#008

Department of Conservation
Te Papa Atawhai

DOC-6225567

2 March 2020

Manawatu District Council
135 Manchester Street
Feilding 4702

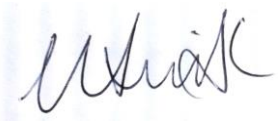
Tēnā koe Sir or Madam

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

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

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

Nāku noa, nā



Moana Smith-Dunlop

Operations Manager

Pou Matarautaki Kāhui Matarautaki

Manawatu

Department of Conservation *Te Papa Atawhai*
Hamilton Shared Services
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Submission on Proposed Plan Change 65 Outstanding Natural Landscapes and Features to the Manawatu District Plan

Resource Management Act 1991

TO: Manawatu District Council

NAME: Lou Sanson
Director-General of Conservation

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

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

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

1. This is a submission on the Proposed Plan Change 65 Outstanding Natural Landscapes and Features to the Manawatu District Plan.

2. I could not gain an advantage in trade competition through this Submission.

3. The specific provisions of the Proposed Plan that my submission relates to are set out in Attachments 1 to this submission. The decisions sought in this submission are required to ensure that the Proposed Plan Change 65 Outstanding Natural Features and Landscapes:
   a. Gives effect to the New Zealand Coastal Policy Statement 2010
   b. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act.
   c. Promotes the sustainable management of natural and physical resources.
   d. The changes sought are necessary, appropriate and sound resource management practice.

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

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

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

I seek the following decision from the Council:

5. That the particular provisions of Proposed Plan Change 65 that I support, as identified in Attachment 1, are retained.

6. That the amendments, additions and deletions to Proposed Plan Change 65 sought in Attachments 1 are made.

7. Further or alternative relief to like effect to that sought in 5 – 6 above.

8. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.

Moana Smith-Dunlop
Operations Manager
Manawatu
Pursuant to delegated authority

Date: 2nd March 2010

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

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

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

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

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

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

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

PLAN PROVISION	POSITION AND REASON		RELIEF SOUGHT
NFL–P13	Oppose in Part	It is considered appropriate for ONF's to be included within this policy. However it is important that accumulative effects are considered when forming this assessment.	Amend policy to read; *'To avoid subdivision within Outstanding Natural <u>Features and</u> Landscapes except where…'*
NFL–P14	Oppose in Part	It is considered ONF's should be included in NFL–P13 instead to be consistent with s 6(b). SAF's are contained within NFL-APP2 not APP1.	Remove ONF's from wording of Policy NFL-14 and edit reference for SAF's from NFL-APP1 to NFL-APP2 as follows: *'To manage subdivision within ~~Outstanding Natural Features and~~ Significant Amenity Features to ensure the characteristics and values identified in NFL-APP~~1~~<u>2</u> are not adversely affected by fragmentation of ownership arising from subdivision.'*
NFL–P15 NFL–P16 NFL–P17 NFL–P18	Support	This is considered appropriate.	Retain this policy.
NFL–P19	Oppose	The introduction of exotic species would likely affect the characteristics and values of the areas and undermines the potential for these areas to be maintained and enhanced. Wording should be changed to avoid where they adversely affect the characteristics and values identified in NFL-APP2.	Amend policy to read; *'To <u>avoid</u> ~~restrict~~ the introduction of exotic vegetation species, including forestry, within Significant Amenity Features where they adversely affect the characteristics and values identified in NFL-APP2.'*
NFL-R1 NFL-R2 NFL-R3 NFL-R4 NFL-R5 NFL-R6 NFL-R7 NFL-R8	Support	These rules are considered appropriate.	Retain these rules.
NFL-R9	Oppose in Part	NFL-R9 allows for earthworks associated with stock grazing within the Rangitikei River Outstanding Natural Feature and within Significant Amenity Features. It is considered that earthworks 'associated' with these activities could be exceptionally broad and that measurable standards must be set for permitted volumes in relation to this activity specifically.	Amend the rule to include measurable standards for volumes and/or descriptions of types of earthworks to be associated with grazing.
NFL-R10	Support	This is considered appropriate.	Retain this rule.

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

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