

SECTION 42A REPORT

Report on submissions and further submissions

Topic: Natural Features and Landscapes

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Dated: 2 October 2024

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List of submitters and further submitters addressed in this report

Submission no	Submitter
46	Federated Farmers
42	Ventus Energy
47	Forest and Bird
43	Graymont (NZ) Ltd
38	Te Tokanganui- a-noho Whare (TTRMC)
50	Te Nehenehenui
33	King Country Energy
09	Chorus New Zealand Limited, Connexa Limited, Spark, New Zealand Trading Limited and Vodafone New Zealand Limited
31	Transpower New Zealand Ltd (Transpower)
10	Waikato Regional Council (WRC)
18	Auckland Waikato Fish and Game (AWFG)
19	PF Olsen
30	New Zealand Forest Managers (NZFM)
21	New Zealand Defence Force (NZDF)
FS23	Te Nehenehenui
FS10	King Country Energy
FS05	Federated Farmers
FS20	Sheryl Paekau
FS03	Department of Conservation (DoC)
FS30	Transpower New Zealand Ltd (Transpower)
FS26	Waikato Regional Council (WRC)
FS17	NZ Speleological Society
FS08	Graymont (NZ) Ltd
FS12	Manulife Forest Management (NZ) Ltd
FS19	PF Olsen
FS22	Chorus New Zealand Limited, Connexa Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited

1. Introduction

1.1 Qualifications and Experience

1. My name is Cathy O’Callaghan. I am contracted by Waitomo District Council to assist with the hearings process for the proposed plan. I hold a first class honours degree in resource and environmental planning from Massey University and a post-graduate qualification in agricultural-environmental science. I have been employed in consenting and policy planning roles in consultancy services, local, regional and central government for over 30 years. I drafted the provisions of the natural features and landscapes chapter.

1.2 Code of Conduct

2. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
3. I am authorised to give this evidence on the Council's behalf to the proposed district plan Hearings Commissioners (the Commissioners).

1.3 Conflict of Interest

4. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest in respect of the matters addressed in this report.

1.4 Preparation of this report

5. I am the author of this report. The scope of evidence in this report relates to the evaluation of submissions and further submissions received in relation to the natural features and landscapes chapter. This report has been reviewed by Bridget Gilbert, the landscape architect who assisted Waitomo District Council to identify the outstanding natural landscapes and high amenity landscapes and provided expert input into the development of the provisions in the chapter. Ms Gilbert undertook the Waitomo District Landscape Study 2021, which represents the first time a comprehensive landscape assessment has been undertaken in the district.
6. I have also relied on a report by Dr Bruce Hayward who undertook research and consulted with other specialist geomorphologists and speleologists to identify the district’s outstanding natural features and karst overlay. Dr Hayward’s report is entitled ‘Outstanding Natural Features Identifying and Mapping sites in Waitomo District’ August 2018.

7. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. Scope of Report

2.1 Matters addressed by this report

8. The provisions of the natural features and landscapes chapter, its associated definitions, the associated planning maps and the following schedules are covered by this report:
 - Schedule 7 – Outstanding natural landscapes
 - Schedule 8 – Outstanding natural features
 - Schedule 9 – Landscapes of high amenity value
 - Schedule 12 – Karst overlay
9. The scope of my evidence relates to the evaluation of submissions and further submissions received in relation to the provisions associated with the natural features and landscapes chapter, insofar as they relate to land use (and by reference only, to subdivision).
10. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions relating to the management of natural features and landscapes within the Waitomo proposed district plan. Other effects and activities are addressed in various section 42A reports including ecosystems and indigenous biodiversity, coastal environment, natural character and earthworks.

2.2 Overview of the chapter

11. The natural features and landscapes chapter sets out the policy direction and rules to outstanding natural landscapes, outstanding natural features, landscapes of high amenity value and the karst overlay. The rules were developed in conjunction with the rules for the general rural zone, natural open space zone, the coastal environment and areas of outstanding, high and very high natural character and the natural character chapter.
12. Overlays, scheduled sites and features are generally in place to respond to matters of national importance under the RMA and therefore the plan directs that they take precedence over a zone or precinct. Unless specified, provisions pertaining to overlays, scheduled sites and features prevail over the other provisions in the plan. The exception is the network utilities chapter where the overlay, scheduled sites and features rules are contained within that chapter.

Mana whenua

13. Section 6(e) of the RMA provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga. The plan must recognise and provide for section 6(e) as a matter of national importance. Section 8 of the RMA addresses the principles of Te Tiriti o Waitangi. This section is complemented by section 7(aa) and 7(a). Landscapes, places and features can be of historical, cultural and spiritual significance to mana whenua. For mana whenua, it is critical to manage and protect these resources in order to fulfil the obligation of kaitiakitanga or guardianship. In respect of this chapter, it is the view of mana whenua that specific values of significance and associative narratives should not be recorded in respect of the landscapes and features identified. Mana whenua representatives consider that the role and obligation of kaitiakitanga precludes sharing the symbolism, values and significance of these sites. The narratives are sacred representations of these natural resources and therefore are taonga because they express through the physical manifestation of a place, the relationship of the local tribal custodians with the intangible.

Outstanding natural landscapes and features

14. Section 6(b) of the RMA requires the plan to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development. The plan must recognise and provide for section 6(b) as a matter of national importance. Policy 15 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires protection of the natural features and natural landscapes in the coastal environment from inappropriate subdivision, use and development by avoiding adverse effects on outstanding natural features and landscapes, avoiding significant adverse effects on other natural features and landscapes, and by identifying and assessing the natural features and landscapes of the district.
15. There are five outstanding natural landscapes (ONL) within the Waikato Region part of the district comprising approximately 21% or 73,000 hectares. 51% of this is held as Department of Conservation estate, QEII covenant or Nga Whenua Rahui. Where the land is held in private ownership, the majority is identified as a significant natural area. Only 11% is developed or farmed. The rugged, peaked landforms of the northern Herangi Range are an ONL at both a regional and a district scale. Schedule 7 describes the five ONLs which are:
 - Herangi-Pomarangai
 - Northern Coastline
 - Western Coast
 - Rock Peak
 - Mokau Hills



Figure 1: Outstanding Natural Landscapes in Waitomo District

16. The criteria in APP10 of the Waikato Regional Policy Statement (WRPS) and Table 8 of the Manawatū-Whanganui One Plan were employed when assessing the location of potential ONLs. No ONLs were identified in the Manawatū-Whanganui part of the district.
17. There are 76 outstanding natural features (ONFs) identified that contribute to the understanding of geology, are rare or unusual, or meet other abiotic and biotic criteria. This comprises approximately 2% of the district or around 4,300 hectares. In the Waikato region it is relatively unusual for ONFs to be identified in district plans as distinct from ONLs. Neither the Waikato nor Manawatū-Whanganui Regional Policy Statements contain criteria for assessment of ONFs. Instead, the criteria were developed by Dr Hayward and agreed by both regional councils.
18. There are six categories of ONFs and the provisions of this plan apply according to their type. This approach of categorising the ONFs has been used elsewhere in New Zealand including in the Auckland Unitary Plan and Whangarei District Plan. The majority are small features such as waterfalls, natural bridges, bluffs or sandspits. Two categories are larger areas with characteristics similar to the ONLs. Schedule 8 lists the ONFs and places each one its applicable categories which are:
 - A = Large landforms (non-coastal).
 - B = Smaller more fragile landforms.
 - C = Dynamic landforms and features in the coastal zone.
 - D = Robust exposures of geological material (non-coastal).
 - E = Fragile exposures of geological material (mostly in coastal zone).
 - F = Caves.

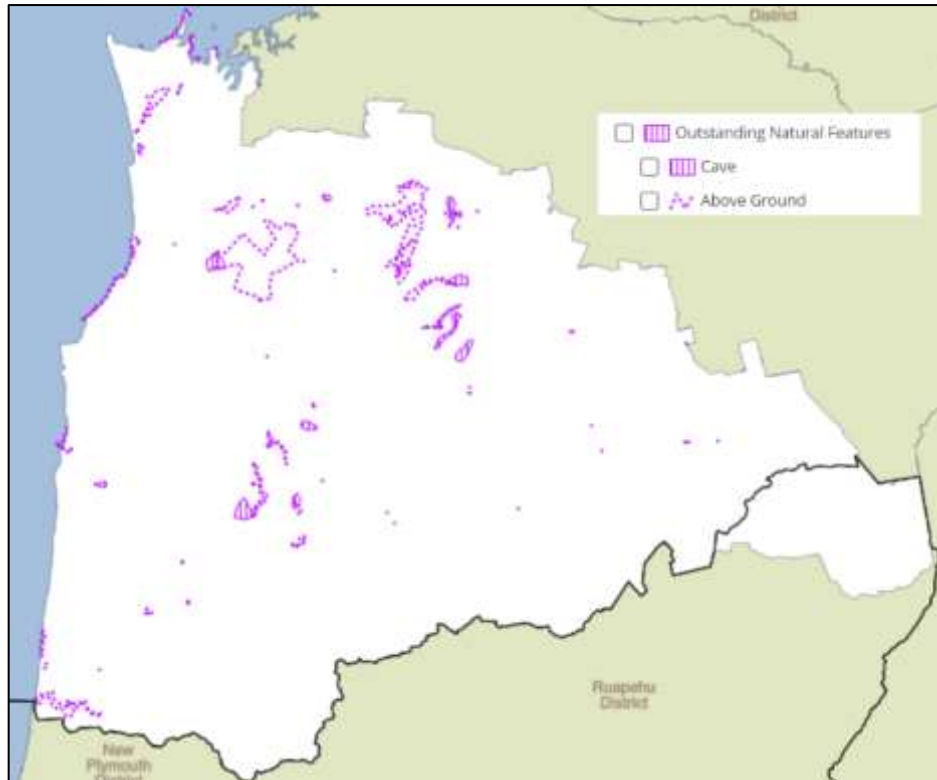


Figure 2: Outstanding Natural Features in Waitomo District

19. The operative district plan does not identify either ONLs or ONFs and as such, does not provide for the matters of national importance 6(b). It includes provisions for a Landscape Policy Area which is an “overlay” Policy Area covering land in the Waitomo Caves locality and the Mokau-Awakino coastal area. A significant change is required by the proposed district plan to accommodate these matters. The operative district plan does contain a karst overlay (cave systems) with an associated policy framework and rules in Chapter 11 Rural Zone. Some of the more important sites identified in the operative district plan have become ONFs. The remainder were assessed and became part of the new karst overlay.

Landscapes of high amenity value

20. As noted above, Chapter 12 of the operative district plan includes provisions for a Landscape Policy Area. The two areas were identified as containing features and landscapes that are particularly sensitive to change. In both cases these sensitive natural features form the basis of tourism development and are not amenity landscapes in the more modern sense. They do not meet the criteria set out by landscape architects assessing the district for the purpose of this plan. As such, the operative district plan does not provide for high amenity landscapes.
21. Section 7(c) requires the plan to have particular regard to the maintenance and enhancement of amenity values and section 7(f) requires the maintenance and enhancement of the quality of the environment. IM-P5 requires that areas of amenity value, including landscapes, seascapes or natural features are identified, maintained and enhanced. IM-M30 states that District Plans must identify and recognise areas of amenity value and maintain or enhance the qualities and characteristics for which they are valued. Areas of amenity value must be identified using accepted criteria

and methodologies, be appropriately recognised, subdivision, use and development must be managed to avoid, remedy or mitigate adverse effects on the identified values of areas of amenity value and when recognising and providing for areas of amenity value, consideration must be given to the changing and evolving nature of land management practices that means the visual amenity values may also change. There are no provisions applicable to high amenity landscapes in the Manawatū-Whanganui One Plan

22. Accordingly, landscapes of high amenity value (LHAVs) are only identified in the part of the district that is within the Waikato region. As the WRPS requires district plans to identify and appropriately recognise the qualities and characteristics of areas of amenity value, these landscapes are managed to maintain and enhance their rural character and naturalness while allowing for appropriate development, particularly the ongoing use of rural land for agricultural, pastoral and horticultural activities. A working pastoral landscape is envisaged for LHAVs and the plan's provisions heavily rely on the underlying general rural zone to manage the effects of non-farming activities including rural industry, quarrying activities and tourism.
23. Approximately 23% or around 82,000 hectares comprise the four LHAVs in the district. 78.5% of the LHAVs are in private ownership. It is estimated that 63% of this landscape area (52,700 hectares) is developed as farms or in forestry. Schedule 9 describes the LHAVs which are:
 - Awakino Gorge
 - Limestone Country
 - Rangitoto Range and the Waipa Valley
 - Kawhia Harbour



Figure 3: Landscapes of High Amenity Value in Waitomo District

The karst overlay

24. Similar to the LHAVs, section 7(c) of the RMA requires the plan to have particular regard to the maintenance and enhancement of amenity values and 7(f) the maintenance and enhancement of the quality of the environment. Accordingly, karst systems are managed to maintain and enhance their natural features while allowing for appropriate development, particularly the ongoing use of rural land for agricultural, pastoral and horticultural activities within parameters. There are no provisions applicable to karst systems in either the Manawatū-Whanganui One Plan or the WRPS.
25. The karst overlay contains subterranean caves and catchment areas of high geomorphological and ecological diversity. The majority of these cave systems were identified and protected through provisions in the operative district plan. The proposed plan seeks to manage the main impacts on karst ecosystems which are associated with general vegetation clearance which can impact the hydrology of cave systems and localised vegetation clearance around karst features which can change the environmental conditions in caves with resulting changes to biota. Plantation forestry can cause significant sediment flows to subterranean habitats during harvesting and quarrying activities, dumping of waste or filling of cave entrances, tomos and dolines can also have a serious detrimental effect on karst ecosystems.
26. Only 23% of the karst overlay is formally protected and a further 17% is classified as SNA which affords protection from vegetation clearance (which is a major threat to the hydrological function of below ground systems). This means that approximately 60% of the overlay area is likely to be farmed or developed in some manner.
27. Approximately 5% of the district or around 17,000 hectares comprise the karst overlay. This consists of 31 cave systems and 5 catchment areas. Again, while the cave systems largely replicate the existing caves overlay in the operative district plan, the 5 catchment areas are a new addition. These catchment areas have been added to provide a buffer zone against excess erosion and hydrological change impacting the main tourism and recreational cave systems in the region. Schedule 12 lists sites and catchments which comprise the karst overlay.



Figure 4: Karst Overlay in Waitomo District

28. The natural features and landscapes chapter has the specific aim of addressing the following issues:
- Inappropriate subdivision, use and development within or in proximity to outstanding natural features and landscapes may result in the degradation of their values, and adversely impact on people's use, enjoyment and appreciation of them.
 - Subdivision, use and development should recognise, maintain, and where practicable, enhance the qualities and values of the landscapes of high amenity value, including those values associated with working agricultural, pastoral and horticultural landscapes.
 - Waitomo district contains the majority of the Waikato region's karst features, many of which are nationally and internationally significant. The most important sites are classified as outstanding natural features in this plan. However, a number of karst systems have significance at a regional and district level. These systems are sensitive to above ground activity.
 - Cave systems contain features that can be sensitive to changes in the flows of air, water, sediment and energy through the cave. Land disturbance, such as earthworks and vegetation clearance (especially around cave entrances) may disrupt these processes. Direct physical damage or destruction to features may also arise from external land disturbance or from internal works within caves.
 - Earthworks and vegetation clearance and other forms of land

development (including farming and forestry development, down slope cultivation, tracking, roading construction and maintenance), if inadequately managed, may increase the risk of erosion and thus increase the risk of adverse effects on water quality and the degradation of eco-systems and habitats associated with the karst overlay.

2.3 Statutory Requirements

Resource Management Act

29. This plan has been prepared in accordance with the Council's functions under the RMA, specifically Part 2, sections 31, 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

3. Consideration of submissions received

3.1 Overview of submissions

30. The table of submissions is contained in Appendix 1 of this report. 139 submission points and further submission points were received on the natural features and landscapes chapter.

3.2 Structure of this report

31. This report is structured into 7 topic areas, being:

Topic 1: Landscapes of high amenity value
Topic 2: Plantation forestry
Topic 3: Policies – outstanding natural features and landscapes
Topic 4: Policies – landscapes of high amenity value
Topic 5: Policies – karst overlay
Topic 6: Rules
Topic 7: Other matters

4. Analysis and Recommendations

Topic 1: Landscapes of high amenity value

32. Federated Farmers request the policy and rule framework is deleted from the chapter and replaced by an objective which reads: 'Recognise the attributes which contribute to identified landscapes of high amenity value'.

It is proposed that in the place of rules, where discretionary or non-complying activity resource consents are required and the activity is located within a LHAV, the proposed activities will be assessed in terms of their consistency with the objective. This would apply to the relevant zones.

33. It is agreed that applying the policy framework without the need for rules is a valid approach and it was considered at length during the development of the plan's provisions. Federated Farmers' approach meets the requirement of the WRPS to identify LHAVs (as these would be mapped), but the proposed objective is not necessarily worded in a way that maintains or enhances the qualities and characteristics for which LHAVs are valued. In fact, when drafting the provisions it was difficult to apply an objective or policy that would encompass the complexities of the LHAVs themselves. To manage these complexities, the plan carves out the rural production zone from the LHAVs to disapply the provisions. This is to allow these sites, which have a functional and operational need to locate in LHAVs, to continue operating. Similarly, more stringent provisions are not applied to production forestry although this is enabled by the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017¹. The settlement of Aria is also exempt the LHAV and specific provisions apply to network utilities and energy activities.
34. Instead, the decision was made to apply a policy framework and two basic rules:
- Any building that is greater than 8m in height and/or greater than 300m² in size requires a consent for a restricted discretionary activity.
 - Earthworks greater than 500m³ per holding per calendar year in the general rural & natural open space zones require a consent for a restricted discretionary activity. This volume also applies to farm and forestry quarries.
35. This approach attempts to give effect to the WRPS by ensuring subdivision, use and development are managed to avoid, remedy or mitigate adverse effects on the identified values of areas of amenity value (those effects being large scale earthworks and buildings of bulk). Additionally, the plan when recognising and providing for areas of amenity value, must give consideration to the changing and evolving nature of land management practices. By restricting the rules to these two matters, and not specifically naming activities such as rural industry, quarrying or energy activities, there is a degree of flexibility in the application of the provisions. Accordingly, this approach is considered to be the most appropriate way to give effect to the WRPS.

¹ Regulation 13 Permitted activity condition: visual amenity landscapes; Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict commercial forestry activities within that landscape.

Topic 2: Plantation forestry

36. PF Olsen and New Zealand Forest Managers request that the earthworks volumes in NFL-R8 are increased to better enable plantation forestry activities. This rule prevails over the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 in ONFs, ONLs and in the karst overlay. The rule requires a restricted discretionary consent where earthworks exceed 250 m³ per holding per calendar year. The provisions are stricter for ONFs and dependent on the fragility of the features in the category.
37. Regulation 6 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 allows a rule in a plan to be more stringent than the regulations if the rule recognises and provides for the protection of outstanding natural features and landscapes from inappropriate use and development, or if the rule manages any activities in any karst geology identified in a district plan.
38. The submitters consider that forestry requires larger volumes of earthworks to remain a permitted activity. It is agreed that it is unlikely that forestry activities will remain a permitted activity in the areas that this rule affects. The activity will be influenced by the restrictions applied to land that is identified as an ONL, ONF or is in the karst overlay. There is a high level of confidence that these areas have been correctly and appropriately identified and this is evidenced by the lack of challenge to their location and extent. The outstanding, significant and fragile nature of these areas and the resulting assessment of the type and scale of activities which may or may not have adverse effects is considered to be both appropriate and correct. It is considered contrary to the intent of RMA Section 6(a) and (b), and 7(c), (f) and (g) in the case of the karst overlay, to enable activities that would result in adverse effects unless, as in the case of regionally significant activities, there is a balancing factor to consider. This is not the case for forestry activities.
39. NFL-R13 specifies that plantation forestry harvesting is non-complying in ONFs, but permitted in ONLs and the karst overlay subject to performance standards. The performance standards require that clear-felling must not exceed 2 ha per holding per calendar year with replanting occurring within 12 months. There are setbacks from the edge of water bodies and the open coast. In the LHAVs the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 prevail.
40. PF Olsen request that NFL-R13 is deleted or amended to permit plantation forest harvesting where the plantation forest existed prior to the date of the Proposed Waitomo District Plan. Forest and Bird request the provision becomes prohibited in the ONFs and non-complying in the ONLs. Quite differing views. The forestry provisions in the ONLs are considered to be reasonably generous. Harvesting defaults to a restricted discretionary where the permitted performance standards cannot be achieved. In ONFs, the non-comply status is the only appropriate response to these fragile features and catchments.

41. The karst overlay will be a challenge for forestry activities. It is likely that consents will be required for most forestry activities and the industry will need to work with the Council and experts to establish management regimes and best practice for this sensitive environment. It is anticipated that the forestry industry will respond favourably to stewardship of this resource. The Forest Owners Association already provides a range of best practice management measures and this is an opportunity to extend these to encompass karst systems. It is the goal of this plan to provide for forestry activities in a sustainable and measured way to ensure that the effects of forestry activities do not adversely impact karst systems. It is not appropriate to grandfather existing forestry blocks, but rather an opportunity to implement practices that minimise the adverse effects on karst systems. It is not recommended that the provisions of this rule are amended. It is also not appropriate to prohibit forestry activities as it is considered that their effects can generally be appropriately managed with the proper controls in place.
42. NFL-R14 provides for continuous cover forestry and/or sustainable forest management/sustainable harvesting as permitted in all landscapes except for ONFs where it is prohibited in all but one of the categories. Permitted status is subject to performance standards. Harvesting must be subject to a sustainable forest management plan or permit under Forests Act 1949 and there are specified setbacks from the edge of water bodies and the open coast. Forest and Bird request NFL-R14 is amended to add a condition that this activity is not in the coastal environment and make it prohibited. This is considered to be rather onerous given the restrictions imposed by the performance standards, management plans and permits and the change is not recommended.
43. NFL-R19 sets out the performance standards for continuous cover forestry and/or sustainable forest management/sustainable harvesting. Forest and Bird request NFL-R19 is amended to add a condition that this activity is not in the coastal environment. For the reasons discussed in the paragraph above this change is not recommended.
44. WRC requests the standards in NFL-R19 to R21 are amended so that the required setback from the coastal marine area is increased to a minimum of 30m, to be consistent with clause 68(4)(c) the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017. The provision is shown below. This approach was considered as it is the intent of this plan to rely on national direction as far as possible in all circumstances. However, in this instance, the exceptions of the harvesting machinery operating in the setbacks was considered to be difficult to implement and might potentially cause adverse effects on ONLs in the coastal environment. Therefore, a blanket setback was the preferred option. Additionally, a setback from the coastal marine area boundary is problematic in our district where the environment varies from steep cliffs to wide coastal dune systems and estuarine wetlands. The preferred approach was to measure from the toe of the nearest natural bank adjoining the sea, or where that is not able to be defined, from the edge of common terrestrial vegetation. As such this change is not recommended.

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Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

- 68(4) Harvesting machinery must not be operated, except where subclause (5) applies,—
- (a) within 5 m of—
 - (i) a perennial river with a bankfull channel width less than 3 m; or
 - (ii) a wetland larger than 0.25 ha; or
 - (b) within 10 m of—
 - (i) a perennial river with a bankfull channel width of 3 m or more; or
 - (ii) a lake larger than 0.25 ha; or
 - (iii) an outstanding freshwater body; or
 - (iv) a water body subject to a water conservation order; or
 - (c) **within 30 m of the coastal marine area.**
- (5) Harvesting machinery may be operated in the setbacks required by subclause (4) only if—
- (a) any disturbance to the water body from the machinery is minimised; and
 - (b) the harvest machinery is being operated—
 - (i) **at** water body crossing points; or
 - (ii) where slash removal is necessary; or
 - (iii) where essential for directional felling in a chosen direction or extraction of trees from within the setbacks in subclause (4).

45. NFL-R20 permits plantation forestry afforestation in ONLs in the following circumstances:
- In all ONLs except the Western Coast, afforestation must not exceed 2 ha of exotic plantation forestry per holding per calendar year.
 - In the Western Coast ONL, afforestation must not exceed 5 ha of exotic plantation forestry per holding per calendar year.
 - In all ONLs, there is no limit on the amount of indigenous plantation forestry planted per holding per calendar year.
 - Afforestation must be located at least 10 m from the edge of any water body.
 - Afforestation must not occur within 20 m from the open coast.
46. Where these standards cannot be met the activity defaults to restricted discretionary.
47. Both New Zealand Forest Managers and PF Olsen request that NFL-R20.3 which references indigenous plantation forestry, is deleted so that the rule applies equally to all plantation forestry. This is agreed. While indigenous forest may look more in keeping with ONLs, the effects at the harvesting stage if clear felling (rather than selective felling) occurs, are the same. The amendment is shown below. Forest and Bird request NFL-R20 is amended so that afforestation is a prohibited activity in ONFs and non-complying in ONLs and the setback from the coastal marine area is increased to 50m. The notified plan does provide for afforestation as a

prohibited activity in ONFs. The landscape assessment did consider that limited forestry was acceptable in the ONLs provided that its effects, extent and location were managed. This approach is therefore considered appropriate. A 50m setback from the coastal marine area boundary is considered to be rather onerous. The reasons for the 20m blanket approach are discussed in above paragraphs. No change is recommended.

NFL-R20.	Plantation forestry afforestation
<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. In outstanding natural landscapes other than the western coast outstanding natural landscape, the afforestation must not exceed 2 ha of exotic plantation forestry per holding per calendar year; or 2. In the western coast outstanding natural landscape, the afforestation must not exceed 5 ha of exotic plantation forestry per holding per calendar year; <p>AND</p> <p>3. In all outstanding natural landscapes, there is no limit on the amount of indigenous plantation forestry planted per holding per calendar year; and</p> <ol style="list-style-type: none"> 4. Afforestation must be located at least 10 m from the edge of any water body as measured from the bankfull channel width (see NATC – Figure 1); and 5. Afforestation must not occur within 20 m from the open coast as measured from the toe of the nearest natural bank adjoining the sea, or where that is not able to be defined, from the edge of common terrestrial vegetation. <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p> <p><i>Note: See the rules in the ecosystems and indigenous biodiversity chapter if the activity is undertaken within a significant natural area.</i></p>	<p>Activity status where compliance is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> (a) The effects of the location, layout, and extent of planting including the arrangement, distribution and choice of species on landscape values; and (b) Whether the afforestation detracts from the outstanding natural landscape; and (c) Whether the afforestation is setback from riparian and coastal margins; and (d) The extent to which existing vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and (e) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and (f) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and (g) The benefits of afforestation in respect of slope stability or preventing exacerbation of any pre-existing deep-seated land instability; and (h) Measures to avoid, remedy or mitigate damage to riparian vegetation or soil; and (i) Measures to avoid, remedy or mitigate the adverse effects of the activity on outstanding natural landscapes.

48. Section 32AA: See Appendix 3

49. NFL-R21 applies to the harvesting of plantation forestry in ONLs and the karst overlay. Harvesting is a non-complying activity in the ONFs. The rules require that:

- Clear-felling of plantation forestry must not exceed 2 ha per holding per calendar year.
 - Replanting must occur within 12 months.
 - Harvesting must be located at least 10 m from the edge of any water body.
 - Harvesting must not occur within 20 m from the open coast.
50. Where these standards cannot be met the activity defaults to restricted discretionary.
51. PF Olsen request NFL-R21 is amended so that the 2 ha limit is deleted for existing plantation forestry, the replanting standard is deleted or amended to 18 months, matters of discretion relating to mana whenua and measures to minimise effects on ONLs are deleted, other matters of discretion (a, h & k) are reviewed and the defaulting activity status is changed from restricted discretionary to controlled. New Zealand Forest Managers also request the 2 ha limit is deleted. Forest and Bird request that replanting is setback 30m from the coastal marine area and water bodies and that wildings are controlled between the forest and coastal marine area and water bodies.
52. Remembering that this rule manages harvesting plantation forestry in ONLs and the karst overlay, the 2 ha restriction is likely to trigger a resource consent for a restricted discretionary activity for anything but 'farm scale' forestry. In the karst overlay, large scale forestry clearance has an impact on the hydrological systems of caves. In ONLs, large scale forestry clearance has an impact on landscape values. The 2 ha limit and 12 month replanting requirements were set by landscape and geological specialists and as no specific evidence to counter these limits was provided, it is not considered that alternatives can reasonably be considered. The matters of discretion are considered to be appropriate for the sensitive nature of the areas they manage. As such, no change is recommended.
53. In regard to Forest and Bird's submission point, replanting in the existing location is considered to be acceptable and the setback distance has been considered in paragraphs above. It is recommended that the control of wilding pines is managed by the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.

Topic 3: Policies – outstanding natural features and landscapes

54. NFL-P1 manages the protection of ONLs and ONFs. Chorus et al request an addition to the policy to state that network utilities are managed in accordance with policies NU -P11 and NU -P12. An addition to the policy itself is not considered necessary as the network utilities chapter is clearly referenced as containing matters relating to the operation of this infrastructure. However, one option if the Commissioners consider it is necessary, is to add a cross reference as an advice note (rather than a policy point) to the bottom of the policy itself. In the interim it is recommended that the submission point is rejected.
55. Graymont request that the NFL-P1.8 is amended to read: Avoiding in the first instance, and where avoidance is not practicable, remedying and

mitigating the adverse effects of mineral extraction activities in outstanding natural landscapes. There are no large-scale mineral extraction activities in ONLs. These activities are prohibited in ONFs so there is no policy provision for them. However, there are small scale farm and forestry quarries permitted, and beyond small annual quantities, restricted discretionary. Mineral extraction activities however, are non-complying. Graymont suggest an effects management hierarchy approach – avoid first then remedy or mitigate.

56. As a non-complying activity, the mineral extraction activity must be assessed against section 104D which is a disjunctive two limbed test. The proposal must either not be contrary to the objectives and policies of the plan or the adverse effects of the activity on the environment will be minor. The first limb of s104D cannot be met as the policy approach is 'avoid'. This requires mineral extraction activities to have a minor effect or a less than minor effect on the ONL. On balance the policy point as notified is considered to be the correct approach for ONLs. The RMA requires the protection of outstanding natural landscapes from inappropriate subdivision, use, and development. It is hard to argue that a large-scale mineral extraction activity is appropriate in an ONL. However, section 104D does allow a small window if the activity can demonstrate the adverse effects on the environment are minor.
57. Graymont also request that NFL-P1.10 is amended to provide for all lawfully established activities rather than solely farming activities. A similar amendment is requested to NFL-P3.1. Again, farming is an inherent part of the ONLs in Waitomo and it is considered appropriate to signal policy intent to continue providing for that activity where it is permitted. Other lawfully established activities have the inherent right to continue to operate within the parameters prescribed by a resource consent, existing use right or permitted activity rule, but it is not necessarily appropriate to signal in a policy that their ongoing operation is supported past the legislative baseline. Given the extent and location of the landscapes, this policy approach is not considered to have a wide effect on activities outside of farming.
58. WRC request NFL-P1.10 is amended to provide for the continued operation of lawfully established farming activities, as long as the associated adverse effects in outstanding natural features and landscapes are avoided. A similar amendment is proposed to NFL-P5.7. The plan cannot make this provision. As noted above, lawfully established activities have the inherent right to continue to operate within the parameters prescribed by a resource consent, existing use right or permitted activity rule. District plans cannot override this right.
59. Graymont request a new policy point is added to NFL-P1 to provide for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources. Again, in ONLs, this amendment is not considered to appropriately respond to the requirements of RMA section 6(b).
60. Graymont request that NFL-P3.2 is amended to ensure that buildings and structures are setback from riparian and coastal margins and do not dominate ridgelines or coastal headlands, while recognising the functional,

locational and operational needs of particular activities. It is not considered that functional, locational and operational needs are appropriate additions in the context of ONLs and ONFs. NPF-P3 is an enabling policy in so far as it is designed to support the permitted activities and those that may require a resource consent for a marginal breach. It is a stretch to provide for the needs of an introduced activity in ONLs and ONFs given their unique, highly valued characteristics. It is not recommended that this amendment is made.

Topic 4: Policies – landscapes of high amenity value

61. King Country Energy Request NFL-P4.7 is amended to provide for the continued operation, maintenance and repair and upgrading of lawfully established renewable electricity generation activities. This is agreed in part. It is considered that the wording in ENGY-P1 should be employed which reads: Enable the ongoing operation, maintenance, repair and minor upgrade of... 'Minor upgrade' is defined in the plan and is specifically provided as a permitted activity in ENGY-R1 and R2. It is also recommended that this policy direction is separated from the heading sentence in NFL-P4 to better represent these activities. Consequently, a new policy is proposed and it is recommended this is duplicated in the energy chapter so there is specific policy provision made for activities in the rural production zone located in LHAVs. The recommended amendment is below.
62. Graymont request that a new policy point is added to NFL-P4 to provide for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources. It is considered appropriate to provide for these activities in LHAVs and specific provision is made for these activities in the energy chapter in LHAVs. Again, it is also recommended that this policy direction is separated from the heading sentence in NFL-P4 to better represent these activities. Consequently, a new policy is proposed and it is recommended this is duplicated in the energy chapter so there is specific policy provision made for activities in the rural production zone located in LHAVs. The recommended amendment is below.
63. Ventus Energy request the overview is amended to refer to provide for key infrastructure activities, such as wind farms, reliant on locating within the rural zones. The submitter also requests a new objective or policy which reads: 'Recognise that some landscapes of high amenity value provide excellent sites for renewable energy activities such as wind farms and the positive benefits of such activities shall be considered in determining their effects upon such sites'. A change to the overview is not considered necessary, however it is agreed that the new policy proposed in the paragraphs above is the appropriate place to recognise the positive benefits of new renewable electricity generation activities. As above, it is recommended that the new policy is duplicated in the energy chapter so there is specific policy provision made for renewable electricity generation activities in LHAVs. The recommended amendment is below.
64. Forest and Bird and WRC request NFL-P4.5 is amended to avoid rather than minimise the removal of indigenous vegetation as far as practicable. It is not considered that the absolute of 'avoid' is appropriate for LHAVs.

The directive in the RMA is “maintain and enhance” rather than protect. Additionally, the WRPS requires district plans to manage these landscapes to maintain and enhance their rural character and naturalness while allowing for appropriate development, particularly the ongoing use of rural land for agricultural, pastoral and horticultural activities. As such the absolute of ‘avoid’ even where tempered by ‘as far as practicable’, is not considered to be appropriate. Please note in the Forest and Bird submission, there is a request to amend NLF-P4.6 which does not align with the wording in that policy point, a request to add schedule 7 and reference to ONLs. This policy relates to LHAVs rather than ONLs.

65. WRC request NFL-P4.1 is amended to read ‘ensuring that activities which could compromise the qualities and values of the landscapes of high amenity value are avoided’. Again, this approach does not align with the WRPS which requires district plans to manage these landscapes to maintain and enhance their rural character and naturalness.

NFL-P4. Maintain and where practicable, enhance the qualities and values of the landscapes of high amenity value during subdivision, land use and development by:

1. Ensuring that the effects of any activity which could compromise the qualities and values of the landscapes of high amenity value are minimised; and
2. Ensuring that buildings, structures and infrastructure are integrated into landscapes of high amenity value to minimise, to the maximum extent practicable, any visual impacts; and
3. Managing the adverse effects of earthworks for buildings, driveways, new tracks and farm quarries through appropriate subdivision and development design; and
4. Ensuring developments in locations that are of significance to mana whenua appropriately assess those effects and any resulting development is managed in a way that protects the values of the site; and
5. Minimising the removal of indigenous vegetation as far as practicable; and
6. Providing for the continued operation of lawfully established farming activities; and
7. ~~Providing for the continued operation, maintenance and repair of lawfully established renewable electricity generation activities.~~

NFL-PX. Maintain and where practicable, enhance the qualities and values of the landscapes of high amenity value, while providing for:

1. The continued operation, maintenance and repair and minor upgrading of lawfully established renewable electricity generation activities; and
2. Nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources; and
3. The recognition of the positive benefits of new renewable electricity generation activities.

Topic 5: Policies – Karst overlay

66. ECO-P13 provides policy support when considering the removal of indigenous vegetation outside of significant natural areas (SNAs) and

outside of the coastal environment. In paragraph 152 of the section 42A report on ecosystems and indigenous biodiversity, Graymont requests that a new clause is added to ECO-P13 to provide policy support for nationally or regionally significant infrastructure and activities associated with significant mineral resources.

67. Regionally significant infrastructure is largely provided for. Indeed, the plan allows all regionally significant activities to clear indigenous vegetation as a permitted activity unless they are located in an overlay and the area/rate of clearance triggers a rule. This is the case for Graymont who have operations located in the karst overlay and no policy guidance for any potential clearance. As such, the Graymont submission point was moved to be address in the natural features and landscapes chapter which controls indigenous biodiversity in the karst overlay. Graymont also submitted on NFL-P5 which seeks to recognise, protect, and where practicable, enhance the values of the karst overlay.
68. Graymont requests a new policy point which reads: 'Providing for nationally and regionally significant infrastructure and industry, and for those activities associated with significant mineral resources, where the effects of these activities do not compromise the values of the karst overlay'. As noted above, the policy point can be refined as the majority of regionally significant activities are provided for with the exception of significant mineral resources that are located in the karst overlay undertaking clearance of non-SNA indigenous vegetation. In that instance, it is permitted to clear up to 5000 m² per holding per calendar year, otherwise a restricted discretionary consent is needed. To provide policy support when considering this activity, an amendment is proposed as NFL-P5.8 below.
69. Graymont requests that the effects management hierarchy is applied to NFL-P5.3. It is considered that the policy does not require amendment. Although it employs the absolute "avoid" this must be interpreted in respect of the header sentence and reads as follows: Recognise, protect, and where practicable, enhance the values of the karst overlay by avoiding any activity, particularly vegetation clearance and large-scale earthworks including quarrying activities, where these will adversely affect the values of the karst systems or features. So, the avoid is very specific – these activities can occur providing they do not damage the karst features.
70. Graymont also requests an amendment to NFL-P5.4 which is quite long winded. It reads: 'Ensuring developments in locations that are of significance to mana whenua appropriately assess adverse effects and any resulting development is managed in a way that protects (to the extent warranted by the circumstances) the values of the site'. In this instance, there may be some merit in considering whether the absolute 'avoid' is appropriate. If the Commissioners are of a mind to consider an amendment, the wording 'to the maximum extent practicable' seems a helpful addition, indicating there may be very limited circumstances where an 'outlier' situation results in an area being adversely affected. The recommended amendment is shown below.
71. Graymont requests that NFL-P5.7 applies for the continued operation of all lawfully established activities, rather than only farming activities. It is

agreed that in the karst overlay this is an appropriate amendment. The recommended change is shown below:

NFL-P5. Recognise, protect, and where practicable, enhance the values of the karst overlay by:

1. Ensuring that the effects of any activity which could compromise the values of the karst overlay are avoided in the first instance, and where this is not practicable, minimised; and
2. Managing the adverse effects of earthworks through appropriate development design, mitigation measures and rehabilitation; and
3. Avoiding any activity, particularly vegetation clearance and large-scale earthworks including quarrying activities, where these will adversely affect the values of the karst systems or features; and
4. Avoiding developments in locations that are of significance to mana whenua to the maximum extent practicable; and
5. Minimising the removal of indigenous vegetation; and
6. Providing for plantation forestry only where there is a clear and on-going land stability benefit and the ensuing operations do not significantly detract from the values of the karst overlay; and
7. Providing for the continued operation of lawfully established farming activities; and
8. Providing for the removal of non-significant indigenous vegetation in the rural production zone where the effects of clearance do not adversely affect the values of the karst systems or features.

72. Section 32AA: See Appendix 3

Topic 6: Rules

73. Forest and Bird request the rules in the natural features and landscapes chapter are amended to ensure that adverse effects to be avoided under Policy 15 of the NZCPS are not caused through permitted activities and ask that all permitted rules in outstanding areas become restricted discretionary or the scale of activities is reduced by at least half of what is set out in the notified rules. The rules have been drafted with Policy 15 front of mind. It is not considered that the permitted activities in either the ONLs or the ONFs will generate adverse environmental effects likely to offend the identified values or characteristics of either category. In fact the rules are considered to be appropriately restrictive. To summarise:

- All buildings over 30m² require a consent in ONLs and in some of the ONFs, buildings smaller than 30m² are non-complying activities.
- In ONLs tanks and silos greater than 3.2 m in height and/or 50,000 litres require a consent and in some of the ONFs, any tank or silo is a non-complying activity.
- Earthworks greater than 250m³ per holding per calendar year require a consent in ONLs and in some of the ONFs, all earthworks are non-complying activities.
- Farm and forestry quarries are prohibited in ONFs and earthworks greater than 250m³ per holding per calendar year require a consent in ONLs.

- Quarries are prohibited in ONFs and non-complying in ONLs.
 - Plantation forestry is prohibited in ONFs and in ONLs, afforestation is permitted up to 5 ha per holding per year.
 - Removal of indigenous vegetation outside of a significant natural area is restricted discretionary in ONFs and requires a consent in ONLs where clearance exceeds 5000 m² per holding per calendar year.
74. WRC consider NFL-R2 and NFL-R4 should be amended in consideration of the 'avoid' policies (Policy 11) from the NZCPS for the sites in the coastal environment, such as the Kawhia Harbour. The protection of indigenous biological diversity in the coastal environment is addressed in the coastal environment and ecosystems and indigenous biodiversity chapters, rather than specifically in respect of identified natural landscapes and features. Where the provisions intersect, for example in the Western Coast and Northern Coastline ONLs, the most stringent provision applies.
75. NFL-R15 provides standards for removal of indigenous vegetation outside of a significant natural area. In ONLs it is permitted to remove up to 5000m² per holding per calendar year. Beyond this threshold a restricted discretionary activity resource consent is required. WRC request the proposed limit is reduced and a timeframe applied to this provision. They request that provisions for vegetation removal in outstanding natural features and outstanding natural landscapes within the coastal environment are developed that align with the 'avoid' policies from the NZCPS.

NZCPS – Policy 11

To protect indigenous biological diversity in the coastal environment:

- a. avoid adverse effects of activities on:
 - i. indigenous taxa that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶;
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - v. areas containing nationally significant examples of indigenous community types; and
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;

- ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
- iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- v. habitats, including areas and routes, important to migratory species; and
- vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

76. The majority of the two coastal landscapes are SNA (please see the example below). It is considered that the intent of Policy 11 to protect indigenous biological diversity in the coastal environment is fulfilled in these landscapes by the provisions in the ecosystems and indigenous biodiversity chapter. Those areas which have not qualified as an SNA are covered appropriately by the provisions in NFL-R15 which restrict wholesale indigenous vegetation clearance. No amendment is recommended.



Figure 5: Outstanding Natural Landscape – Northern Coastline

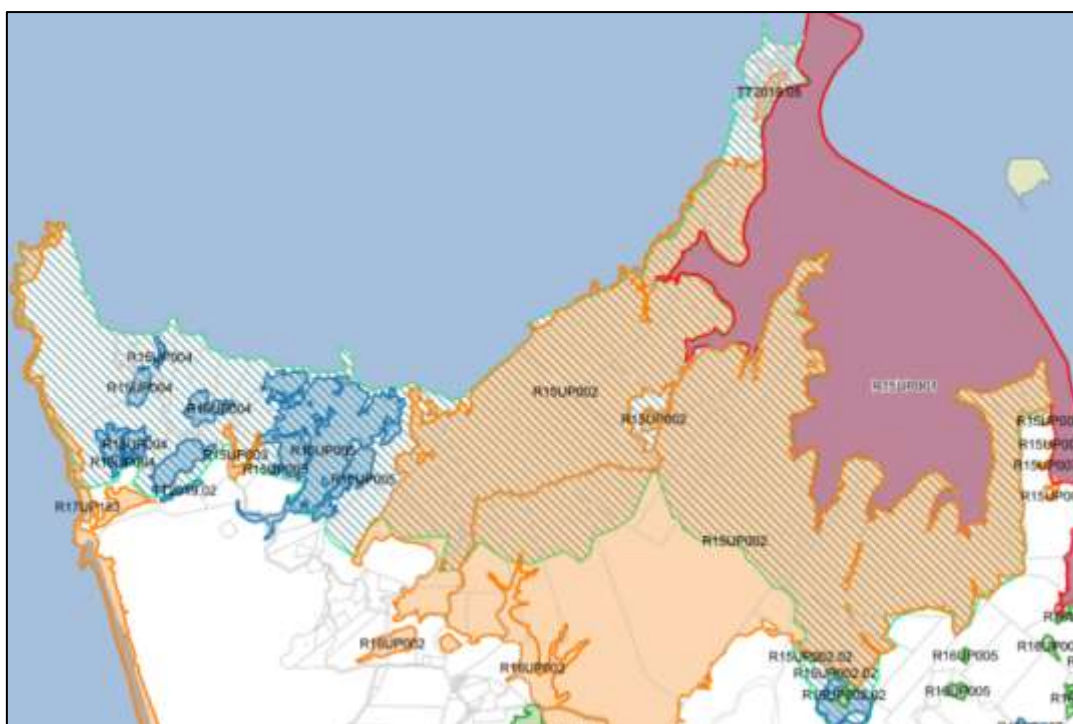


Figure 6: Outstanding Natural Landscape – Northern Coastline with Significant Natural Areas

77. Ventus Energy suggest that NFL-R4 is amended to apply to both buildings and structures where these are greater than 8m in height or 300m². This is considered to be a sensible addition given larger structures could reasonably seek to locate in landscapes such as the LHAVs. The recommended amendment reads:

	The rules apply to all zones	The rules apply to all zones except Te Maika precinct (PREC7)	The rules apply to all zones except the rural production zone & Aria settlement zone	
Rule	Outstanding natural features	Outstanding natural landscapes	Landscapes of high amenity value	Karst overlay
NFL-R4.	Any building or structure that is greater than 8 m in height and/or greater than 300 m ² in size.			
	NC: Category F PR: Category A,B,C,D,E	DIS	RDIS	N/A see zone rules

78. Section 32AA: See Appendix 3
79. NFL-R8 manages earthworks in the landscapes and requires a restricted discretionary consent in ONLs and the karst overlay where earthworks exceed 250 m³ per holding per calendar year. In the LHAVs, the volume is 500m³ before a restricted discretionary consent is triggered. The provisions are stricter for ONFs and dependent on the fragility of the features in the category. Fish and Game seek an amendment for conservation activities or otherwise an increase the allowed volume of

earthworks to 500m³ in ONLs. Earthworks have a considerable impact on the values of the identified landscapes. It is not considered appropriate to increase volumes for any activities as the resulting effects are the same on the underlying landscape. No change is recommended.

80. Forest and Bird request NFL-R15 is deleted and a reference added in the natural features and landscape chapter to require compliance with rules in the ecosystems and indigenous biodiversity chapter (as sought in that chapter). This approach was rejected in the submission points to the ecosystems and indigenous biodiversity chapter. The summary of the approach to district-wide (non-SNA biodiversity) is located in paragraphs 19-39 of the Section 42A Report on ecosystems and indigenous biodiversity. It is recommended that this submission point is rejected.
81. NFL-R16 manages the creation of new entrances into caves, structures within caves or other modifications to cave features. It is a non-complying activity in the karst overlay, however Graymont request it becomes discretionary in the rural production zone and prohibited in all other zones. On balance, having re-read the provisions in Dr Hayward's report and taking into consideration the existing provisions for this matter in the operative district plan, the status can likely be dropped to discretionary across both the karst overlay and outstanding natural landscapes. It is not appropriate to use prohibited status as there may likely be instances where the Department of Conservation (for example), wishes to add a structure in a cave or modify an entrance. The recommended amendment is shown below.
82. NFL-R17 controls any earthworks or clearance of vegetation (other than plant pest species, wilding pines, or when required in emergency situations such as the recovery of stock) within a 20m radius of an entry or opening into any cave or sinkhole. King Country Energy request provision is made for the operation, maintenance and minor upgrading of established renewable energy generation activities as permitted and the activity status is modified to discretionary across all landscapes. Graymont request it becomes discretionary in the rural production zone and prohibited in all other zones.
83. Dr Hayward originally suggested that any clearance of vegetation within 50m upslope of an entry or opening into any cave should be discretionary in ONFs and restricted discretionary in the karst overlay. The operative district plan uses restricted discretionary status but applies the 50m distance. It also is non-complying to clear indigenous vegetation on land in some cave system categories. After discussions on this rule with both Dr Hayward and the Council it was decided that a radius was the most manageable way to implement the rule providing the activity status was increased. Additionally, all of the sites are different and the effects of earthworks and vegetation clearance on each feature could vary greatly. The 20m radius is rather a blunt instrument given that for some features the extent should be larger.
84. There is a reluctance to amend this rule given the potential adverse effects that could arise as a result of any change. Certainly no amendment is recommended to the non-complying status in the ONFs. Nor is it appropriate to make further exceptions for renewable energy operations.

The status could be dropped to discretionary in the ONLs and karst overlay if the Commissioners consider this is appropriate. This status would allow some leeway around the sinkhole features which may be slightly less fragile than the cave features. The proposed amendments are shown below.

85. Forest and Bird request a note is added under NFL-R17 indicating that the rules in the ecosystems and indigenous biodiversity chapter also apply to vegetation clearance. This is a helpful addition. The proposed amendment is shown below. Graymont request NFL-R18 is retained as notified. This rule is quite stringent and restricts any fill or rubbish placement into any cave or sinkhole OR within a 20 m radius of an entry or opening into any cave or sinkhole. No amendment is recommended to these provisions.

The rules apply to all zones				
Rule	Outstanding natural features	Outstanding natural landscapes	Landscapes of high amenity value	Karst overlay
NFL-R16.	Creation of new entrances into caves, structures within caves or other modifications to cave features			
	NC	NE DIS	DIS	NE DIS
NFL-R17.	Any earthworks or clearance of vegetation (other than plant pest species, wilding pines, or when required in emergency situations such as the recovery of stock) within a 20 m radius of an entry or opening into any cave or sinkhole			
	NC	NE DIS	DIS	NE DIS
<p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in the outstanding natural features and outstanding natural landscapes and in the karst overlay.</i></p> <p><i>Note: Where vegetation clearance is proposed in a significant natural area the provisions in the ecosystems and indigenous biodiversity chapter apply.</i></p>				

86. Section 32AA: The amendment is for signposting to another section of the plan. There is no change to the policy or rule framework. For activity status change see the section 32AA evaluation in Appendix 3.
87. Graymont requests a new rule which allows fencing and associated earthworks and weed removal or indigenous planting at a 20 m radius (or greater) of an entry or opening to a cave or sinkhole to protect an entry or opening into any cave or sinkhole. Within the 20m radius it is proposed that a controlled activity status is applied. Fencing is permitted under HW-R7 and weed removal is permitted by NFL-R17. Indigenous planting is welcomed anywhere, anytime. There is not really a need for this rule as the matters are already provided for in the plan. Given this it is recommended that the submission point is accepted in part.

Topic 7: Other matters

88. Forest and Bird request the overview is amended to include an explanation of how the chapter gives effect to Policy 15 of the NZCPS. Policy 15 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires protection of the natural features and natural landscapes in the coastal environment from inappropriate subdivision, use and development by avoiding adverse effects on outstanding natural features and landscapes, avoiding significant adverse effects on other natural features and landscapes, and by identifying and assessing the natural features and landscapes of the district. It is agreed that this change would benefit the interpretation of the chapter's provisions. The amendment would read:

Overview

This chapter contains the provisions relating to outstanding natural landscapes, outstanding natural features, landscapes of high amenity value and the karst overlay. The Act requires the plan to protect outstanding natural features and landscapes in the district from adverse effects, including cumulative effects arising from inappropriate subdivision, use and development. [Where natural features and landscapes are located in the coastal environment, this chapter gives effect to the New Zealand Coastal Policy Statement 2010 and the Waikato Regional Policy Statement by identifying these areas and providing policy direction and matters of discretion.](#)

89. Section 32AA: The amendment references the New Zealand Coastal Policy Statement 2010 and the Waikato Regional Policy Statement demonstrating how these documents were given effect to during the drafting of the provisions. There is no change to the policy or rule framework. A section 32AA evaluation is not required
90. Transpower has made a placeholder submission requesting the Natural Features and Landscapes chapter recognises the National Grid in the event that the specific National Grid policies in the National Electricity and Gas Transmission (NGET) Chapter do not prevail. It is the intention of this plan to manage activities which affect the national grid through the NGET provisions and to provide specific provisions relating to landscapes through rules and the supporting policy framework in the network utilities chapter. Accordingly, it is recommended that this submission point is accepted in part.
91. Federated Farmers requests that a rule is added to allow for gardening, cultivation, and disturbance of land for the installation of fence posts as permitted activities. HW-R7 in Hapori Whānui permits gardening and digging holes for fence posts. Cultivation is not controlled in any of the landscapes managed in this chapter. Given this it is recommended that the submission point is accepted in part.
92. The New Zealand Defence Force request a new rule to permit temporary buildings and structures associated with temporary military training activities within the identified landscapes. In the first instance, it is not the intention of this plan to restrict these activities. Having said this,

temporary military training activities are not appropriate in the ONFs and must be discounted in those landscapes. Additionally, there are no provisions in the LHAVs or karst overlay that would affect temporary buildings or structures. The best way to provide for these activities in the remaining landscape – the ONLs - is considered to be an amendment to TEMP-R7 as was similarly undertaken for the coastal environment. The recommended amendment would read:

TEMP-R7.	<u>Temporary military training activities</u>
<p>Activity Status: PER</p> <p><u>Note: See NOISE-R2</u></p> <p><u>Note: The provisions contained in the coastal environment chapter do not apply to temporary military training activities.</u></p> <p><u>Note: For the avoidance of doubt, temporary buildings and structures associated with temporary military training activities are permitted in the outstanding natural landscapes.</u></p>	<p>Activity status where compliance is not achieved: N/A</p>

93. Section 32AA: The amendment clarifies that the temporary activity is permitted, as was the intention of this plan. A section 32AA evaluation is not required.
94. Tim Stokes requests amendment to the boundary of the limestone country landscape of high amenity value at northern edge of R16U046. At the time of finishing this report, the site was being assessed. An addendum will be added on completion of this evaluation.
95. WRC submit that after assessing the sites included in the plan's ONF layer against the ONF sites in the Geopreservation Inventory, that the Hikurangi Falls ONF14 site is missing. Hikurangi Falls is both mapped and contained in Schedule 8. Please see the figure below. It is recommended that this submission point is accepted.



Figure 7: ONL14 Hikurangi Falls

96. WRC request that the scheduled plan layers are overlaid with the New Zealand Geopreservation Inventory, Outstanding Natural Features: <https://naturemaps.nz/maps/#/viewer/openlayers/484> to ensure that no ONFs have been missed. Just reminding WRC that they agreed to the criteria that were used to identify the ONFs in the district. Then the assessment was undertaken by Dr Hayward as described in the introduction to this report, using those criteria. The Geopreservation Inventory may not use the criteria that were agreed to by WRC to identify ONFs so there seems very little value in undertaking this exercise. It is recommended that this submission point is rejected.
97. Ventus Energy request all the maps are amended to more accurately detail the location of the ONLs. All of the landscapes are very clearly mapped to a property boundary scale. The submitter may wish to provide more information at the hearing but in the interim, it is recommended that the submission point is rejected.

APPENDIX 1 SUBMISSIONS TABLE

APPENDIX 2 AMENDMENTS TO THE NATURAL FEATURES AND LANDSCAPES CHAPTER

Strikethrough is shown as an addition or
~~deletion~~

APPENDIX 3 SECTION 32AA EVALUATION

1. A section 32AA evaluation is only required for any changes that are proposed to the provisions of this plan since the original section 32 evaluation report for the proposal was completed. The section 32AA evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.