



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

## Submission on Plan Change 65 of the Manawatū District Council Plan

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

**Submitted to: [districtplanreview@mdc.govt.nz](mailto:districtplanreview@mdc.govt.nz)**

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

Contact: [a.geary@forestandbird.org.nz](mailto:a.geary@forestandbird.org.nz)

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

We wish to speak in support of our submission.

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

4 March 2020

## **INTRODUCTION**

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

## **SUBMISSION**

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

### **Significant amenity features**

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

restrictions under the National Environmental Standard for Plantation Forestry (NESPF) for afforestation to SAFs<sup>1</sup>. To apply those restrictions, a landscape feature must be described as having “visual amenity values”<sup>2</sup>.

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

#### **Relief sought:**

9. Add a new definition as follows:

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

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

#### **Inappropriate use and development**

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

---

<sup>1</sup> Clause s13 and 15 of the NESPF

<sup>2</sup> Clause 3 interpretation: **visual amenity landscape** means a landscape or landscape feature that—

(a) is identified in a district plan as having visual amenity values, however described; and

(b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area.

13. The wording of P2 suggests that “inappropriate use and development” is known before determining which of those activities have adverse effects on values and characteristics.
14. King Salmon<sup>3</sup> considered that “inappropriate” should be interpreted against what is sought to be protected or preserved. This means that “inappropriate use and development” can not be determined prior to considering the adverse effects which may be contrary to protection.
15. Policy P2 is the only policy that refers to “inappropriate use and development”. For consistency with the considerations of the King Salmon decision and to clarify the policy approach the policy direction set out in other policies P2 should be deleted.
16. Forest & Birds has related concerns with Objectives O2 and O3 which set out to protect the characteristics and values of ONLFs from inappropriate subdivision, use and development, rather than protection of the ONFL. This makes the objectives inconsistent with s6(b) of the RMA and appears to confuse the objective with a policy approach to achieving that protection.
17. Forest & Bird supports the intent of P2 with respect to the directive use of “avoid” in respect of adverse effects and has sought to retain by incorporating it into the amendment of other policies (see provision table of submissions below).

**Relief sought:**

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

**NZCPS – avoidance of significant adverse effects**

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

---

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

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

**Relief sought:**

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

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

**Achieving protection via characteristics and values**

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

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

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

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

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

**Relief sought:**

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

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

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

32. Amend NFL APP1 as follows:

(a) Amend the first paragraph:

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

(b) Amend the second paragraph:

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

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

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

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

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

**Retaining protection for significant indigenous vegetation and habitat and ONLFs appendices**

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

**Relief sought:**

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

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



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

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

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

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

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

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

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

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



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