



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

Send or deliver your submission to: Principal Planner
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To Manawatu District Council
Submission on **Plan Change** [redacted] of the Manawatu District Council Plan

Submitter details

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

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

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

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

Submission details

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

Please see email attachment

My submission is that

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

Please see email attachment.

(please include additional pages as necessary)

I/we have included [insert number] additional pages

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

Please see attachment for information required by MDC.

Submission at the Hearing

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

Signature(s)


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



Signature

8/3/2020

Date



Signature

8/3/2020

Date

Important Information

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

For office use only

post hand delivered

Received at the Council on

date

time

Objectives and policies

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

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

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

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

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

Should read – removal of the word - protect

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

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

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

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

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

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

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

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

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

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

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

OPPOSE

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

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

Policy

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

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

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

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

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

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

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

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

OPPOSED - Specify too open need to see reasoning and mapping

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

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

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

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

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

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

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

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

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

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

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

OPPOSE – leave to horizons under one plan.

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

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

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

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

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

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

Should read

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

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

Define accumulative effects in glossary.

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

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

Looks similar to NFL-P6 unclear of difference.

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

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

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

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

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

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

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

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

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

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

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

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

OPPOSED – the one plan covers this.

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

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

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

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

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

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

SHOULD READ

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

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

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

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

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

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

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

SHOULD READ

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

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

Define is glossary best practice guidelines

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

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

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

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

3. Limits CDEDA economic growth

Rules

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

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

Permitted Activities

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

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

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

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

Guidance Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Angela & Alexander McIntyre outstanding natural & featured landscape submission continued

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

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