussion & Evaluation**

1. Horticulture NZ (98.25) seek amendment to provisions in relation to Issue 3.3 to ensure that existing primary production activities are not adversely affected through District Plan provisions and there are no duplications with the Proposed One Plan.
2. Chapter 3 is considered to align with, and not conflict with or duplicate the requirements of the Proposed One Plan. It is recognised there are cases where it is not possible to completely separate roles and responsibilities of District and Regional Council, with the management of water body margins being one example of this. In cases where there is an overlap in jurisdiction, clarification on this overlap and providing certainty on the respective jurisdictions has been provided for in the issue discussion, explanation and principal reasons, and methods. Horticulture NZ recognises the overlapping responsibilities in relation to the management of areas adjacent to water bodies in Issue 3.3. Although there are multiple agencies with roles and interests in the management of the margins of water bodies, Chapter 3 states these overlaps and provides methods for the co-operation with Regional Council and other key organisations to adopt a strategic and collaborative approach. In my view, there is not unnecessary duplication in the Proposed Plan provisions with the Proposed One Plan. The case of overlapping areas of management of water body margins is appropriately recognised within the Chapter and reflected in methods.
3. Horticulture NZ also raised concern that Issue 3.3 and related provisions may have an impact on existing primary production activities. Issue 3.3 sets direction for managing future

subdivision, use and development with respect to protecting the natural character and value of water bodies and their margins. Issue 3.3 is not considered to restrict or impose on existing property rights but rather, provide greater protection in the case of new developments or use of land adjacent to water bodies. On this basis, it is recommended that submission point 98.25 is rejected.

4. Federated Farmers (96.49) raised concern that the suite of provisions under Issue 3.3 may be misplaced and that they may be more appropriately located in Chapter 4 - Open Space and Access to Water. Federated Farmers correctly identified that Issue 3.3 does not relate to outstanding natural features and landscapes (ONFL). However, there are some overlaps with ONFL's and priority water bodies identified in Chapter 3. Federated Farmers are also correct in identifying that both Chapter 3 and Chapter 4 outline a purpose of identifying priority water bodies as for the creation of esplanade strips/reserves and access strips.
5. Although there is overlap in the identification of priority water bodies at both the policy and method level, the purpose of these priority water bodies is two-fold. Priority water bodies identify those water bodies where Council see value in creating esplanade strips/reserves and access strips for the purpose of maintaining and enhancing public access to water ways. The priority water bodies are also identified as requiring setbacks and access strips to provide a buffer strip of protection for these water bodies. It is considered this second purpose of protecting priority water bodies that may not have been made explicit in Chapter 3 and could have lead to the questioning of the placement of Issue 3.3 in Chapter 3. As recommended earlier in this report, I recommend that the Explanation and Principal Reasons for the suite of objectives, policies and methods be amended to clearly outline the two purposes of Schedule 12 - Priority Water Bodies and associated provisions and specifically how the application of this Schedule assists with the protection of natural features and values in the Horowhenua District. In addition, water bodies are a key element of the natural features and values in the Horowhenua, therefore, provisions relating to water bodies are considered to appropriately sit within Chapter 3. I recommend that submission point 96.49 be accepted in-part.
6. White (25.00) seeks the inclusion of an issue and associated policies on the preservation and reclamation of the night sky. White submits that the feature of the night sky is being eroded by light pollution and there are detrimental effects of such pollution to flora, fauna and human health. This submission is supported by the Campbell (525.16).
7. As discussed earlier, I recognise the merit in providing for the protection of the natural light cycle and note that the adverse effects of lightspill have been considered in the Section 42A Reports for Open Space and Access to Water Bodies, Water and the Surface of Water; Urban Environment and Rural Environment. It is recommended in these reports that an additional Assessment Criteria is included in Chapter 25 of the Proposed Plan to ensure that adverse effects generated from lightspill on the night sky is included in any future assessment. It is my view that this is an appropriate amendment which would provide greater protection of the natural night light cycle rather than the relief sought in submission point (25.00) of adding a new issue and associated provisions. On this basis I recommend that submission point 25.00 and 525.16 are accepted in-part.
8. Taueki (11.17) and the Muaupoko Co-operative Society (60.11) support the sentiments expressed in Chapter 3. No specific relief was requested however, it is inferred that the objectives and policies of Chapter 3 are retained. I recommend submission points 11.17 and 60.11 are accepted.

### 4.19.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
98.25		Horticulture NZ		Reject
96.49		Federated Farmers		Accept In-Part
25.00	525.16	Michael White Campbell	Support	Accept In-Part Accept In-Part
11.17		Philip Taueki		Accept
60.11		Muaupoko Co-operative Society		Accept

### 4.19.4 Recommended Amendments to the Plan Provisions

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 - Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

...

## 4.20 Rule 15.1(m) – Residential Zone Permitted Activity List (Notable Trees)

### 4.20.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
116.00	Truebridge Associates Limited	In-Part	It appears that this section should be moved to discretionary activities as items (i) to (iii) are permitted activities which is not believed to be the intent of the rule.	Delete Rule 15.1(m) as a permitted activity and insert as a discretionary activity.	

One submission was made on Rule 15.1(m) permitted activities in relation to notable trees.

### 4.20.2 Discussion & Evaluation

1. Truebridge Associates Limited (116.00) oppose the location of Rule 15.1(m) and suggest that this provision would be more appropriately located as a discretionary activity.
2. The structure of all rule chapters in the Proposed Plan is such that all activities which can be undertaken without resource consent, are listed as a Permitted Activity. Following the list of permitted activities there are Conditions for Permitted Activities. These conditions detail the specifications and requirements for permitted activities. Truebridge Associates Limited have identified that the Permitted Activities listed for notable trees, if read in isolation, could allow for the removal or partial removal of a tree which would undermine the purpose of protecting notable trees in the Proposed Plan. The same logic could be applied for every permitted activity in the Proposed Plan.
3. The Introduction section 'How the Rules Work' states that all permitted activities must comply with the Permitted Activity Conditions specified in each set of zone rules. I consider it is clear that a permitted activity must satisfy the permitted activity conditions to be a permitted activity however this could be further clarified to ensure plan users are aware of the conditions for notable trees that specify that no notable tree may be removed without consent unless the tree has been confirmed as dead by Council or the removal is required as an emergency work.
4. To ensure that the rules in the Proposed Plan are read and applied as intended, I recommend that a note is included under Rule 15.1(m) directing plan users to the permitted activity conditions for notable trees and on this basis, I recommend that submission point 116.00 is accepted in part.

### 4.20.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
116.00		Truebridge Associates Limited		Accept In-Part

**4.20.4 Recommended Amendments to the Plan Provisions**

Amend Rule 15.1(m) to read as follows:

" Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:

- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.

Note: Refer to Rule 15.6.28 for conditions relating to the above activities."

**4.21 Rule 19.4.12 – Rural Zone Discretionary Activity (Notable Trees)**

**4.21.1 Submissions Received**

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.70	Director-General of Conservation (DoC)	In-Part	It could be helpful to provide a clear, direct, link from the provisions of Chapter 3 Natural Features and Values in considering an application under this rule.	Amend Rule 19.4.12 by adding references so that in considering an application for a resource consent under Rule 19.4.12 the Council will have regard to the matters of assessment set out in Policies 3.4.2 – 3.4.5.	

One submission was made on Rule 19.4.12 requesting the inclusion of a cross-reference to relevant policies.

**4.21.2 Discussion & Evaluation**

1. DoC (101.70) seek the inclusion of a cross-reference to policies 3.4.2-3.4.5 in Rule 19.4.12. The purpose of the cross-reference would ensure that assessment matters outlined in relevant policies were considered as well as those outlined in Chapter 19 in Council considering a resource consent application for work on a notable tree. While providing for effective cross-references throughout the Proposed Plan is helpful to Plan users, the Proposed Plan has been structured as such to provide linkages between activities and activity conditions within chapters but not cross-references between rules and relevant policies. The way in which the policy chapters are framed, allows for the plan user to trace the relevant rules in the relevant chapters without over complicating rules with cross-referencing or creating a 'crowded' and confusing Plan. It is for this reason that I recommend that submission point 101.70 is rejected.

### 4.21.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.70		Director- General of Conservation (DoC)		Reject

### 4.21.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 19.4.12.

## 4.22 Rule 19.6.27 – Rural Zone Conditions for Permitted Activities (Notable Trees)

### 4.22.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.31	Transpower New Zealand Ltd	In-Part	Transpower also seek that a trimming of Notable Trees also be included where that tree(s) would compromise the effective operation of the network. The term "interfering with" in the context of overhead lines is not supported as when vegetation has reached this point, it is already compromising the integrity of the network. Trimming in advance of this point is required and appropriate wording is suggested.	Amend Rule 19.6.27 Notable Trees as follows in the event relief sought under Chapter 22 is not accepted:  c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:  (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or <u>interfering with likely to compromise</u> the effective operation of those overhead wires or utility networks.	

One submission was made on Rule 19.6.27. Transpower New Zealand Ltd seek an amendment to this rule to ensure that the protection of notable trees does not compromise the operation of overhead wires or utility networks.

#### 4.22.2 Discussion & Evaluation

1. Transpower (99.31) seek an amendment to part (c) of Rule 19.6.27. Part (c) allows for the removal of branches interfering with overhead wires or utility structures but only to the extent that they are interfering with the effective operation of those overhead wires or utility structures. Transpower submit that the term "interfering with" is not supported as if the tree reaches a point of interfering with the network, it has already compromised the integrity of the network. Transpower included suggested wording which would ensure removal of branches could occur before a network had been compromised. The relief sought is supported as it would achieve the two objectives of protecting the safe and efficient operation of network utilities as well as protecting the notable trees. I recommend that submission 99.31 is accepted.

#### 4.22.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.31		Transpower New Zealand Ltd		Accept

#### 4.22.4 Recommended Amendments to the Plan Provisions

Rule 19.6.27

c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:

(ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks.

### 4.23 Rule 20.1(j) – Open Space Zone Permitted Activity (Notable Trees)

#### 4.23.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.71	Director-General of Conservation (DoC)	In-Part	The notable trees related rules appears in various sections, to assist the reader it would be helpful if cross-references to the applicable chapters and rules in relation to notable trees is provided.	Amend Rule 20.1 (j) by considering cross-referencing to notable trees chapters/rules.	

One submission was received on Rule 20.1(j). This submission requests the inclusion of cross-referencing of notable tree provisions in the Proposed Plan.

### 4.23.2 Discussion & Evaluation

1. DoC (101.71) seek the inclusion of cross-references in Rule 20.1(j) to other notable tree provisions in other chapters.
2. The Proposed Plan has been structured into zoned areas. Zone chapters outline all relevant provisions including zone specific rules and conditions and rules and conditions that may apply across the district. The purpose of this approach is to reduce the need to have to go to multiple parts of the Proposed Plan to find out what rules apply to a particular site. This approach does however, mean that there are provisions, such as notable tree provisions, that are repeated in each zone chapter. While I accept this does create more rules in the Proposed Plan, I consider that it is more user-friendly to plan users and reflects a level of continuity with the current Operative District Plan. These provisions are designed to be read in isolation so the decision requested by DoC is not seen to assist with plan usability or provide necessary linkages. On this basis, I recommend submission 101.71 is rejected.

### 4.23.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.71		Director-General of Conservation (DoC)		Reject

### 4.23.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 20.1(j).

## 4.24 Assessment Criteria 25.7.15(e) Notable Trees

### 4.24.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
55.12	KiwiRail	In-Part	Submitter seeks amendment to Assessment Criteria 25.7.15(e) to facilitate essential safety work near the railway corridor. At times works will be required to clear level crossing sightlines. The poor location of land uses including structures, vegetation and signage can obstruct the required safety sightlines for railway level crossings. It is important that level crossings sightlines are free from obstructions to enable road users approaching a level crossing to check for trains.	Amend Assessment Criteria 25.7.15(e) as follows:  e) The extent to which work on or near a Notable Tree is necessary to preserve or maintain the efficiency or safety of any public work, network utility or road <u>or railway</u> .	



One submission was received on Assessment Criteria 25.7.15(e) by KiwiRail.

#### 4.24.2 Discussion & Evaluation

1. KiwiRail (55.12) seeks amendment to 25.7.15(e) to facilitate essential safety work in relation to the notable trees located near the railway corridor. The assessment criteria currently provides for necessary works on notable trees to preserve or maintain the efficiency or safety of any public work, network utility or road. KiwiRail have requested that railways should also be listed to ensure that level crossing sightlines are kept clear for safety purposes. The relief sought is supported as it would achieve the two objectives of protecting the safe and efficient operation of the railway corridor as well as protecting the notable trees. On this basis, I recommend that submission point 55.12 is accepted.

#### 4.24.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
55.12		KiwiRail		Accept

#### 4.24.4 Recommended Amendments to the Plan Provisions

Amend Assessment Criteria 25.7.15 to read:

- e) The extent to which work on or near a Notable Tree is necessary to preserve or maintain the efficiency or safety of any public work, network utility or road or railway.

## 4.25 Chapter 26 - Definitions

### 4.25.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
108.37	HDC (Planning Department)	Support	To assist with the interpretation of amended Rules 19.6.4(a)(v) and 19.6.4(a)(x) it is also recommended that reference to the Resource Management Act 1991 definition of 'bed' is included in Chapter 26: General Provisions Definitions.	Include definition for "bed" as follows:  <u>Bed has the same meaning as in the Resource Management Act 1991.</u>	

One submission was received requesting a new definition for the term 'bed'. Bed is a term that HDC (Planning Department) have requested as it is included in Rules 19.6.4(a)(v) and 19.6.4(a)(x) in relation to setbacks from water bodies.

#### 4.25.2 Discussion & Evaluation

1. HDC (Planning Department) (108.37) seek the inclusion of a definition of 'Bed' in Chapter 26 of the Proposed Plan. This amendment would assist with the interpretation of Rules 19.6.4(a)(v) and 19.6.4(a)(x) relating to building setbacks from water bodies. There is potential uncertainty in applying Rules 19.6.4(a)(v) and 19.6.4(a)(x) as to where the setback is measured from. As discussed in the Open Space and Access to Water Bodies report, it is recommended the term 'bed' be added to these rules to provide greater certainty to the application of these rules. The term 'bed' is not currently defined in the Proposed Plan and if introduced through rules in Chapter 19, it would provide clarity and consistency in the application of the relevant rules. On this basis, I recommend submission point 108.37 is accepted.

#### 4.25.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
108.37		HDC (Planning Department)		Accept

#### 4.25.4 Recommended Amendments to the Plan Provisions

Include a new definition in Chapter 26 - Definitions to read:

"Bed has the same meaning as in the Resource Management Act 1991."

### 4.26 Schedule 3 - Notable Trees

#### 4.26.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
1.00	Scotson & McKay	In-Part	The submitters seek to have a Podocarpus Totara tree located on their property at 61 Kuku East Road, Levin added to the Schedule of Notable Trees.	Include the Podocarpus Totara at 61 Kuku East Road, Levin as a Notable Tree with Schedule 3.	

One submission was received on Schedule 3 - Notable Trees. This submission requests the addition of a tree to the Schedule.

#### 4.26.2 Discussion & Evaluation

1. Scotson & McKay (1.00) seek the inclusion of a Podocarpus Totara tree located on their property at 61 Kuku East Road, Levin to Schedule 3 of the Proposed Plan.
2. Through the process of the District Plan Review, Council invited the community to nominate trees of significance that may be worthy of protection under the Proposed Plan. The submitters made contact with Council seeking to list a Totara tree on their property after the

Proposed Plan had been finalised and publicly notified. As a result, their tree was not assessed or included in Schedule 3 of the Proposed Plan.

3. Since notification of the Proposed Plan, the Totara tree has been assessed by a qualified arborist. This assessment concluded that the tree meets the minimum STEM criteria as required by the Proposed Plan to be included on the Schedule of Notable Trees (refer Appendix 6.3 for a copy of this assessment). From this assessment it was recognised that the tree may be partially located within the road reserve but is currently within the fenced curtilage managed by the land owners of 61 Kuku East Road, Levin. The tree is located well clear of the existing road formation. Due to the road being at a different level to the adjoining properties at this point, the base of the Totara tree is approximately 2 metres above the road formation. In the case that the tree is located partially within the road reserve, Council's Roothing Services Manager is supportive of listing the tree as notable in Schedule 3 - Notable Trees.
4. For this reason, I recommend that submission point 1.00 is accepted and the Totara tree at 61 Kuku East Road be included in Schedule 3 - Notable Trees.

#### **4.26.3 Reporting Officer's Recommendation**

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
1.00		Scotson & McKay		Accept

#### **4.26.4 Recommended Amendments to the Plan Provisions**

Include a new tree on the Schedule 3 - Notable Trees as follows:

The following trees are identified as Notable Trees within the Horowhenua District.

...

Map No.	Ref.	Latin Name	Common Name	Location	Score	Legal Description
	NT89	<u>Podocarpus Totara</u>	<u>Totara</u>	<u>61 Kuku East Road, Levin</u>	<u>167</u>	<u>Lot 1 DP 56764</u>

## **5. Conclusion & Main Recommended changes from Proposed Horowhenua District Plan (as notified)**

Section 3 (Natural Features and Values) in the Operative District Plan was subject to a thorough review given the significant changes that the Proposed One Plan has had on Council's responsibilities on indigenous biological diversity. The District Plan provisions in relation to Natural Features were subject to Plan Change 8. This Plan Change was notified in November 2000 but due to Environment Court appeals did not become operative until 2005. The current notable tree provisions in the Operative Plan resulted from Plan Change 7 which became operative in August 2000 soon after the District Plan became operative. The notable tree provisions and natural feature provisions (excluding those associated with outstanding natural features and landscapes which have been addressed in Plan Change 22) have not been the subject of any further review since their inclusion in the Operative District Plan.

The majority of submissions received on Chapter 3 - Natural Features and Values and associated provisions, were by a relatively small number of submitters. Submissions were made on several parts of Chapter 3, in many cases regarding the same issue. Consistent themes of submissions included the roles and responsibilities for the protection and management of indigenous biological diversity, the lack of clarity around the purpose and application of Schedule 12 - Priority Water Bodies, and the protection of wetlands as a significant water body. Other submissions sought the inclusion of a new notable tree and generally sought minor changes to provide certainty and clarity on the protection and management of natural features and values in the Horowhenua.

The officer's recommendations on the key issue raised in the submissions include:

- Upholding the responsibility for Council to consider the impact of subdivision, land use and development on indigenous biological diversity.
- Providing clarity around the purpose and application of Schedule 12 - Priority Water Bodies and the interrelationship with providing public access to water bodies in Chapter 4 - Open Space and Access to Water Bodies.
- Providing clarity around what the term 'water body' includes to provide protection for wetlands in the District.

The changes that have been recommended as a result of submissions received do not change the purpose or intent of any provisions but rather provide greater certainty and clarity for plan users in the application of these provisions. In addition to relatively minor changes to provisions, it is recommended one tree is included on the Schedule of Notable Trees in response to a submission. These changes are set out in their entirety in Section 6.1 below.

## 6. Appendices

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## 6.1 Proposed District Plan as amended per officer's recommendations

Amend third paragraph of Introduction to read:

...

"To Tangata Whenua it is specifically the natural environment that provides an identity. It is turangawaewae – a standing place, where the role of kaitiaki is to preserve the spirit of the land. The natural environment is the creator, providing physical and spiritual nourishment."

---

Amend Issue Discussion for Issue 3.2 to read:

...

"The remaining natural habitats are is small, fragmented and ~~under pressure from pests and disturbance~~ faced with a number of pressures. One of the main threats to indigenous biological diversity in the Horowhenua District is pests such as feral animals and invasive weeds. In addition to this, there are land use ~~A number of activities that~~ have the potential to adversely affect remaining areas of significant indigenous vegetation and habitats of indigenous fauna. Such activities and their effects include uncontrolled stock grazing that can damage indigenous forest understorey and limit regeneration, and the fragmentation of remnant indigenous forest and wetland areas through clearance for pasture and exotic forestry. ~~Other threats include, feral animals, invasion of weeds and drainage.~~"

---

Amend Objective 3.2.1 Indigenous Biological Diversity to read:

"To protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna and to maintain indigenous biological diversity including enhancement where appropriate."

---

Amend Issue 3.3 to read:

Issue 3.3 Lakes, Rivers, Wetlands and Other Water Bodies

Inappropriate subdivision, land use and development in, on, or adjacent to lakes, rivers, wetlands and other water bodies, can adversely affect their natural character and other values such as ecological, recreation, cultural and amenity values.

---

Amend Issue Discussion for Issue 3.3 to read:

"The Horowhenua has numerous lakes, rivers and other water bodies of varying size and significance which are valued for a range of conservation, recreation, cultural, amenity and intrinsic reasons. In the context of this District Plan 'other water bodies' includes streams and tributaries, wetlands and dune lakes. Under Section 6 of the RMA, one of the matters of national importance is the preservation of the natural character of ~~wetlands, lakes, and rivers, and wetlands~~ and their margins, and the protection of them from inappropriate use, subdivision and development. Another

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matter of national importance provided for in the RMA is the maintenance and enhancement of public access to and along lakes and rivers.

Responsibility for the management of activities in and adjacent to lakes, rivers, wetlands or streams other water bodies is a responsibility shared between the Horizons Regional Council and the Council. The Council is responsible for managing the effects arising from activities on the surface of these water bodies, as well as subdivision, development and use of the land along the margins of rivers, lakes, wetlands and other water bodies. The management of the water itself (taking, use, discharges), activities including land disturbance, vegetation clearance and cultivation on the margins of water bodies, as well as the beds of freshwater bodies, are managed by Horizons Regional Council.

Lake Horowhenua is the largest freshwater body in the District and is highly valued for its cultural, recreational, natural and amenity values. There are smaller dune lakes and wetlands scattered throughout the rural areas of the District. The Manawatu River is the largest river in the Horowhenua and its catchment includes extensive land area outside of the District. There are a number of other rivers and streams draining from the Tararua Ranges towards the Tasman Sea. In addition, there are other smaller streams and tributaries across the plains and coastal areas connected to these lakes and rivers.

Lakes, rivers, wetlands and other water bodies have many values. They are natural drainage channels and systems. The water bodies and their edges provide habitats for both aquatic and terrestrial species. They also often function as ecological corridors along which animals move to other habitats. In addition, they form an integral component of the landscape. They are also important for recreational uses such as boating, fishing and swimming.

Water bodies also have important cultural values. For Tangata Whenua, waters are seen as the lifeblood of the land and therefore, of the people. Access to water and the management of water quality and ecological systems are important to Tangata Whenua for social, economic, spiritual and cultural reasons, including customary activities. The margins of water bodies are also where many wāhi tapu and other cultural heritage sites may be located.

Public access to and along water bodies is also a major issue, as limited access constrains the recreational values of freshwater environments. However, access must be provided in a form that does not adversely affect the conservation values, increase risk to natural hazards or any operational requirements of adjoining landowners, such as farming operations.

Activities on land near water bodies can adversely affect the values of the water bodies if not properly managed. Over time, water bodies and their margins can deteriorate because of changes to land use in their catchments. As many water bodies throughout the District flow through farmland, there has been, and remains, potential for modification of the river-water body margin areas by unsustainable land use practices, vegetation clearance, or earthworks. In addition, the subdivision of land on the edges of river, lakes, wetlands and wetlands other water bodies leads to intensified settlement that in turn can detrimentally affect the natural character of riparian areas and potential conflict with their recreational use (for example, wetlands used for hunting).

Fundamental to preserving the natural character of lakes, rivers and other water bodies is the need to protect the attributes that constitute natural character of Horowhenua's lakes, rivers, wetlands and other water bodies and their amenity values – in particular, the potential loss of reasonable buffer areas along the edge of water bodies. Such buffers allow for vegetated strips, which are important for ecological purposes (fish habitats and reduction of water and silt runoff from pastures), as well as to maintain visual and landscape values. Such buffers can also provide for

public access and natural hazard defence systems. The required depth of such buffers will vary widely – in urban areas, they need not be as extensive as they need to be in rural areas, particularly on the banks of major rivers, lakes, wetlands and other water bodies~~wetlands~~.

---

Amend Explanation and Principal Reasons for Objective 3.3.1 to read:

...

"An effective way to achieve protection of the natural character of water bodies is creating a buffer between waterways and adjoining activities, which could include the creation of an esplanade reserve or strip. In addition, when development, land use change or subdivision occurs, it provides an opportunity to consider the potential for restoration and enhancement of the natural values of the margins of waterways.

Council has prepared an Open Space Strategy which identifies water bodies with significant values where creating esplanade reserves or strips are considered a priority.

These priority water bodies are listed in Schedule 12 -Priority Water Bodies. In terms of the application of this Schedule, there are provisions which provide for: separation distances between buildings and priority water bodies in the Rural Zone; the creation of esplanade reserves which relate to subdivisions adjacent to Group 1 Priority Water Bodies; and the creation of esplanade strips which relate to subdivisions adjacent to Group 2 Priority Water Bodies in Schedule 12.

The priority water bodies identified are where new connections allow for the creation of a natural buffer to protect the natural values of water bodies and their margins as well as providing for public access.

As land adjoining these priority water bodies is subdivided and developed, opportunities can arise for formal access to be obtained through the subdivision process. This systematic process allows a District-wide network to be developed over time and can result in the restoration and enhancement of water bodies and their margins.

While rivers, lakes and wetlands are susceptible to inappropriate activities that may adversely affect their natural character and special values, in general, provision for the cultural and recreational use and enjoyment of the water bodies should continue to be made, as such activities do not create significant environmental issues. Other tools outside the District Plan can be successfully used to separate or manage conflicting activities if required (for example, bylaws)."

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Amend Policy 3.3.2 as follows:

"Identify priority lakes, rivers, wetlands, and other water bodies with high natural character and conservation, recreation, cultural, amenity and intrinsic values."

---

Amend Policy 3.3.3 as follows:

"Manage the design, location and scale of subdivision and/or land development and use adjoining lakes, rivers, wetlands and other water bodies so they retain their special values and natural character."



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Amend Policy 3.3.4 as follows:

"Ensure subdivision, use and development protects the natural character of lakes, rivers, wetlands and other water bodies and maintain and enhance their special values by having regard to the following matters in assessing proposals:

- extent to which natural processes, elements and patterns that determine the area's natural character are sustained, and/or restored and rehabilitated;
- degree of change to landform and relief;
- degree of protection of vegetation cover and patterns, including use of a buffer;
- compatibility with existing level of modification to the environment;
- functional necessity to be located in or near the water body and no reasonably practicable alternative locations exist;
- ability to mitigate any potential adverse effects of subdivision, use, and development; and
- provision of public amenity and access to land acquired by Council for reserve purposes."

---

Amend Policy 3.3.5 as follows:

"Ensure the adverse effects on the natural character and special values of lakes, rivers, wetlands and other water bodies are avoided or mitigated through establishing setbacks for activities and buildings that may cause adverse effects. "

---

Amend Policy 3.3.6 to read:

"Promote and encourage the development or maintenance of riparian planting along water body margins."

---

Amend Policy 3.3.8 as follows:

"Promote a strategic approach to the management of lakes, rivers, wetlands and other water bodies and their margins and catchments, particularly by using management plans for areas with significant environmental issues that require a collaborative approach with other groups or organisations."

---

Amend Policy 3.3.9 to read:

":Provide for the maintenance of the natural character of lakes, rivers and other water bodies and their margins, whilst balancing the need to provide public access to and along these water bodies by way of an esplanade network."

---

Amend Rule 15.1(m) to read as follows:

" Where a tree is listed in Schedule 3 - Notable Trees the following are permitted activities:.

- (i) The removal or partial removal of a Notable Tree.
- (ii) Any activities within the drip line of a Notable Tree.
- (iii) Any trimming and maintenance of a Notable Tree.

Note: Refer to Rule 15.6.28 for conditions relating to the above activities."

---

Amend Rule 19.6.27 to read:

...

- c) Any trimming and maintenance of a tree listed in Schedule 3 - Notable Trees shall be limited to:
  - (ii) the removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those buildings, or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks.

---

Amend Assessment Criteria 25.7.15 to read:

"e) The extent to which work on or near a Notable Tree is necessary to preserve or maintain the efficiency or safety of any public work, network utility or road or railway."

---

Include a new definition in Chapter 26 - Definitions as follows:

"Bed has the same meaning as in the Resource Management Act 1991."

---

Include a new tree to Schedule 3 - Notable Trees as follows:

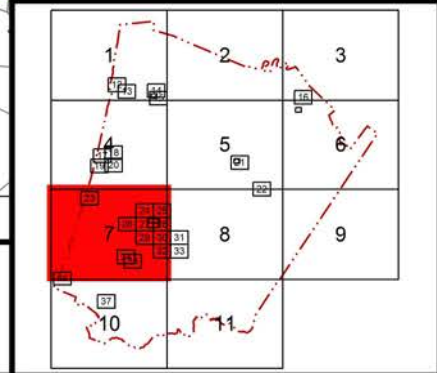
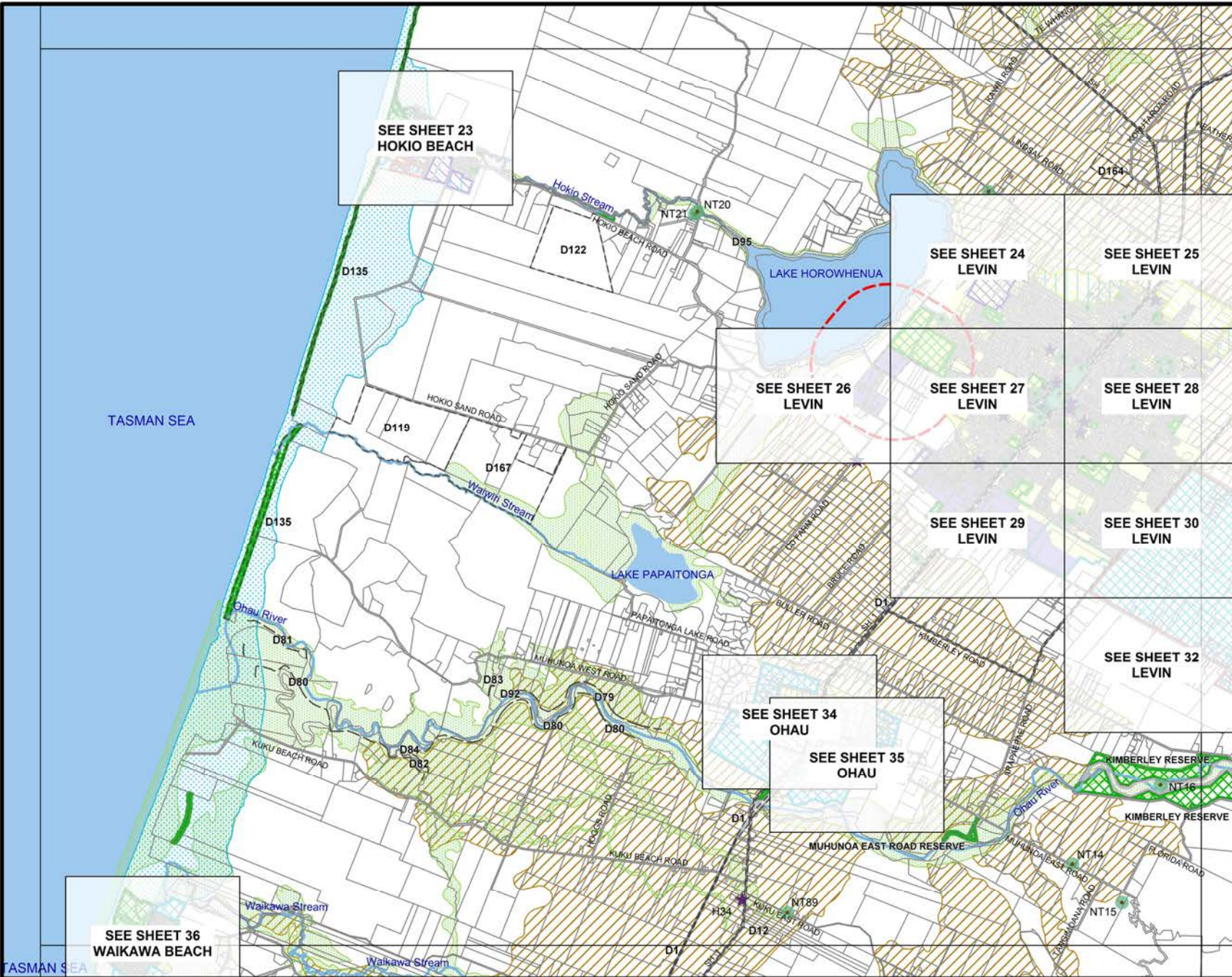
The following trees are identified as Notable Trees within the Horowhenua District.

...

Map No.	Ref.	Latin Name	Common Name	Location	Score	Legal Description
	NT89	<u>Podocarpus Totara</u>	<u>Totara</u>	<u>61 Kuku East Road, Levin</u>	<u>167</u>	<u>Lot 1 DP 56764</u>

**LEGEND**  
**ZONES**

- Commercial Zone
  - Industrial Zone
  - Residential Zone
  - Rural Zone
  - Proposed Commercial Zone
  - Proposed Greenbelt Residential Zone (part of PC 21)
  - Proposed Greenbelt Residential Deferred Zone (part of PC 21)
  - Proposed Industrial Zone
  - Proposed Open Space Zone
  - Proposed Residential Zone
  - Proposed Residential Zone (part of PC 21)
  - Proposed Residential Deferred Zone
  - Proposed Rural Zone
- OVERLAYS**
- Proposed Greenbelt Residential Waitare Rise (part of PC 21)
  - Proposed Low Density Area (part of PC 21)
  - Proposed Medium Density Area
  - Proposed Large Format Retail Area
  - Proposed Town Centre Heritage/Character Area
  - Proposed Foxton Tourism Area
  - Proposed Pedestrian Area
  - Proposed Coastal Natural Character and Hazard Area (1:50,000 Rural Maps Only)
  - Proposed Flood Hazard Area (1:50,000 Rural Maps Only)
  - Moutoa Floodway (1:50,000 Rural Maps Only)
  - Versatile Land (LUC Class I & II Soil)
- FEATURES**
- Notable Tree
  - Historic Heritage Building, Structure or Site
  - Designation
  - Road



Scale 1 : 50,000

**PROPOSED HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 7**

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## 6.2 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
67.08		Taiao Raukawa Environmental Resource Unit		Accept
96.45	506.29	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject Reject
96.46	506.30 527.08	Federated Farmers of New Zealand Ernslaw One Ltd Director-General of Conservation (DoC)	Support Oppose	Accept In-Part Accept In-Part Accept In-Part
27.04	517.12	Horizons Regional Council Horticulture NZ	In-Part	Reject Accept In-Part
96.47	506.31 517.13 527.09	Federated Farmers Ernslaw One Ltd Horticulture NZ Director-General of Conservation (DoC)	Support Support Oppose	Reject Reject Reject Accept
101.11		Director-General of Conservation (DoC)		Accept
101.12		Director-General of Conservation (DoC)		Accept
26.00		Horowhenua Astronomical Society		Accept In-Part
27.05	517.14	Horizons Regional Council Horticulture NZ	In-Part	Reject Reject
26.17		Horowhenua Astronomical Society		Accept In-Part
27.34		Horizons Regional Council		Reject
96.48	506.32	Federated Farmers Ernslaw One Ltd	Support	Reject Reject
101.13		Director-General of Conservation (DoC)		Reject
80.20		Todd Energy Ltd		Accept In-Part
92.21		KCE Mangahao Ltd		Accept In-Part
80.22		Todd Energy Ltd		Accept
92.24		KCE Mangahao Ltd		Accept
96.50	513.13	Federated Farmers Rayonier New Zealand Ltd	Support	Accept Accept

	517.11	Horticulture NZ	Support	Accept
80.24		Todd Energy Ltd		Accept In-Part
92.25		KCE Mangahao Ltd		Accept In-Part
101.14		Director-General of Conservation (DoC)		Accept In-Part
96.51	528.20	Federated Farmers Horizons Regional Council	Oppose	Accept In-Part Accept In-Part
80.03		Todd Energy Ltd		Accept In-Part
92.03		KCE Mangahao Ltd		Accept In-Part
101.15		Director-General of Conservation (DoC)		Accept In-Part
80.21		Todd Energy Ltd		Accept In-Part
92.22		KCE Mangahao Ltd		Accept In-Part
96.52	517.15 528.20	Federated Farmers Horticulture NZ Horizons Regional Council	Support Oppose	Reject Reject Accept
101.16		Director-General of Conservation (DoC)		Accept In-Part
26.02		Horowhenua Astronomical Society Inc		Accept In-Part
80.23		Todd Energy Ltd		Accept In-Part
92.23		KCE Mangahao Ltd		Accept In-Part
101.17		Director-General of Conservation (DoC)		Accept In-Part
96.14	506.08	Federated Farmers Ernslaw One Ltd	Support	Reject Reject
101.18		Director-General of Conservation (DoC)		Accept
98.26		Horticulture NZ		Accept
83.05	528.15	Ross and Margaret Hood Horizons Regional Council	Oppose	Reject Accept
101.42		Director-General of Conservation (DoC)		Accept In-Part
80.26		Todd Energy Ltd		Accept
92.17		KCE Mangahao Ltd		Accept
80.25		Todd Energy Ltd		Accept In-Part

92.26		KCE Mangahao Ltd		Accept In-Part
101.20		Director-General of Conservation (DoC)		Accept
16.00		Robert White		Accept
98.25		Horticulture NZ		Reject
96.49		Federated Farmers		Accept In-Part
25.00	525.16	Michael White Maurice and Sophie Campbell	Support	Accept In-Part Accept In-Part
11.17		Philip Taueki		Accept
60.11		Muaupoko Co-operative Society		Accept
116.00		Truebridge Associated Limited		Accept In-Part
101.70		Director- General of Conservation (DoC)		Reject
99.31		Transpower New Zealand Ltd		Accept
101.71		Director-General of Conservation (DoC)		Reject
55.12		KiwiRail		Accept
108.37		HDC (Planning Department)		Accept
1.00		Scotson & McKay		Accept

### 6.3 Notable Tree STEM Assessment

**STEM:** (Standard Tree Evaluation Method 1996 pub. Ron Flook)

#### Tree Evaluation Score Sheet

Date: March 22, 2013	Assessed By: John Leslie
Reference: NT	Latin Name: Podocarpus totara
Address: 61 Kuku east road	Common Name: Totara
	GPS
	S E

#### Condition Evaluation

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very good	Specimen	20
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	10
Vigour/Vitality	Poor	Some	Good	Very good	Excellent	17
Function	Minor	Useful	Important	Significant	Major	12
Age	10yrs. +	20yrs. +	40yrs. +	80yrs. +	100yrs. +	25
<b>Subtotal Points</b>						<b>84</b>

#### Amenity Evaluation

Points	3	9	15	21	27	Score
Stature (m)	3 to 8	9 to 14	15 to 20	21 to 26	27 +	9
Visibility (km)	0.5	1	2	4	8	9
Proximity	Forest	Parkland	Group 10+	Group 3+	Solitary	27
Role	Minor	Moderate	Important	Significant	Major	11
Climate	Minor	Moderate	Important	Significant	Major	9
<b>Subtotal Points</b>						<b>65</b>

#### Notable Evaluation

Recognition	Local	District	Regional	National	International	Score
Points	3	9	15	21	27	
Stature	Feature					9
	Form					9
Historic	Age 100+					
	Association					
	Commemoration					
	Remnant					
	Source					
	Rarity					
	Endangered					
<b>Subtotal Points</b>						<b>18</b>

<b>Total Points</b>	<b>167</b>
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This Totara is in very good health.



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