

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage 1

Hearing 21B: Landscapes

Report prepared by: Jane Macartney

6 August 2020



TABLE OF CONTENTS

1	Introduction	12
1.1	Qualifications and experience	12
1.2	Code of Conduct	13
1.3	Conflict of Interest.....	13
1.4	Preparation of this report	13
2	Scope of Report.....	13
3	Operative Waikato District Plan	14
3.1	Waikato Section of the OWDP	14
3.2	Franklin Section of the OWDP.....	15
3.3	Proposed Waikato District Plan.....	18
3.4	Statutory requirements.....	19
4	Consideration of submissions received.....	36
4.1	Overview of submissions.....	36
4.2	Structure of this report	37
4.3	Methodology for assessing landscape and natural character	37
4.3.1	Introduction	37
4.3.2	Submission	37
4.3.3	Analysis.....	37
4.3.4	4.3.4 Recommended amendments and section 32AA evaluation	38
4.3.5	4.3.5 Recommendation.....	38
5	PART A: OBJECTIVES AND POLICIES.....	38
5.1	Chapter 3: Natural Environment.....	38
5.2	Section 3.3 Outstanding Natural Features and Landscapes	38
5.2.1	Introduction	38
5.2.2	Submissions	40
5.2.3	Analysis.....	46
	Section 3.3 Outstanding Natural Features and Landscapes	46
	Policy 3.3.2 – Recognising values and qualities.....	49
5.2.4	Recommendations	51
5.2.5	Recommended amendments.....	53
5.2.6	Section 32AA Evaluation.....	54
5.2	Section 3.4 Significant Amenity Landscapes	55
5.2.7	Introduction	55
5.2.8	5.2.2 Submissions	55
5.2.9	Analysis.....	59
	Section 3.4 Significant Amenity Landscapes.....	59

Objective 3.4.1 Significant Amenity Landscapes	60
Policy 6.4.2 Recognising Significant Amenity Landscapes	60
Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes.....	60
Policy 3.4.4 The relationship of Maaori with their resources and land	63
5.2.10 Recommendations.....	63
5.2.11 Recommended amendments and section 32AA evaluation.....	64
5.3 Section 3.5 Natural Character	65
5.3.1 Introduction	65
5.3.2 Submissions	66
5.3.3 Analysis.....	70
Section 3.5 Natural Character	71
Objective 3.5.1 Natural Character	71
Policy 3.5.2 – Recognising natural character	71
Policy 3.5.3 Protecting the natural character qualities of the coastal environment.....	72
Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins	73
5.3.4 Recommendations	75
5.3.5 Recommended amendments.....	76
5.3.6 Section 32AA Evaluation.....	77
6 PART B: RULES.....	78
6.1 Permitted Activities in Significant Amenity Landscapes	78
6.1.1 Introduction	78
6.1.2 Submission.....	78
6.1.3 Analysis.....	78
6.1.4 Recommendation.....	79
7 Earthworks in Landscape and Natural Character Areas.....	80
7.1.1 Introduction	80
7.1.2 Area and volume thresholds for earthworks in notified version of PWDP.....	80
7.1.3 Submissions	81
7.1.4 Analysis.....	89
All Zones	89
Residential Zone.....	89
Rural Zone	90
Country Living Zone.....	92
Village Zone	92
7.1.5 Recommendations	93
7.1.6 Recommended amendments and section 32AA evaluation	94
8 Buildings in Identified ONF/ONL/SAL/NCA.....	95
8.1.1 Introduction	95

8.1.2	Submissions	95
8.1.3	Analysis.....	97
	General Industrial Zone.....	97
	Rural Zone	97
	Country Living Zone.....	98
8.1.4	Recommendations	99
8.1.5	Recommended amendments and section 32AA evaluation	99
9	New schedules for important geological sites and landforms, ONF, ONL, NCA and SAL.....	100
9.1.1	Introduction	100
9.1.2	Submissions	100
9.1.3	Analysis.....	102
9.1.4	Recommendations	105
9.1.5	Recommended amendments.....	105
9.1.6	Section 32AA Evaluation.....	105
10	Definitions	106
10.1.1	Introduction.....	106
10.1.2	Submissions.....	106
10.1.3	Analysis	108
10.1.4	Recommendations.....	109
10.1.5	Recommended amendments	110
10.1.6	Section 32AA Evaluation	110
	PART C: PLANNING MAPS.....	111
11	Mapping of an Outstanding Natural Feature (ONF).....	111
11.1.1	Introduction.....	111
11.1.2	Submissions.....	111
11.1.3	Analysis	113
	General Mapping of ONF	113
	Overlays that apply to Mount Karioi, Mount Pirongia and Hunua Ranges.....	114
11.1.4	Recommendations.....	114
	ONF overlays for specific properties	115
	KiwiRail Holdings Limited (KiwiRail)	115
	Boffa Miskell's Technical Response	116
	Boffa Miskell's Technical Recommendation	116
11.1.5	Section 42A Recommendation	117
	D and Tate – 185B Hakarimata Road.....	117
	Boffa Miskell's Technical Response.....	118
	Boffa Miskell's Technical Recommendation	119
11.1.6	Section 42A Recommendation	119

Paul Hoogeveen - 156 Paddy Road.....	119
Boffa Miskell's Technical Response.....	120
Boffa Miskell's Technical Recommendation.....	120
11.1.7 Section 42A Recommendation	120
Fulton Hogan Limited – Waingaro Quarry.....	120
Boffa Miskell's Technical Response.....	122
Boffa Miskell's Technical Recommendation.....	122
11.1.8 Section 42A Recommendation	122
Lakeside Developments 2017 Limited (Lakeside)	123
Boffa Miskell's Technical Response.....	125
Boffa Miskell's Technical Recommendation.....	125
11.1.9 Section 42A Recommendation	125
Steven and Theresa Stark – 747 Rutherford Road	126
Boffa Miskell's Technical Response.....	127
Boffa Miskell's Technical Recommendation.....	128
11.1.10 Section 42A Recommendation	128
Waikato Regional Council	128
Boffa Miskell's Technical Response.....	128
Boffa Miskell's Technical Recommendation.....	129
11.1.11 Section 42A Recommendation.....	129
New Zealand Transport Agency (NZTA)	129
Boffa Miskell's Technical Response.....	132
Boffa Miskell's Recommendation.....	132
11.1.12 Section 42A Recommendation	133
Jean Tregidga – Lots 3, 4 and 5 DP 62084 Lyons Road, Mangatawhiri.....	133
Boffa Miskell's Technical Response.....	134
Boffa Miskell's Technical Recommendation.....	134
11.1.13 Section 42A Recommendations.....	135
12. Mapping of an Outstanding Natural Landscape.....	135
12.1.1 Introduction.....	135
12.1.2 Submissions.....	135
12.1.3 Analysis	137
General Mapping of ONL.....	137
12.1.4 Recommendations.....	137
ONL overlays for specific properties.....	137
Jean Tregidga – Lots 3, 4 & 5 DP 62084 Lyons Road, Mangatawhiri.....	138
Boffa Miskell's Technical Response.....	139
Boffa Miskell's Technical Recommendation.....	140

12.1.5	Recommendations.....	140
	Waikato Regional Council	140
	Boffa Miskell's Technical Response.....	141
	Boffa Miskell's Technical Recommendation.....	141
12.1.6	Section 42A Recommendation	141
	Bernard Brown – 759 Wainui Road.....	142
	Boffa Miskell's Technical Response.....	143
	Boffa Miskell's Technical Recommendation.....	143
12.1.7	Section 42A Recommendation	143
	KiwiRail Holdings Limited (KiwiRail).....	144
12.1.8	Recommendation	144
	New Zealand Transport Agency (NZTA)	144
12.1.9	Recommendation	144
13.	Mapping of the entire Waikato River as an ONF/ONL.....	144
13.1.1	Introduction.....	144
13.1.2	Submissions.....	144
13.1.3	Analysis	146
13.1.4	Section 42A Recommendation	156
14.	Mapping of a Natural Character Area.....	158
14.1.1	Introduction.....	158
14.1.2	Submissions.....	158
14.1.3	Analysis	160
	General Mapping of NCA	160
	District-wide study of the natural character of wetlands, rivers, lakes and their margins.....	160
14.1.4	Recommendations.....	161
	NCA overlays for specific properties	162
	KiwiRail Holdings Limited (KiwiRail).....	162
14.1.5	Recommendation	162
	New Zealand Transport Agency (NZTA)	162
14.1.6	Recommendation	162
	New Zealand Steel Holdings (NZ Steel) – Maioro Sand Mine	163
14.1.7	Recommendation	163
	Norris Peart – 274 Okete Road.....	164
	Boffa Miskell's Technical Response.....	164
	Boffa Miskell's Technical Recommendation.....	165
14.1.8	Section 42A Recommendation	165
	Stuart Cummings – 539A Wainui Road.....	165
14.1.9	Recommendation	165

15. Mapping of a Significant Amenity Landscape	165
15.1.1 Introduction.....	165
15.1.2 Submissions.....	165
15.1.3 Analysis	169
General Mapping of SAL.....	169
15.1.4 Recommendations.....	170
16. SAL overlays for specific properties	170
Group 1 – Submissions that support the notified PWDP planning maps or require clarification on the identification of SAL for specific properties	171
New Zealand Steel Holdings Limited (NZ Steel) – Maoro Sand Mine	171
16.1.1 Recommendation	171
P and B Day – 656 Wainui Road, Raglan.....	171
16.1.2 Recommendation	171
Bob Carter – 57 Upper Wainui Road.....	172
16.1.3 Recommendation	172
Group 2 Submissions – SAL on properties adjacent to the Waikato River	173
William Smeed – Kaiwaka Island	173
Boffa Miskell’s Technical Response.....	174
Boffa Miskell’s Technical Recommendation	175
16.1.4 Section 42A Recommendation	175
Havelock Village Limited (Havelock) and Ta Ta Valley Limited – 242 and 278 Bluff Road, Pokeno	175
Boffa Miskell’s Technical Response.....	177
Boffa Miskell’s Technical Recommendation	178
16.1.5 Section 42A Recommendations.....	178
Fulton Hogan Limited – 86 Friedlander Road, Buckland	179
Boffa Miskell’s Technical Response.....	180
Boffa Miskell’s Technical Recommendation	181
16.1.6 Section 42A Recommendation	181
Estate of Alwynne McDonald Chisnall – 275 Parker Lane, Buckland.....	181
Boffa Miskell’s Technical Response.....	182
Boffa Miskell’s Technical Recommendation	183
16.1.7 Section 42A Recommendation	183
Graham Wallace Ray – 286D Newell Road, Tamahere	183
Boffa Miskell’s Technical Response.....	184
Boffa Miskell’s Technical Recommendation	185
16.1.8 Section 42A Recommendation	185
Genesis – Huntly Power Station and Scott Farm.....	185

Boffa Miskell's Technical Response.....	188
Boffa Miskell's Technical Recommendation.....	189
16.1.9 Section 42A Recommendation	189
D and J Tate – 185B Hakarimata Road.....	189
Boffa Miskell's Technical Response.....	190
Boffa Miskell's Technical Recommendation.....	191
16.1.10 Section 42A Recommendation	191
Timothy Bodle – 316 Hooker Road, Tamahere.....	191
Boffa Miskell's Technical Response.....	192
Boffa Miskell's Technical Recommendation.....	193
16.1.11 Section 42A Recommendations.....	193
Simpson Farms Limited – 184A Glen Murray Road	194
Boffa Miskell's Technical Response.....	195
Boffa Miskell's Technical Recommendation.....	195
16.1.12 Section 42A Recommendation	195
Group 3 Submissions – oppose SAL on properties that are not immediately adjacent to the Waikato River	196
16.1.13 Recommendations.....	196
Brodict Farms – 849 Matahuru Road	197
Boffa Miskell's Technical Response.....	198
Boffa Miskell's Technical Recommendation.....	198
16.1.14 Section 42A Recommendation	198
P.M. Luders Family Trust – 758 Mangapiko Valley Road.....	199
Boffa Miskell's Technical Response.....	200
Boffa Miskell's Technical Recommendation.....	200
16.1.15 Section 42A Recommendation	201
Russell Luders – 635 Mangapiko Valley Road	201
Boffa Miskell's Technical Response.....	203
Boffa Miskell's Technical Recommendation.....	203
16.1.16 Section 42A Recommendation	203
Lizbeth Hughes – 17 Calvert Road, Raglan.....	204
Boffa Miskell's Technical Response.....	205
Boffa Miskell's Technical Recommendation.....	205
16.1.17 Section 42A Recommendation	205
Bernard Brown – 16 Whaanga Road	206
Boffa Miskell's Technical Response.....	207
Boffa Miskell's Technical Recommendation.....	208
16.1.18 Section 42A Recommendation	208

Bernard Brown – 759 Wainui Road.....	209
Boffa Miskell’s Technical Response.....	210
Boffa Miskell’s Technical Recommendation.....	210
16.1.19 Section 42A Recommendation	210
Hansen Farms Limited – 83A Paulsen Road, Waerenga.....	211
Boffa Miskell’s Technical Response.....	211
Boffa Miskell’s Technical Recommendation.....	212
16.1.20 Section 42A Recommendation	212
Warwick Cheyne – 648 Waipuna Road.....	212
Boffa Miskell’s Technical Response.....	213
Boffa Miskell’s Technical Recommendation.....	214
16.1.21 Recommendation	214
17 Mapping of the coastal environment.....	214
17.1.1 Introduction.....	214
17.1.2 Submissions.....	214
17.1.3 Analysis	215
17.1.4 Recommendations.....	220
17.1.5 Recommended amendments	220
17.1.6 Section 32AA evaluation for all recommended map amendments	221
18 Map legend and symbols.....	221
18.1.1 Introduction.....	221
18.1.2 Submissions.....	221
18.1.3 Analysis	222
18.1.4 Recommendations.....	223
18.1.5 Recommended amendments	223
18.1.6 Section 32AA evaluation	223

List of submitters and further submitters addressed in this report

Submitter	Submission number
Auckland Waikato Fish and Game Council	433
Brodict Farms	944
Bob Carter	510
Warwick Cheyne	268
Alwynne McDonald Chisnall	257
Chorus New Zealand Limited	648
CKL	471

Further Submitter	Submission number
Auckland Volcanic Cones Society	FS1012
Auckland Waikato Fish and Game Council	FS1045
Bathurst Resources Limited and BT Mining Limited	FS1198
Bernard Brown Family Trust	FS1040
Counties Power Limited	FS1381
Department of Conservation	FS1293
Federated Farmers of New	FS1342

Culverden Farm	481
Department of Conservation	585
Paula Dudley	328
Federated Farmers of New Zealand	680
Fellrock Developments Limited	543
Fulton Hogan Limited	575
Geoscience Society of New Zealand	8
Andrew & Christine Gore	330
Malibu Hamilton	553
Heritage New Zealand Lower Northern Office	559
Hill Country Farmers Group	482
Housing New Zealand Corporation	749
KiwiRail Holdings Limited	835 986
Lizbeth Hughes	301
Russell Luders	273
Ian McAlley	368
Mercer Residents and Ratepayers Committee	367
Meridian Energy Limited	580
Ministry of Business, Innovation and Employment for New Zealand Petroleum and Minerals	395
Tim Newton	104
New Zealand Transport Agency	742
Powerco	836
Raglan Naturally	831
Red Crawford Farms Limited	686
Ryburn Lagoon Trust Limited	747
Sharp Planning Solutions	695
Spark New Zealand Trading Limited	644
Steven & Theresa Stark	701
Ta Ta Valley	574
Tainui o Tainui	942

<i>Zealand</i>	
<i>Fonterra Limited</i>	<i>FSI333</i>
<i>Jenny Forsyth</i>	<i>FSI090</i>
<i>Fulton Hogan Limited</i>	<i>FSI334</i>
<i>Andrew & Christine Gore</i>	<i>FSI062</i>
<i>Charlie Harris</i>	<i>FSI303</i>
<i>Havelock Village Limited</i>	<i>FSI377</i>
<i>Genesis Energy Limited</i>	<i>FSI345</i>
<i>Koning Family Trust and Martin Koning</i>	<i>FSI329</i>
<i>John Lawson</i>	<i>FSI121</i>
<i>McPherson Resources Limited</i>	<i>FSI292</i>
<i>Mercury NZ Limited</i>	<i>FSI223</i> <i>FSI386</i> <i>FSI387</i> <i>FSI388</i>
<i>Meridian Energy Limited</i>	<i>FSI258</i>
<i>Middlemiss Farm Holdings Limited</i>	<i>FSI330</i>
<i>New Zealand Health Food Park Limited</i>	<i>FSI301</i>
<i>Ngaruawahia Action Group</i>	<i>FSI019</i> <i>FSI027</i>
<i>Ngati Tamaoho Trust</i>	<i>FSI369</i>
<i>Ohinewai Area Committee</i>	<i>FSI145</i> <i>FSI207</i>
<i>Pokeno Village Holdings</i>	<i>FSI281</i>
<i>Pokeno Nutritional Park Limited</i>	<i>FSI186</i>
<i>Rangitahi Limited</i>	<i>FSI208</i>
<i>Riverdale Group Limited</i>	<i>FSI271</i>
<i>Phillip Swan</i>	<i>FSI007</i>
<i>Ta Ta Valley Limited</i>	<i>FSI340</i>
<i>Pareoranga Te Kata</i>	<i>FSI035</i>
<i>Te Whakakitenga o Waikato Incorporated</i>	<i>FSI108</i>
<i>The Surveying Company</i>	<i>FSI308</i>
<i>Transpower New Zealand Limited</i>	<i>FSI350</i>
<i>Jean Tregidga</i>	<i>FSI180</i>
<i>Turangawaewae Trust Board</i>	<i>FSI139</i>
<i>Simon Upton</i>	<i>FSI107</i>

The C. Alma Baker Trust	704
Transpower New Zealand Limited	576
Jean Tregidga	731
Turangawaewae Trust Board	984
Francis & Susan Turton	706
Vodafone New Zealand Limited	646
Waikato District Council	697
Waikato Regional Council	81

<i>Waikato Regional Council</i>	<i>FS1277</i>
<i>Waikato River Authority</i>	<i>FS1037</i>
<i>Watercare Services Limited</i>	<i>FS1176</i>
<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FS1276</i> <i>FS1120</i>
<i>Winstone Aggregates</i>	<i>FS1332</i>
<i>Yashili Dairy Company Limited</i>	<i>FS1086</i>
<i>Zeala Limited T/A Aztech Buildings</i>	<i>FS1275</i>

Please refer to Attachment 1 to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My name is Jane Macartney.
2. I hold the qualification of a Bachelor of Regional Planning (First Class Honours) Degree from Massey University and have been a Full Member of the New Zealand Planning Institute since 1993. I completed the Making Good Decisions course in September 2018 with a grade of excellence.
3. I am familiar with, and experienced in, the processing of resource consents and preparing plans and the Resource Management Act 1991 (RMA). I have given expert planning evidence at local authority hearings and the Environment Court.
4. I am particularly familiar with the former Franklin District, having worked for the former Franklin County Council and Franklin District Council (FDC).
5. I worked in my own planning consultancy for six years preparing resource consent applications.
6. Up until the disestablishment of FDC in 2010, I had a total of 16 years' experience as a Regulatory Planner and then as the Principal District Planner.
7. In my role as FDC's Principal District Planner, I was responsible for policy planning and managed various plan changes including:
 - Plan Change 14 (Rural Plan Change) - which addressed land use and subdivision for the whole of the Franklin District (except for the towns of Pukekohe, Waiuku and Tuakau). I instructed FDC's team and reviewed evidence for the Environment Court hearing in 2013 which resolved the outstanding appeals to the subdivision methods.
 - Plan Change 20 - Local Government (Auckland) Amendment Act 2004
 - Plan Change 24 - Pokeno Structure Plan, plus various district-wide provisions
 - Plan Change 25 - Hazards, Stormwater, Esplanade Reserves and Earthworks
 - Plan Change 27 - Remedial Minor, Miscellaneous, Tutaenui Floodway Area and Heritage Schedule
 - Plan Change 30 - Home Occupations, Activities in the Rural and Coastal Zones, Standards for Temporary Activities, Standards for Subdivision, Standards for Parking, Loading and Access, Standards for the Business Zone, Standards for Sleepouts, Network and Other Utilities and Residential and Village Zone Standards.
8. Since joining WDC in 2010, I have been a Senior Policy Planner involved in:
 - WDC's Variation 16 - Rural and Coastal Subdivision (which subsequently became Plan Change 2 to the Waikato Section), including specific responses on the topic of transferable development rights.
 - Appeal resolutions for FDC's Plan Change 24
 - Appeal resolutions for FDC's Plan Change 25
 - FDC's Plan Change 30 – WDC's and Hauraki District Council's representative at hearing
 - Plan Change 5 - Vision and Strategy for the Waikato River

- Plan Change 16 - Tuakau Structure Plan (now withdrawn)
 - Variation 13 to FDC's Rural Plan Change 14 - prohibition of transferable rural lot rights across territorial boundaries.
9. I was not involved in the development of the landscape provisions in the PWDP. However, I assisted in drafting Chapter 20 (General Industrial Zone), Chapter 21 (Heavy Industrial Zone), Chapter 22 (Rural Zone) and Section E (Designations). I also participated in numerous public consultation processes before and after notification of the PWDP.

1.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and 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.
11. I am authorised to give this evidence on the Council's behalf to the PWDP hearing commissioners.

1.3 Conflict of Interest

12. Although a resident of Waikato District, I confirm that I have no real or perceived conflict of interest in reporting on the submissions addressed in this report.

1.4 Preparation of this report

13. My role in preparing this report is to assess all submissions and related evidence and make recommendations to the hearing commissioners.
14. 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.
15. My analysis and recommendations have also relied on the technical expertise of Ms Rebecca Ryder and Mr Te Pio Kawe (both from Boffa Miskell), who co-authored the 'Waikato District Landscape Study' (June 2018).
16. Ms Ryder will be present at the hearing in her capacity as Council's technical landscape expert to respond to any queries from the hearings panel.

2 Scope of Report

17. This report is prepared in accordance with section 42A of the RMA and addresses the proposed provisions that manage activities, effects, buildings and subdivision within particular landscapes identified on the planning maps.

3 Operative Waikato District Plan

18. The following sections discuss the approach of the Operative Waikato District Plan (OWDP) in managing the impact of development on identified landscapes.

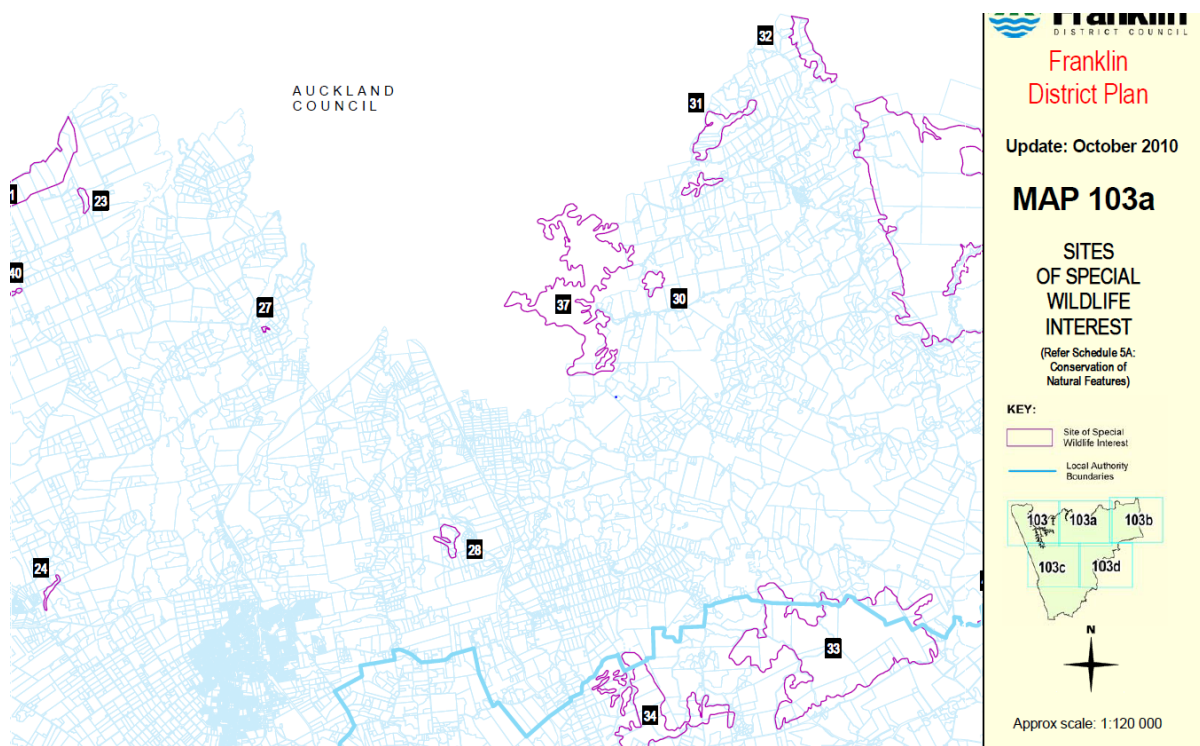
3.1 Waikato Section of the OWDP

19. Chapter 3 in the operative Waikato Section addresses natural features and landscapes. It recognises that the topography in this geographic area includes the Waikato basin, lowland peat areas, lakes and hill country and the exposed cliff coastline for much of the west coast. The coastal cliffs and the volcanic cones of Mount Karioi and Mount Pirongia dominate the southern landscape, while the Hakarimata, Taupiri and Hapuakohe ranges run in a south-west to north-east direction. Protection of these large features retains the underlying landforms and natural features.
20. Outstanding features and landscapes are identified in Schedule 3A and on the planning maps as Landscape Policy Areas. Features and landscapes are subject to the same rules and include the Whangamarino Wetland, Hakarimata Range, Taupiri Range, Kokako Hills, Te Hoe, Mount Karioi, Papanui Point, Matakotako Area, Bridal Veil Falls, Mount Pirongia, Horea-Rangitoto Point, Potaki Point (Aotea Harbour north head), Waikato River, Lake Waikare and Lake Whangape.
21. All of the features and landscapes noted above have been assigned 'outstanding status' as a result of Boffa Miskell's Waikato Landscape Study (1992 – revised in 2003 and 2006). The outstanding features are recognised on the basis of scientific, historic, archaeological, scenic, recreational, social and cultural factors.
22. The objectives and policies in Chapter 3 recognise and protect these outstanding features and landscapes and acknowledge the relationship that Maaori have with them. There are also specific objectives and policies that mirror those in the Vision and Strategy (introduced through Plan Change 5) which address the health and wellbeing of the Waikato River.
23. Particular ridgelines that have landscape and amenity value are also identified in Ridgeline Policy Areas on the planning maps due to their visibility from public places. Ridgelines that have been identified as outstanding features or landscapes in are located within a Landscape Policy Area rather than a Ridgeline Policy Area. There are rules for earthworks, the formation of tracks and accesses, and building height to manage adverse effects in these two policy areas.
24. The Waikato Section also states that for renewable energy developments, particular regard must be given to the benefits of renewable energy as required by section 7(j) of the RMA when considering whether such development is appropriate in the context of the landscape and amenity values of all ridgelines.
25. The Waikato Section contains the Whaanga Coast Policy Area which is specifically identified on the planning maps and protected as a landscape area with scenic, recreational and cultural significance. Specific rules in Schedule 26A apply to this policy area to manage exotic forestry, extractive industries, commercial and industrial activities, wind energy facilities and landfills.

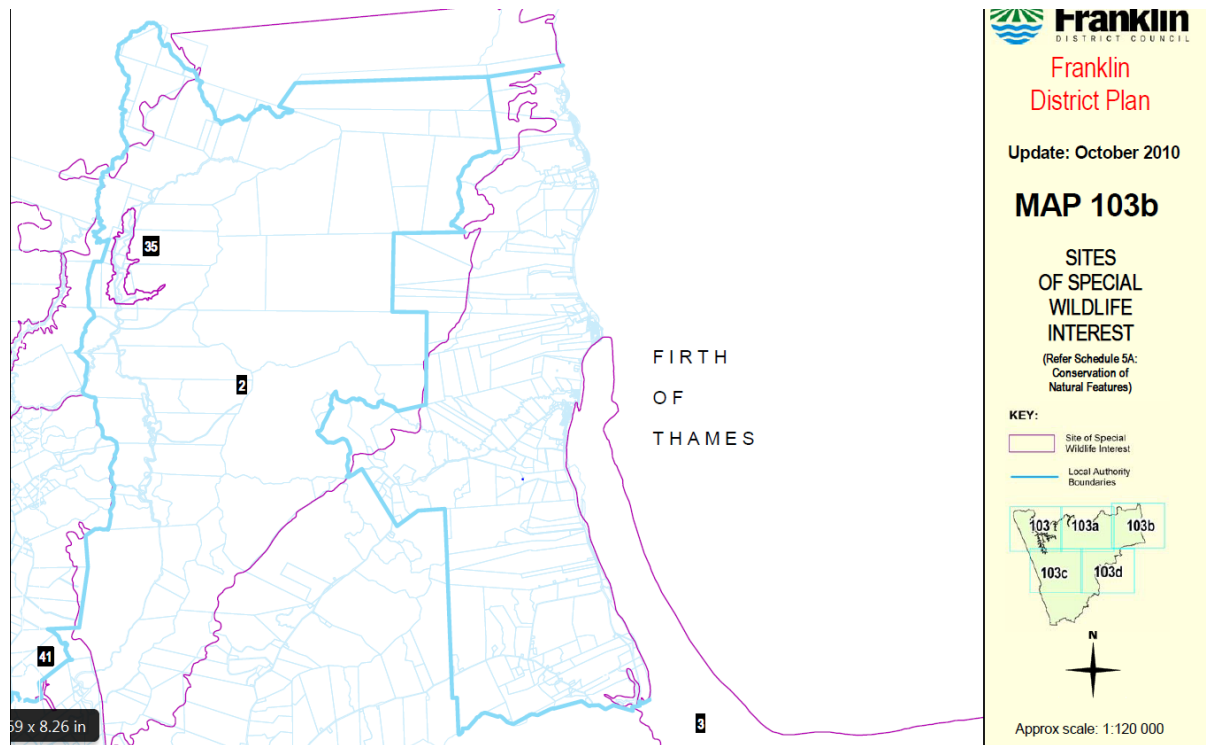
3.2 Franklin Section of the OWDP

26. Part 5 in the operative Franklin Section discusses the issues concerning the conservation of natural features in this geographic area, including indigenous ecosystems, landforms, geological features, water bodies and the coastal environment.
27. The framework of objectives and policies in Part 5 manages adverse effects on these natural features that can result from land clearance, drainage, general degradation, modification, damage or destruction.
28. Outstanding natural features are listed in Schedule 5. These include sites listed under the RAMSAR Convention, Sites of Special Wildlife Interest that are ranked as having outstanding, high, moderate-high or moderate wildlife value, Recommended Areas of Protection under the Protected Natural Areas Programme, and geological sites and landforms listed as having national importance in the New Zealand Geopreservation Inventory.
29. Schedule 5 is split into three sub-schedules, being Schedules 5A, 5B and 5C.
30. For Schedule 5A, the following Maps 103a, 103b, 103c and 103d from the former Franklin District Plan have been translated into the current OWDP planning maps, and these identify sites that have special wildlife interest (SSWI). These SSWI were introduced by the former New Zealand Wildlife Service as a means of assessing wildlife habitats for the creation of wildlife refuges. They are ranked in order of what was then a nationally accepted system.
31. The most extensive Schedule 5A SSWI now located within Waikato District are shown as Item 2 (Hunua Ranges), Item 5 (Waikato River and Wetlands – from the river mouth at Port Waikato to the Waikato Section boundary), Item 4 (Whangamarino Wetland), Item 6 (Mangatawhiri Swamp), Item 34 (Pouraureroa Bush) and Item 34 (Mt William Walkway).
32. Part 5 also states that Item 2 (Hunua Ranges) is protected by a Forest Conservation Zone and Item 5 (Waikato River and Wetlands) is protected by a Wetland Conservation Zone.

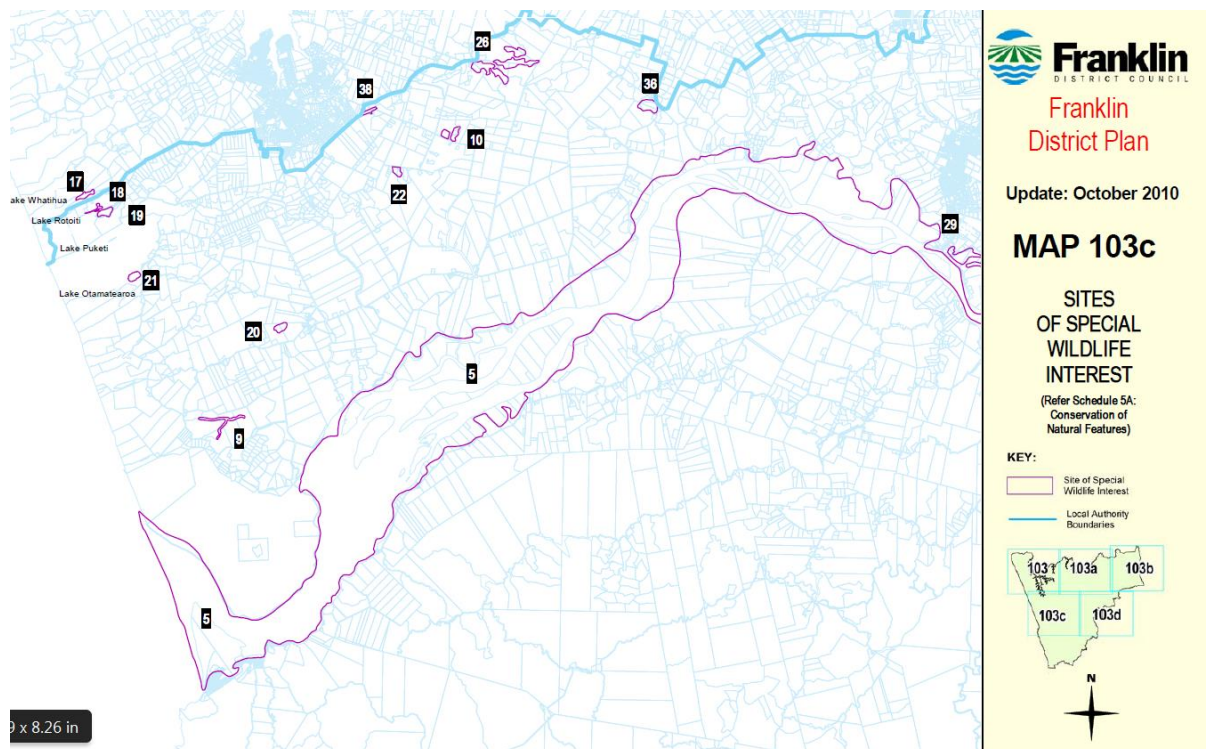
Map 103a - Schedule 5A: Sites of Special Wildlife Significance

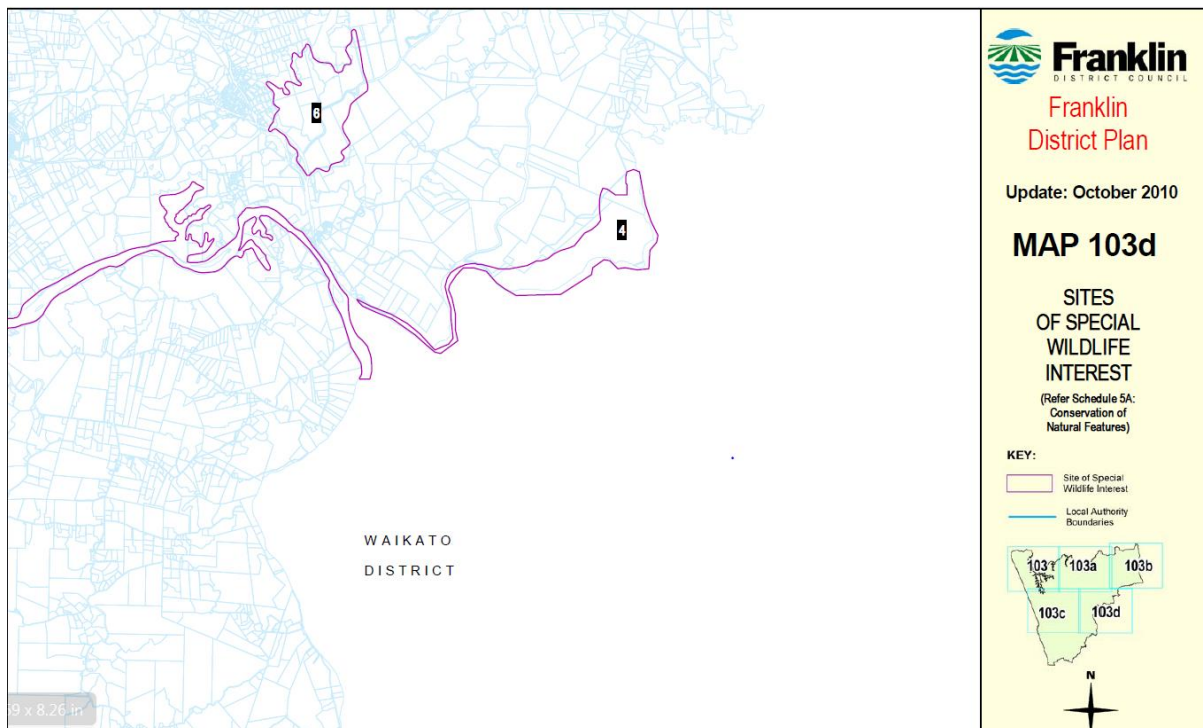


Map 103b - Schedule 5A: Sites of Special Wildlife Significance



Map 103c - Schedule 5A: Sites of Special Wildlife Significance



Map 103d - Schedule 5A: Sites of Special Wildlife Significance

33. Policy I in 5.2.3 Methods of Implementing of Policies, sets out criteria for the inclusion of new ONF items in Schedule 5A through a plan change process.
34. Adverse effects listed for Schedule 5A items include modification, damage and destruction of native bush and wildlife habitats, vegetation clearance and fragmentation, reduction in bush quality and naturalness through pests and weeds, reduction in regeneration ability through stock grazing, weed invasion and browsing wild animals, loss of threatened species, reduction in water quality, drainage and reclamation, modification of hydrological regimes, and siltation.
35. Schedule 5B contains a list of important geological sites and landforms that reflect those in the New Zealand Geopreservation Inventory. These are not identified on the planning maps. Adverse effects listed for these Schedule 5B items include mining and extraction, deposition, reclamation, rail/road works, earthworks, natural and human-induced erosion, uncontrolled vegetation growth and modification of geomorphic integrity.
36. Schedule 5C lists the Waikato River Delta as an important site, but this is not identified on the planning maps. Adverse effects listed for this location are the loss of natural estuarine and river mouth processes through changes to river hydrology and dynamic stability.
37. The Franklin Section also maps eight Management Areas, listed below. These contain specific objectives and policies set out in Part 17E which collectively manage the impact of development on landscape and amenity values, and natural character:
 - (a) Awhitu Rural Management Area
 - (b) Central Rural Management Area
 - (c) Hunua Rural Management Area
 - (d) Hunua Forestlands Management Area
 - (e) Tasman Coast Management Area
 - (f) Southern Rural Management Area

(g) Waikato River Management Area

(h) Tasman Coast Management Area.

38. Chapter 22 for the Rural Zone and Chapter 23 for the Coastal Zones contain rules that manage activities and their location, built form and colour, and which implement the objectives and policies for the above-listed Management Areas.
39. Part 6 addresses the Waikato River and contains cross-references to the provisions in the Waikato Section that concern the Vision and Strategy.

3.3 Proposed Waikato District Plan

40. Chapter 3 of the PWDP contains the framework of objectives and policies that address the natural environment, with those in Sections 3.3, 3.4 and 3.5 being relevant to landscapes.
41. The objectives and policies for Significant Natural Areas in Sections 3.1 and 3.2 will be specifically addressed later in Hearing 21.
42. The PWDP planning maps identify various overlays to guide district plan users to the relevant zone chapter, objectives, policies and rules. These overlays are described as follows:
 - (a) Outstanding Natural Feature (ONF)
 - (b) Outstanding Natural Landscape (ONL)
 - (c) Natural Character Area (NCA)
 - (d) Significant Amenity Landscape (SAL).
43. In respect to NCA, the planning maps do not differentiate between areas that display 'high' and 'outstanding' natural character. However, the proposed rules do refer to these different 'grades' of natural character which are stated in the Waikato Regional Policy Statement (WRPS), even though the restrictions are the same.
44. Various zone chapters contain rules that manage activities and development on sites within ONF/ONL/NCA/SAL identified on the planning maps, such as restrictions for intensive farming, building location and height, building setbacks from waterbodies, and area and volume thresholds for earthworks.
45. The PWDP does not contain schedules for the identified ONF/ONL/NCA/SAL to set out the values and attributes that need to be recognised and protected in accordance with the WRPS.
46. The PWDP contains definitions listed below which just refer to the identification of these locations on the planning maps. I note there is a double entry for the ONL definition and the text for the definition of an Outstanding Natural Character Area is missing.

Outstanding Natural Feature

Means a feature identified as an Outstanding Natural Feature on the planning maps.

Outstanding Natural Landscape

Means a landscape identified as an Outstanding Natural Landscape on the planning maps.

High Natural Character Area

Means an area identified as High Natural Character Area on the planning maps.

Outstanding Natural Character Area

Significant Amenity Landscape

Means an area identified as Significant Amenity Landscape on the planning maps.

47. I also note that the planning maps do not distinguish between a High Natural Character Area and an Outstanding Natural Character Area, and the planning map legend shows only one symbol for 'Natural Character'.

3.4 Statutory requirements

48. As noted in the s42A report for Hearing 3 (Strategic Objectives), the PWDP sets out the relationship between sections 5, 32 and 72 of the RMA, which are respectively:
- the purpose of the RMA
 - the functions of a territorial authority; and
 - the purpose of a district plan.
49. It is not necessary to repeat the detail of the abovementioned RMA sections here.
50. However, the specific statutory framework for this landscape topic is extensive and it is important to highlight sections 6 and 7 in the RMA and other 'higher order' statutory documents which are relevant to the provisions and submissions addressed in this report.

Section 6 of the RMA – Matters of national importance

51. In achieving the purpose of the RMA, section 6 requires Council to recognise and provide for the following '*matters of national importance*':
- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
 - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
 - ...
 - (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga;*
 - ...

Section 7 of the RMA – Other matters

52. Although not as significant as section 6 matters, there are two section 7 matters also relevant to the consideration of landscape values.
53. Specifically, sections 7(c) and (f), state that particular regard must to be given to the '*maintenance and enhancement of amenity values*' and to the '*maintenance and enhancement of the quality of the environment*', respectively.

New Zealand Coastal Policy Statement 2010 (NZCPS)

54. The NZCPS has specific requirements which support the achievement of sections 6 and 7 in the RMA with respect to managing landscapes within the coastal environment, and which the PWDP must give effect to.
55. I consider that the following Policies 1, 6, 7, 13 and 15 in the NZCPS are particularly relevant to this hearing topic:

Policy 1 Extent and characteristics of the coastal environment

- (1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
- (2) Recognise that the coastal environment includes:
 - (a) the coastal marine area;
 - (b) islands within the coastal marine area;
 - (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - (d) areas at risk from coastal hazards;
 - (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - (g) items of cultural and historic heritage in the coastal marine area or on the coast;
 - (h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - (i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 6 Activities in the coastal environment

- (1) In relation to the coastal environment:
 - (a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
 - (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
 - (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
 - (d) recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;

- (e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
 - (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
 - (g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
 - (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
 - (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
 - (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
- (2) Additionally, in relation to the coastal marine area:
- (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
 - (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and
 - (e) promote the efficient use of occupied space, including by:
 - (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;
 - (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
 - (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 7 Strategic planning

- (1) In preparing regional policy statements, and plans:
 - (a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, and;
 - (b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:
 - (i) are inappropriate; and
 - (ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process;
 and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.

- (2) Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.

Policy 13 Preservation of natural character

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;
 including by:
 - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;
 - (f) places or areas that are wild or scenic;
 - (g) a range of natural character from pristine to modified; and
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (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;
- including by:
- (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - (i) natural science factors, including geological, topographical, ecological and dynamic components;
 - (ii) the presence of water including in seas, lakes, rivers and streams;
 - (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
 - (iv) aesthetic values including memorability and naturalness;
 - (v) vegetation (native and exotic);
 - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori, including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;
 - (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
 - (e) including the objectives, policies and rules required by (d) in plans.

56. I note here that the Supreme Court in *Environment Defence Society v NZ King Salmon (SC82/2013)* highlighted that where the term ‘inappropriate’ is used in the context of protecting areas from inappropriate subdivision, use, and development, the term ‘inappropriateness’ should be assessed by reference to what is sought to be protected. Accordingly, subdivision, use, and development which degrade the values which contribute to landscape significance are more likely to be inappropriate.

National Policy Statement on Electricity Transmission 2008 (NPSET)

57. The NPSET contains objectives and policies that address the operation, maintenance, development, and upgrade of the electricity transmission network.
58. Policy 8 of the NPSET directs that in rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high amenity.

National Policy Statement on Renewable Electricity Generation 2011 (NPSREG)

59. The preamble to the NPSREG states that, in some instances, the benefits of renewable electricity generation can compete with matters of national importance as set out in section 6 of the RMA. In particular, the natural resources from which electricity is generated can coincide with areas of significant natural character, significant amenity values, historic

heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There can also be conflicts with the relationship of Maori with their taonga and the role of kaitiaki. The NZCPS also addresses these issues in the coastal environment.

National Policy Statement for Freshwater Management 2014 (NPSFM)

60. The NPSFM helps regional councils to apply the requirements for the management of freshwater in a consistent way across the country. It sets objectives for two compulsory values – ecosystem health and human health for recreation. The 2017 amendments prescribe national targets for swimmable lakes and rivers and increase direction for Te Mana o te Wai in freshwater management.
61. The NPSFM will remain in force until replaced later this year by the National Policy Statement for Freshwater Management 2020. This new document will manage freshwater in a way that ‘gives effect’ to Te Mana o te Wai through involving tangata whenua, prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses, improving degraded water bodies, avoiding any further loss or degradation of wetlands and streams, and encouraging their restoration.
62. I consider that the NPSFM is relevant to landscapes, as fresh water is a natural characteristic of wetlands, lakes and rivers, and section 6(a) of the RMA requires the natural character of these areas to be preserved.

National Environmental Standards for Plantation Forestry 2017 (NESPF)

63. The NESPF puts nationally-consistent rules in place for the management of commercial plantation forestry, and its objectives are:
 - (a) to maintain or improve the environmental outcomes associated with plantation forestry activities nationally; and
 - (b) to increase certainty and efficiency in the management of plantation forestry activities.
64. The regulations apply to any commercial forest greater than 1 hectare in size.
65. The NESPF also includes rules covering eight core commercial plantation forestry activities, including afforestation, pruning, and thinning to waste, earthworks, river crossings, forest quarrying, harvesting, mechanical land preparation, and replanting. Conditions are set for these activities which, if not met, require resource consent.
66. Regulation 6 of the NESPF sets out the circumstances where a rule in an RMA plan may be more stringent than the regulations. These circumstances include when the rule gives effect to a freshwater objective in the NPSFM, or Policies 11, 13, 15 and 22 of the NZCPS for the coastal environment, or provides for the protection of section 6 RMA outstanding natural features and landscapes, or significant natural areas.
67. RMA plans may also restrict afforestation within visual amenity landscapes, but not restrict the activity of replanting forestry in these landscapes. By default, afforestation is a controlled activity, and replanting is a permitted activity in the NESPF in such landscapes. However, a greater level of restriction can be imposed where the circumstances specified in Regulation 6 apply.

National Environmental Standards for Electricity Transmission Activities 2010 (NESETA)

68. The NESETA sets out a national framework of permission and consent requirements, equivalent to district plan rules, for the operation, maintenance and upgrading of existing high voltage electricity transmission lines. The NESETA does not apply to the construction of new transmission lines, substations, electricity distribution lines that carry electricity from

regional substations to electricity users, or lines that are part of Transpower's Upper North Island Upgrade Project.

National Environmental Standards for Telecommunication Facilities 2016 (NESTF)

69. The NESTF provides national consistency in the rules surrounding the deployment of low impact telecommunication infrastructure across the country, while ensuring that the effects on the environment are minimised and managed appropriately.

Waikato Regional Policy Statement 2016 (WRPS)

70. The following excerpts from the WRPS are particularly relevant to this hearing topic for landscapes, as they set out the objectives, policies and implementation methods which must be given effect to in the PWDP:

Objective 3.4 Health and wellbeing of the Waikato River

The health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Objective 3.7 Coastal environment

The coastal environment is managed in an integrated way that:

- a. *preserves natural character and protects natural features and landscape values of the coastal environment*

...

- d. *recognises the dynamic, complex and interdependent nature of natural biological and physical processes in the coastal environment.*

Objective 3.9 Relationship of tangata whenua with the environment

The relationship of tangata whenua with the environment is recognised and provided for, including:

- a. *the use and enjoyment of natural and physical resources in accordance with tikanga Maori, including matauranga Maori; and*
- b. *the role of tangata whenua as kaitiaki*

Objective 3.12 Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

...

- b. *preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use and development*

Objective 3.14 Mauri and values of freshwater bodies

Maintain or enhance the mauri and identified values of fresh water bodies, including by:

...

- c. *safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands*

Objective 3.16 Riparian areas and wetlands

Riparian areas (including coastal dunes) and wetlands are managed to:

...

- b. *maintain or enhance:*
 - i. *water quality*

...

- iv. cultural values
- v. riparian habitat quality and extent; and
- vi. wetland quality and extent

Objective 3.18 Historic and cultural heritage

Sites, structures, landscapes, area or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato Region's and New Zealand's history and culture.

Objective 3.20 Outstanding natural features and landscapes

The values of outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

Objective 3.21 Amenity

The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.

Objective 3.22 Natural character

The natural character of the coastal environment, wetlands, and lakes and rivers and their margins are protected from the adverse effects of inappropriate subdivision, use and development.

Policy 6.2 Planning for development in the coastal environment

Development of the built environment in the coastal environment occurs in a way that:

- a. ensures sufficient development setbacks to protect coastal natural character, public access, indigenous biodiversity, natural physical processes, amenity and natural hazard mitigation functions of the coast
- b. protects hydrological processes and natural functions of back dune areas
- c. avoids the adverse effects of activities on areas with outstanding natural character, and outstanding natural features and landscapes
- d. ensures that in areas other those identified in (c) above, activities are appropriate in relation to the level of natural character or natural feature or landscape

...

- g. protects the valued characteristics of remaining undeveloped, or largely undeveloped coastal environments.

Implementation Method 6.2.3 Coastal development setback (new development)

Regional and district plans shall require that, unless there is a functional need for it to be otherwise, new development along the coast be sufficient distance from the coastal edge to allow for the following:

- a. preserving natural character values

Objective 10.2 Relationship of Maori to taonga

Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.

Implementation Method 10.2.2 Identification of taonga

Waikato Regional Council will encourage tangata whenua to identify (using the criteria in section 10A) those areas, places, landscapes and resources of significance, including those with significant spiritual or cultural historic heritage values, and ..

..

- b. opportunities to recognise or reflect the korero (stories), names, events, whakatauki (proverbs) and beliefs associated with them
- c. opportunities to restore and enhance the relationship tangata whenua have with them

Implementation Method 10.2.3 Maintaining or enhancing tangata whenua relationships with their rohe

Local authorities should work with tangata whenua to identify opportunities to maintain or enhance their relationship with their rohe through recognition, protection, maintenance or enhancement of Maori cultural landscapes and should provide for these within regional and district plans. This may include:

...

- b. protection, enhancement and restoration of mauri

Policy 12.1 Outstanding natural features and landscapes

Identified values and characteristics of outstanding natural features and landscapes (including seascapes) of regional or district significance are protected from adverse effects, including cumulative effects, arising from inappropriate subdivision, use and development.

Implementation methods

12.1.1 Protect values of outstanding natural features and landscapes

Regional and district plans shall:

- a) identify and provide for the protection of the values and characteristics of outstanding natural features and landscapes from inappropriate subdivision, use and development, including those of regional significance identified in section 12A (Table 12-1) by:
 - i) avoiding adverse effects of activities on the values and characteristics of outstanding natural features and landscapes in the coastal environment; and
 - ii) outside of the coastal environment, avoiding adverse effects of activities on the values and characteristics of outstanding natural features and landscapes and if avoidance is not possible remedy or mitigate the adverse effects.

12.1.2 Identify outstanding natural features and landscapes of significance at a district level

Waikato Regional Council will encourage territorial authorities to undertake a district-wide assessment of outstanding natural features and landscapes of district significance. The approach summarised in section 12B (Table 12-2) should be used as the basis of any new assessment.

12.1.3 Values of outstanding natural features and landscapes to tangata whenua

Waikato Regional Council will work with tangata whenua to confirm the values of significance to tangata whenua of the outstanding natural features and landscapes included in section 12A (Table 12-1) and ensure these are recognised in regional and district plans.

Explanation

Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development is a matter of national importance under the Resource Management Act. Those areas assessed as being regionally outstanding are identified in section 12A (Table 12-1) (except for seascapes) along with their particular values and characteristics, and these will be protected through regional and district plans. It is expected that further areas will be identified by territorial authorities at a district level and will similarly be protected through regional and district plans. For consistency, there is benefit in using the same approach used to identify the outstanding areas at a regional scale for future assessments. The approach also allows for the identification and protection of seascapes, consistent with directions of the NZCPS, through regional and district plans.

Section 12B outlines the approach that should be followed when assessing landscapes. It includes a definition of 'landscape' and 'feature', the attributes and typical factors to be considered, the assessment process, and the specific threshold tests for 'outstanding natural features and landscapes'.

The outstanding natural features and landscapes included in section 12A (Table 12-1) were identified without the benefit of consultation with tangata whenua, relying on information readily available at the time of assessment. Tangata whenua values are one of the values to be assessed in accordance with the approach summarised in section 12B (Table 12-2) and it is intended that the council will work with tangata whenua to check the values identified for completeness and correctness.

The focus of the policy and approach to assessing landscapes is on the values and characteristics of the outstanding natural features and landscapes (including seascapes) rather than on the features or landscapes themselves. This recognises that landscapes evolve over time however the values and characteristics must be protected to ensure the natural features and landscapes remain outstanding.

Policy 12.2 Preserve natural character

Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and:

- a) where natural character is pristine or outstanding, activities should avoid adverse effects on natural character;
- b) where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character;
- c) where man-made elements/influences are dominant; it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered;
- d) promote the enhancement, restoration, and rehabilitation of the natural character of the coastal environment, wetlands and lakes and rivers and their margins; and
- e) regard is given to the functional necessity of activities being located in or near the coastal environment, wetlands, lakes, or rivers and their margins where no reasonable practicable alternative locations exist.

Implementation methods

12.2.1 District and regional plans

Regional and district plans shall:

- a) recognise that different levels of natural character exist within the coastal environment and inland water bodies and their margins;
- b) map or otherwise identify areas of high and outstanding natural character in the coastal environment using the criteria in section 12C (Table 12-3);
- c) ensure activities are appropriate with respect to the level of natural character, including particularly those activities that:
 - i) alter the natural appearance and functioning of beach and dune systems, or wetlands, lakes or rivers (and their margins);
 - ii) damage or remove areas of indigenous vegetation;
 - iii) introduce man-made elements/structures where none were previously present or obvious; or
 - iv) introduce man-made elements/structures into a modified area which results in a significant change to natural character; and
- d) have particular regard to the following:
 - i) protecting the special values of inland water bodies, estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them;
 - ii) safeguarding the life-supporting capacity of fresh water aquatic, coastal and marine ecosystems;
 - iii) maintaining or enhancing indigenous biodiversity and the functioning of ecosystems;

- iv) location, design and form of the man-made elements/structures and any mitigation measures necessary or proposed'
- v) protecting natural functioning of physical processes over a 100-year timeframe;
- vi) protecting geological features;
- vii) protecting surf breaks of national significance for surfing;
- viii) the need to locate renewable electricity generation activities where the renewable energy resource is available; and
- ix) the logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity.

12.2.2 Enhance natural character where compromised

Local authorities should identify opportunities to enhance, restore or rehabilitate the natural character of the coastal environment, wetlands, and lakes and rivers and their margins where it has been compromised, including when undertaking works and services or preparing or reviewing growth strategies, structure plans, or regional and district plans. In particular, opportunities to achieve the following should be considered:

- a) the removal of derelict or unnecessary structures;
- b) restoration or enhancement of natural elements;
- c) enhancement of water quality;
- d) modification of existing development to be less intrusive; and
- e) de-reclamation of redundant reclaimed land.

Explanation

Preserving the natural character of the coastal environment, wetlands and lakes and rivers and their margins is a matter of national importance under the Resource Management Act. This will be achieved by directing development to areas where natural character is already compromised. This recognises that the intent of the legislation is not to preserve natural character everywhere, and that the higher the level of modification, the more appropriate development will be in a given situation. In the coastal environment Policy 12.2 must give effect to Policy 13 of the NZCPS. This means that despite the use of 'should' in Policy 12.2, in the coastal environment, the direction in Policy 13 of the NZCPS must be followed.

Many of our coastal and riparian areas have been modified so it is intended that modification not be allowed in those few places where the natural character is unmodified (that is, pristine). In areas that are highly modified, there may be opportunities for local authorities to achieve the enhancement of natural character, such as when undertaking works and services or authorising activities and using simple measures such as planting appropriate native species as part of landscaping activities.

Criteria are provided in 12-C (Table 12-3) to guide plans in identifying areas of high and outstanding natural character in the coastal environment. The criteria provide consistency and give effect to Policy 13 of the NZCPS.

71. The WRPS defines the term 'natural character'¹ as follows:

'Natural character – in relation to the coastal environment, wetlands, and lakes and rivers and their margins, the degree of naturalness of an area, as evidenced by the degree to which it possesses qualities and features that are products of nature as opposed to products of human activities.'

Policy 12.3 Maintain and enhance areas of amenity value

Areas of amenity value are identified, and those values are maintained and enhanced. These may include:

- a) areas within the coastal environment and along inland water bodies;
- b) scenic, scientific, recreational or historic areas;
- c) areas of spiritual or cultural significance;

¹ Page G-7 WRPS

- d) other landscapes or seascapes or natural features; and
- e) areas adjacent to outstanding natural landscapes and features that are visible from a road or other public place.

(a)

12.3.1 Maintain and enhance areas of amenity value

Regional and district plans shall ensure that:

- a) areas of amenity value to regional or district communities are:
 - i) identified using accepted criteria and methodologies; and
 - ii) appropriately recognised;
- b) the qualities and characteristics for which they are valued are maintained or enhanced;
- c) subdivision, use and development is managed to avoid, remedy or mitigate adverse effects on the identified values of areas of amenity value; and
- d) when recognising and providing for areas of amenity value, consideration shall be given to the changing and evolving nature of land management practices that means the visual amenity values may also change.

12.3.2 Amenity value of the coastal environment

Regional and district plans shall ensure that the amenity values of the coastal environment are maintained or enhanced, including by:

- a) recognising the contribution that open space makes to amenity values and providing appropriate protection to areas of open space;
- b) maintaining or enhancing natural sites or areas of particular value for outdoor recreation;
- c) employing suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly on areas of public open space and along the coastal edge;
- d) avoiding forms and location of development that effectively privatise the coastal edge and which discourage or prevent public access to and use of the coast;
- e) recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;
- f) ensuring the removal of derelict or unnecessary structures within the coastal marine area;
- g) encouraging appropriate design of new structures and other development to enhance existing amenity values;
- h) maximising the public benefits to be derived from developments;
- i) ensuring public access to public areas is enhanced where practicable; and
- j) recognising the role of esplanade reserves and strips in contributing to public open space needs.

12.3.3 Enhance public values in the coastal environment

Local authorities should seek to incorporate the enhancement of public amenity values, including when undertaking works and services or preparing or reviewing growth strategies, structure plans, or regional and district plans.

Explanation

Local authorities must have particular regard to the maintenance and enhancement of amenity values under the Resource Management Act. Some areas will be particularly valued by communities for their amenity, and it is appropriate to provide for the maintenance or enhancement of the amenity values of these areas to protect communities' sense of place, appreciation and enjoyment.

Local authorities should also recognise that amenity values often exist due to the existing and historical management and development of land use in a particular location or landscape. For example, rural landscapes often derive their amenity value from the presence of productive land use such as pastoral farming, and associated structures such as hay barns. These landscapes are not always static, and may continue to change and evolve as a result of changing management practices. Policy 12.3 is not intended to ensure that the landscapes remain static, but to ensure the values attributed to these types of landscapes are maintained or enhanced, even through change.

The coastal environment is particularly valued by our communities for its amenity values, including its open spaces, and local authorities should ensure that these values are recognised when planning for development and processing resource consents. Individuals' amenity values are also relevant under the RMA and should be assessed on a case-by-case basis through resource consent processes.

72. Section 12A of the WRPS addresses outstanding natural features and landscapes in the Waikato Region. Two ONF/ONL listed in this section are located in Waikato District – Mount Karioi (listed as ONFL 4 and shown on Map 12-5) and Mount Pirongia (listed as ONFL 7 and shown on Map 12-8).
73. Section 12B of the WRPS sets out the approach required for assessing landscapes. It states that this approach shall be applied to the identification of 'outstanding natural features and landscapes' and also to 'seascapes' or landscapes with other specific amenity values. In applying the approach, continuing refinements in best practice, for instance as a result of future research or professional guides, should be taken into consideration.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Vision and Strategy for the Waikato River

74. Schedule 2 of the Waikato River Settlement Act 2010 contains Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchments, which includes the lower reaches of the Waipa River.
75. Various objectives and strategies in Te Ture Whaimana o Te Awa o Waikato are required to be implemented to achieve the Vision that is described as follows:
 - (1) *Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri. The river of life, each curve more beautiful than the last.*
 - (2) *Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.*
76. Under section 11 of the Waikato River Settlement Act, the Vision and Strategy is deemed in its entirety to be part of the WRPS without the need for public consultation. The WRPS cannot be inconsistent with the Vision and Strategy and in the event of any inconsistency between them, the Vision and Strategy prevails. This also applies to any future reviews of the Vision and Strategy.
77. Section 12 of the Waikato River Settlement Act also states that in the event of any inconsistency with any national policy statement of the NZCPS, the Vision and Strategy prevails.
78. I consider the Vision and Strategy to be highly relevant to this hearing topic on landscapes, as the Waikato River is taonga to iwi and an integral component of their cultural landscape.

Tai Tumu Tai Pari Tai Ao - Waikato-Tainui Environmental Plan 2013

79. The Waikato-Tainui Environmental Plan 2013 is designed to enhance Waikato-Tainui participation in resource and environmental management. The strategic objectives of the Plan include tribal identity and integrity, and how to grow the tribal estate and manage

Waikato-Tainui natural resources. Through this Plan, Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe.

80. The Plan also provides clear, high level guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment.
81. Council must take into account any aspect of the Plan that has a bearing on the resource management issues of the district.
82. The Joint Management Agreement (JMA) that Council has with Waikato-Tainui, via the Waikato Raupatu River Trust, provides for an enduring relationship between the two parties through the shared exercise of functions, duties and powers under the Local Government Act 2002, where appropriate the Resource Management Act 1991, and the Waikato-Tainui Deed of settlement in relation to the Waikato River and enabling legislation.
83. In exercising a power or performing a function or duty, Council and Waikato-Tainui will work together in terms of the JMA to achieve the overarching purpose of this settlement which is:
 - to restore and protect the health and wellbeing of the Waikato River, and
 - respect the mana whakahaere rights and responsibilities of Waikato-Tainui in accordance with tikanga to ensure that the balance and mauri of the Waikato River are maintained.
84. Council must take into account the relevant components of the Waikato-Tainui Environmental Plan and the integrated Management Plan as they relate to the Waikato River within the geographic jurisdiction of Waikato District Council. In doing so, Council must respect the independence of the parties and their individual mandates, roles and responsibilities in relation to the Waikato River.

Ko Ta Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan 2016

85. The Maniapoto Environmental Management Plan 2016 is a direction-setting document that describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment, including economic, social, cultural and spiritual relationships.
86. The relevance of this Plan to the review and the landscape topic is through the Vision and Strategy for the Waikato River and its tributaries, particularly the Waipa River, which flows through the Waikato District's southern boundaries to meet the Waikato River in Ngaruawahia. Giving effect to the Vision and Strategy through the review will ensure that Council has taken into account the Maniapoto Environmental Management Plan.

Waikato District Landscape Study (June 2018)

87. To inform the PWDP, Council commissioned Boffa Miskell Limited to evaluate the characteristics and classifications of various landscapes within the district in line with current methods and case law. Key objectives of this task were to develop a consistent and more detailed approach across the whole district to replace the different and broader approaches taken in the Franklin Section and Waikato Section of the OWDP, and to give effect to the WRPS.
88. The result of this evaluation is a document entitled 'Waikato District Landscape Study – June 2018' (WDLS) which informed the provisions and mapping of particular landscapes in the notified PWDP. The WDLS was developed in collaboration with tangata whenua through Council's Iwi Reference Group and the assessment criteria in the WRPS (Table 10.2), noting that the Maaori world view and understanding of, and attitudes to, landscape can be significantly different from that of non-Maaori.

89. The WDLS addresses these four aspects:
- Landscape characterisation
 - Identification of Outstanding Natural Features and Landscapes (ONF and ONL)
 - Identification of second tier Significant Amenity Landscapes (SAL)
 - Identification of Natural Character Areas (NCA) within the coastal environment.
90. The WDLS did not identify NCA outside the coastal environment because this did not form part of Council's brief. Instead, Council instructed Boffa Miskell to adopt the position of WRC's 'Natural Character Study of the Waikato Coastal Environment – March 2015' which included application of the Coastal Environment Line and Coastal Marine Area. In this regard, Boffa Miskell is aware of an error in WRC's mapped position of the Coastal Marine Area. This matter has been raised in a submission on the PWDP from the Department of Conservation and is addressed in Part C of this report.
91. The natural character of the district's rivers, lakes and margins has therefore not been mapped. However, in this regard, I note that Policy 13(1)(c) of the NZCPS is to preserve natural character of the coastal environment by 'mapping or otherwise identifying at least areas of high natural character'.
92. The WDLS explains that 'natural character' is essentially concerned with the degree of 'naturalness' associated with the natural elements, processes and patterns within the landscape and seascape. In a statutory sense, this applies to the coastal environment, wetlands, lakes, rivers and their margins. The NZCPS states that natural character is not the same as natural features and landscape, or amenity values.
93. Eight 'Landscape Character Areas' have been identified within the Waikato District, these being: Northern Hills, Wetlands, Eastern Hills, Inland Range, Western Hills, Volcanic, Plains and River.
94. The WDLS describes the meaning of 'landscape' as a multi-dimensional concept that includes natural science, heritage, cultural, aesthetic and cultural values. Despite acknowledging overlaps and limitations, the following particular values have been assigned to each landscape unit, based on what is now commonly termed the 'Pigeon Bay criteria', which have been reinforced in various Environment Court decisions:
- a. *the natural science factors, the geological, topographical, ecological, and dynamic components of the landscape;*
 - b. *its aesthetic values including memorability and naturalness;*
 - c. *its expressiveness (legibility); how obviously the landscape demonstrates the formative processes leading to it;*
 - d. *transient values: occasional presence of wildlife; or its values at certain times of the day or of the year;*
 - e. *whether the values are shared or recognised;*
 - f. *its value to tangata whenua, and;*
 - g. *its historical associations.*
95. A recent review by the New Zealand Institute of Landscape Architects (NZILA) has reordered the 'Pigeon Bay criteria' into the following three broad categories to reduce the risk of emphasising some criteria at the cost of others, thus enabling the interpretation of landscape values with validity and reliability:
- (a) **Biophysical** features, patterns and processes may be natural and/or cultural in origin, and range from the geology and landform that shape a landscape to the physical artefacts such as roads that mark human settlement and livelihood.
 - (b) **Sensory** qualities are landscape phenomena as directly perceived by humans, such as the view of a scenic landscape, or the distinctive smell and sound of the foreshore.
 - (c) **Associative** meanings are spiritual, cultural or social associations with particular landscape elements, features or areas such as *pa*, *kainga*, *tupuna awa*, *mahinga kai* and *wahi tapu*, or

other sites of historic events or heritage. Associative activities are patterns of social activity that occur in particular parts of the landscape, for example popular walking routes or fishing spots.

96. Importantly, the WRPS assessment criteria relating to Maaori culture and traditions were included as part of the associative cultural category. This is because the Maaori world view of landscapes does not clearly fit the 'Pigeon Bay criteria'.
97. A combination of desktop reviews and on-site investigations determined the biophysical, sensory and associative values of particular landscapes and features, using a five point scale from 'Very Low' to 'Very High'. An ONF or ONL that contains at least one attribute has been scored 'High' or 'Very High'.
98. An ONF is a discrete element within a landscape generally experienced from outside the feature and displays integrity as a whole element, often clearly distinguished from the surrounding landscape which forms the surrounding context. ONFs are generally defined by their geomorphological landform, but can sometimes be defined more readily by land cover characteristics, such as native bush.
99. The 13 ONF identified in the WDLS and consequently mapped in the PWDP are:
 - Pouraureroa Stream Bush
 - Part of the lower reach of the Waikato River and wetlands, including various islands
 - Horea-Rangitoto Point
 - Whangamarino Wetland
 - Lake Waikare
 - Lake Whangape
 - Taupiri Range
 - Part of Te Hoe Hills
 - Hakarimata Range
 - Kokako Hills
 - Wairenga (Bridal Veil Falls)
 - Te Pahi
 - Oioroa.
100. ONL are larger than ONF, are perceived as a whole, and can include a number of natural features within them. Landscape boundaries can also coincide with visual catchments.
101. The three ONL identified in the WDLS and consequently mapped in the PWDP are:
 - Hunua Ranges
 - Mount Karioi
 - That portion of Mount Pirongia located within Waikato District.
102. I note that only Mount Karioi and Mount Pirongia are listed as ONF/ONL in Table 12-1 of the WRPS. The Hunua Ranges are listed as an ONF in Schedule 5A of the Franklin Section of the OWDP but are not listed in the WRPS. This is because the WRPS was notified in 2010, when the Hunua Ranges were located within the jurisdiction of the former Auckland Regional Council.
103. The WDLS outlines that landscapes and features that contain particular scenic values, but with lower ratings of other landscape values, have been identified as 'Significant Features and Significant Landscapes', the values for which are similar to SAL identified in other districts that are often associated with rural landscapes which have an 'arcadian' character. These significant features and landscapes may have been modified in a biophysical sense, but remain important in terms of their cultural associations. Natural features and landscapes that do not rank as 'outstanding' can nonetheless be required to be 'maintained and enhanced' either as 'amenity values' of part of the wider 'environment' in terms of section 7(c) or 7(f) of the RMA.

104. The following 15 SALs and SAFs identified in the WDLS are combined together and consequently mapped as SAL in the PWDP:

- Some Waikato River margins
- Onewhero Tuff Ring
- Alexandra Redoubt Bush
- Pukekawa Scoria Cone
- Rataroa Hills
- Te Hoe Hills
- Opuatia Wetland
- Te Hehe Bush
- Kawa Dunes (including the Matira Sand Dune)
- Waimahi Sand Dunes
- Te Kotuku Sand Dunes
- Lower slopes of the Taupiri Range
- Lower slopes of Mount Karioi
- Toreparu Wetland.

Procedural matters

105. Council staff arranged an informal video-conference on 22 June 2020 with Waikato-Tainui representatives and their legal counsel to provide them with an opportunity to discuss their submission that seeks an ONF/ONL for the entire length of the Waikato River within Waikato District. Council's legal counsel (Tompkins Wake), and Ms Ryder and Mr Kawe from Boffa Miskell, also participated.
106. This was followed by a meeting on 1 July 2020 at Boffa Miskell's Hamilton office, attended by Ms Ryder and Mr Kawe, and Mr Antoine Coffin as Waikato-Tainui's resource management advisor. It is understood that Mr Coffin expressed the need for the Waikato River to be considered in a holistic manner, rather than adopting any 'compartmentalised' approach. Waikato-Tainui will have an opportunity to respond to the recommendations of this section 42A report through evidence and elaborate on their submission during the course of the hearing.
107. Given the submission from the Waikato River Authority on this same matter, attempts were made to contact Mr Julian Williams to involve the Waikato River Authority in the discussions, but these attempts were unsuccessful.

4 Consideration of submissions received

4.1 Overview of submissions

108. The submissions addressed within this report cover a wide range of issues, although there are some matters which are subject to a significant number of submissions and/or contain common themes, such as:
- a. requests for less onerous objectives and policies
 - b. requests for less onerous rules, such as those that specify area and volume thresholds for earthworks
 - c. requests for additional geological features to be identified as ONF
 - d. requests to delete or amend the mapping of identified landscape areas
109. There are various further submissions from separate parties that have been addressed in this report. The majority of these relate to original submissions on the common themes above, with the exception of Mercury Energy Limited, who have generally opposed a wide range of original submissions.
110. While this report addresses each original and further submission point in turn, I have decided to address the further submission points from Mercury Energy Limited here to avoid duplication. Mercury Energy lodged an extensive further submission opposing a large number of primary submission points, on the basis that they consider it necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework.
111. The Mercury submission has been addressed in the 'All of Plan' Hearing (Hearing Report 2), which can be located on the council website link below, or found under Proposed DP - Stage 1 - Hearings - Hearing 2 - Council s42a report:
- https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-2/section-42a-reports/hearing-2---s42a-report---plan-structure-and-all-of-plan.pdf?sfvrsn=bc40185a_8
112. In the s42A report for Hearing 2, Mr Eccles stated that:
- I agree with the thrust of the above submission points, and the further submissions from Mercury, that ideally Stage 1 and 2 PWDP matters would have proceeded as an integrated whole. However, given that Waikato District Council has proceeded with a two stage PWDP process it would not very inefficient and costly for all parties if Stage 1 of the PWDP was withdrawn or entirely placed on hold pending progress of Stage 2 matters. Nevertheless, it is critical that the remainder of the process ensures that decisions are made in an integrated manner on Stage 1 zoning requests and other growth matters to which Stage 2 matters are fundamental. In that regard, I am advised by Council staff that the intention is to notify Stage 2 provisions in early 2020 with the associated hearings to be held in early 2021. Stage 2 submissions will be able to be heard in conjunction with Stage 1 submissions featuring zoning requests and other growth matters to which Stage 2 matters are germane. In my view, that arrangement is an effective mechanism and avoids the risk of acting in terms of making decisions on Stage 1 zoning and growth related submissions in the light of incomplete information. If the hearings for Stages and 2 dovetailed, a single comprehensive decision would be possible where decisions on Stage 1 are cognisant of Stage 2 provisions and submissions.*
113. I agree with the comments made by that author and therefore make recommendations to reflect those where a further submission by Mercury Energy Limited has been made on

submissions which are the subject of this Hearing 21B. Therefore, no specific analysis on Mercury's further submissions has been made in my report.

4.2 Structure of this report

114. To assist the reader, the following analysis of submissions in this s42A report is divided into these three parts:
- Part A: Objectives and policies
 - Part B: Rules
 - Part C: Planning Maps
115. I have already noted that some degree of overlap exists between submissions received on this landscape topic, and Significant Natural Areas which will be addressed in later Hearing 21.
116. Before addressing submissions set out in Parts A, B and C, it is necessary to first address one general submission that comments on the methodology used in the PWDP to assess landscape and natural character.

4.3 Methodology for assessing landscape and natural character

4.3.1 Introduction

117. An earlier section of this report discusses the methodology used by Boffa Miskell in their assessment of landscape and natural character in the WDLS.

4.3.2 Submission

118. The submission listed in the table below considers that the methodology used to assess landscape and natural character is Eurocentric and ignores cultural context.

Submission Point	Submitter	Summary of Submission
942.42	Tainui o Tainui	Comments that the methodology (including section 1.5.7.2 Landscape and Natural Character) used to assess landscape and natural character is Eurocentric and ignores cultural context.

4.3.3 Analysis

119. Tainui o Tainui comments that the methodology used to assess landscape and natural character is Eurocentric and they refer to Section 1.5.7.2 in the PWDP which reads:

1.5.7.2 Landscape and natural character

- (a) *Landscape means more than just 'a physical tract of land' or 'a view or scene'. Put simply, landscape can be explained as a reflection of the relationship between people and place. All landscapes are dynamic to some extent, as are our perceptions of landscape, which are in a constant state of evolution. While this change is implicit, it is not always predictable. Landscapes can be subject to change from various natural or human-induced processes and change can occur at a range of scales, from incremental to sudden sweeping change. The term 'natural character' is used to describe the natural attributes of waterbodies where there is a land-water interface – in particular coastal environments, wetlands, lakes, and rivers. Landscapes and natural character have cross-boundary implications and need to be considered in a regional context, as they are not confined to a district's geographical area.*

120. In my opinion, the WDLS was developed in a collaborative manner involving valuable input from the Iwi Reference Group. Specific PWDP objectives and policies reflect the mandatory requirement in section 6(e) of the RMA to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. In addition, the methodology used in the WDLS also applied the methodology and terminology used in the WRPS, therefore giving effect to that aspect of the WRPS.
121. In my opinion, the PWDP provisions are necessarily cognisant of the Maori world view and they give effect to the WRPS. The PWDP has also been developed in partnership with iwi as a result of the Joint Management Agreement between Waikato District Council and Waikato-Tainui and the mandatory clause 4A Schedule 1 requirement where Council sought feedback from iwi prior to notification of the PWDP. I note that Tainui o Tainui's specific concern in their submission about the approach to landscape matters being Eurocentric was not recorded in Waikato-Tainui's clause 4A feedback. For these combined reasons, I respectfully reject this submission.

4.3.4 4.3.4 Recommended amendments and section 32AA evaluation

122. No amendments are recommended as a result of this submission and thus no section 32AA evaluation is necessary.

4.3.5 4.3.5 Recommendation

123. For the reason given above, it is recommended that the hearings panel:
- a. **Reject** the submission from Tainui o Tainui [942.42].

5 PART A: OBJECTIVES AND POLICIES

5.1 Chapter 3: Natural Environment

124. Chapter 3 of the PWDP contains the framework of objectives and policies that address the natural environment.
125. Sections 3.1 and 3.2 in Chapter 3 contain objectives and policies specific to Significant Natural Areas, which will be addressed separately in Hearing 21 scheduled to commence on 16 November 2020. All other objectives and policies in Sections 3.3, 3.4 and 3.5 of this chapter are relevant to the landscapes topic and are addressed in the following sections of this hearing report.

5.2 Section 3.3 Outstanding Natural Features and Landscapes

5.2.1 Introduction

126. Section 3.3 contains Objective 3.3.1 and three accompanying policies shown below that reflect the section 6(b) and section 6(c) matters of national importance in the RMA, and Objective 3.20 and Policy 12.1 in the WRPS. These sections require the recognition and protection of ONF and ONL from inappropriate subdivision, use and development, and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

3.3.1 Objective – Outstanding natural features and landscapes

- (a) *Outstanding Natural Features and Outstanding Natural Landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development.*

3.3.2 Policy – Recognising values and qualities

- (a) Recognise the attributes of the district's mountains, bush clad ranges and hill country identified as Outstanding Natural Features and Outstanding Natural Landscapes including:
 - (i) ridgelines and valleys;
 - (ii) significant ecological values;
 - (iii) indigenous bush and the extent of this bush cover;
 - (iv) cultural heritage values associated with these areas;
 - (v) recreational attributes including walking and access tracks;
 - (vi) existing water reservoirs and dams;
 - (vii) existing pastoral farming activities on the margins of these areas.
- (b) Recognise the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape identified as Outstanding Natural Features, including:
 - (i) natural geomorphology and hydrological processes;
 - (ii) significant habitat values;
 - (iii) significant indigenous vegetation;
 - (iv) cultural heritage values associated with these areas;
 - (v) recreational use of these areas; and
 - (vi) existing pastoral farming activities on the margins of these areas.
- (b) (c) Recognise the attributes of the west coast dunes identified as outstanding natural features, including:
 - (i) natural geomorphology, patterns and processes;
 - (ii) significant habitat values;
 - (iii) significant indigenous vegetation;
 - (iv) cultural heritage values associated with these areas; and
 - (v) existing pastoral farming activities on the margins of these areas.

3.3.3 Policy – Protection from inappropriate subdivision, use and development

- (a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:
 - (i) requiring buildings and structures to be integrated into the Outstanding Natural Landscape or feature to minimise any visual impacts;
 - (ii) managing the adverse effects of building platforms, driveways and roads through appropriate subdivision design;
 - (iii) requiring subdivision and development to retain views of Outstanding Natural Landscapes and features from public places; and
 - (iv) avoiding adverse effects of extractive industries and earthworks.

3.3.4 Policy – The relationships of Maaori with natural resources and land

- (a) Provide for the consideration of cultural and spiritual relationships of Maaori with Outstanding Natural Features and Outstanding Natural Landscapes as part of subdivision, use and development.
- (b) Provide for development of Maaori Freehold Land, within Outstanding Natural Features and Landscapes, including within the Whaanga Coast Specific Area.

- (c) *Provide for Maaori cultural and customary uses of natural resources, including land, water and other natural resources as an integral part of identified Outstanding Natural Features and Outstanding Natural Landscapes.*

5.2.2 Submissions

127. The 40 original submissions listed in the following table:
- (a) support Section 3.3 in its entirety
 - (b) request the addition of assessment criteria in Section 3.3 to assist in the identification of an ONF
 - (c) request new policies (and rules) for geopreservation sites
 - (d) support Objective 3.3.1
 - (e) request amendments to Objective 3.3.1 that:
 - (i) exclude legally established quarrying activities
 - (ii) refer to cumulative adverse effects
 - (iii) require avoidance of adverse effects on ONF/ONL in the coastal environment
 - (iv) reflect Implementation Method 12.1.1(a)(ii) in the WRPS for areas outside of the coastal environment
 - (v) apply development limitations only when ONF/ONL are identified on the planning maps
 - (f) support Policy 3.3.2
 - (g) request amendments to Policy 3.3.2 that:
 - (i) protect (as well as recognise) ridgelines
 - (ii) recognise the flood protection and attenuation attributes of ONF/ONL
 - (iii) refer specifically to the Whaanga coastline
 - (iv) recognise existing infrastructure as an attribute of ONF (including land transport networks)
 - (v) recognise biodiversity and ecology
 - (vi) provide examples of recreational use
 - (vii) remove the word 'existing' in the sub-clauses that refer to pastoral farming activities on the margins of an ONF, otherwise remove these sub-clauses altogether
 - (h) support Policy 3.3.3
 - (i) request amendments to Policy 3.3.3 that:
 - (i) require buildings and structures to be integrated into ONF/ONL 'to the extent practicable'
 - (ii) only invoke this policy for new developments
 - (iii) refer to 'inappropriate' earthworks in the sub-clause
 - (iv) allow for remedying, mitigating, offsetting and compensating (in addition to avoiding) in respect to extractive industries and earthworks
 - (j) support Policy 3.3.4.

Submission Point	Submitter	Summary of Submission
367.46	Mercer Residents and Ratepayers Committee	Retain Section 3.3 Outstanding Natural Features and Landscapes.
646.11	Vodafone New Zealand Limited	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes, as notified.
648.11	Chorus New Zealand Limited	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes, as notified.
680.38	Federated Farmers of New Zealand	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes, as notified.

FS/223.185	Mercury NZ Limited	Oppose
644.11	Spark New Zealand Trading Limited	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes, as notified.
576.7	Transpower New Zealand Limited	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes, as notified.
81.104	Waikato Regional Council	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes.
368.3	Ian McAlley	Amend Section 3.3 Outstanding Natural Features and Landscapes, to ensure that limitations on development only apply to Outstanding Natural Features and Landscapes that are specifically identified in the District Plan.
FS/345.111	Genesis Energy Limited	Support
FS/386.558	Mercury NZ Limited	Oppose
8.5	Geoscience Society of New Zealand	<p>Add into Section 3.3 Outstanding Natural Features, criteria for identifying Outstanding Natural Features, similar to that in the Auckland Unitary Plan, Northland Regional Plan and other local districts:</p> <p><u>Assessment criteria for identifying ONFs</u></p> <ul style="list-style-type: none"> (a) <u>the extent to which the landform, feature of geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth;</u> (b) <u>the rarity or unusual nature of the site or feature;</u> (c) <u>the extent to which the feature is an outstanding representative example of the diversity of district's natural landforms and geological features;</u> (d) <u>the extent to which the landform, geological feature or site is part of a recognisable group of features (e.g. caves and karst group: South Auckland volcanoes group);</u> (e) <u>the extent to which the landform or geological feature contributes to the aesthetic value or visual legibility of the wider landscape;</u> (f) <u>the extent of community association with, or public appreciation of, the values of the feature or site;</u> (g) <u>the potential value of the feature or site for public education;</u> (h) <u>the potential value of the feature or site to provide additional understanding of the geological or biotic history;</u> (i) <u>the state of preservation of the feature or site;</u> (j) <u>the extent to which a feature or site is associated with an historically important natural event, geologically related industry, or involved in earth science research;</u> (k) <u>the importance of the feature or site to Mana Whenua.</u>
FS/198.18	Bathurst Resources Limited and BT Mining Limited	Oppose
FS/345.110	Genesis Energy Limited	Oppose

FSI012.2	Auckland Volcanic Cones Society	Support
FSI342.4	Federated Farmers of New Zealand	Oppose
FSI293.4	Department of Conservation	Support
FSI062.1	Andrew & Christine Gore	Support
FSI223.182	Mercury NZ Limited	Oppose
FSI223.153	Mercury NZ Limited	Support
81.105	Waikato Regional Council	Amend Section 3.3 Outstanding Natural Features and Landscapes, to require that adverse effects of activities on the values and characteristics of Outstanding Natural Feature Landscapes are avoided in the coastal environment.
FSI223.150	Mercury NZ Limited	Support
81.106	Waikato Regional Council	Amend Section 3.3 Outstanding Natural Features and Landscapes, to ensure that for areas outside of the coastal environment, the hierarchy set out in Implementation Method 12.1.1(a)(ii) of the WRPS is reflected i.e. avoid adverse effects, where avoidance is not possible remedy or mitigate.
FSI223.151	Mercury NZ Limited	Support
81.107	Waikato Regional Council	Amend Section 3.3 Outstanding Natural Features and Landscapes, to address cumulative adverse effects.
FSI223.152	Mercury NZ Limited	Support
575.3	Fulton Hogan Limited	Retain Objective 3.3.1 Outstanding Natural Features and Landscapes, except for the amendments sought below: AND Amend Objective 3.3.1 Outstanding Natural Features and Landscapes, as follows (or words to similar effect): (a) Outstanding Natural Features and Outstanding Natural Landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development <u>excluding any legally established mineral or aggregate extraction activities</u> AND Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.
FSI332.24	Winstone Aggregates	Support
942.12	Tainui o Tainui	Amend Policy 3.3.2(a)(i) Recognising values and qualities, to recognise and “protect” the attributes of ridgelines.
FSI258.44	Meridian Energy Limited	Oppose
FSI377.301	Havelock Village Limited	Oppose
780.21	Whaingaroa Environmental Defence Incorporated Society	Add policies and rules to protect ridgelines from development AND

		Amend Policy 3.3.2(a)(i) to not just recognise but to protect.
FSI342.213	Federated Farmers of New Zealand	Oppose
FSI377.275	Havelock Village Limited	Oppose
FSI340.143	Ta Ta Valley Limited	Oppose
FSI258.32	Meridian Energy Limited	Oppose
825.21	John Lawson	Add policies and rules to protect ridgelines from development AND Amend Policy 3.3.2(a)(i) to not just recognise but to protect.
FSI342.231	Federated Farmers of New Zealand	Oppose
FSI208.13	Rangitahi Limited	Oppose
FSI258.33	Meridian Energy Limited	Oppose
81.189	Waikato Regional Council	Add to Policy 3.3.2(b) an additional bullet point recognising the flood protection and flood water attenuation properties of the features – for example: <u>(vii) existing water reservoirs and dams</u>
FSI045.10	Auckland Waikato Fish and Game Council	Oppose
FSI223.148	Mercury NZ Limited	Support
559.40	Heritage New Zealand Lower Northern Office	Retain Policy 3.3.2(a)(iv), (b)(iv) and (c)(iv) Recognising values and qualities
580.22	Meridian Energy Limited	Retain Policy 3.3.2 Recognising values and qualities
575.10	Fulton Hogan Limited	Retain Policy 3.3.2 Recognising values and qualities, provided that the Significant Natural Areas, Outstanding Natural Features and Outstanding Natural Landscapes are removed as sought elsewhere in the submission.
FSI019.1	Ngaruawahia Action Group	Oppose
644.12	Spark New Zealand Trading Limited	Retain Policy 3.3.2 Recognising values and qualities, as notified.
553.6	Malibu Hamilton	Add a new clause (iv) to Policy 3.3.2 Recognising values and qualities, as follows: ... <u>(iv) The Whaanga Coastline</u>
648.12	Chorus New Zealand Limited	Retain Policy 3.3.2 Recognising values and qualities, as notified.
986.9	KiwiRail Holdings Limited	Add a new clause (vii) to Policy 3.3.2(b) Recognising values and qualities (or similar amendments to achieve the requested relief): (b) Recognise the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape identified as Outstanding Natural Features, including: ...

		<p><u>(vii)existing infrastructure, including land transport networks</u></p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
<i>FSI 176.287</i>	<i>Watercare Services Limited</i>	<i>Support</i>
433.40	Auckland Waikato Fish and Game Council	<p>Retain Policy 3.3.2 Recognising values and qualities, except for the amendment sought below</p> <p>AND</p> <p>Amend Policy 3.3.2(b) Recognising values and qualities, as follows:</p> <p>(b) Recognise the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape identified as Outstanding Natural Features, including:</p> <ul style="list-style-type: none"> (i) natural geomorphology, and hydrological processes, <u>biodiversity and ecological processes;</u> (ii) significant habitat values; (iii) significant indigenous vegetation; (iv) cultural heritage values associated with these areas; (v) recreational use of these areas <u>including but not limited to walking, fishing, bird watching, game bird hunting and boating;</u> (vi) existing pastoral farming activities on the margins of these areas. <p>AND/OR</p> <p>Any alternative relief to address the issues and concerns raised in the submission.</p>
<i>FSI 330.41</i>	<i>Middlemiss Farm Holdings Limited</i>	<i>Support</i>
680.39	Federated Farmers of New Zealand	<p>Amend Policy 3.3.2 (a) Recognising values and qualities, as follows:</p> <ul style="list-style-type: none"> (a) ...(vi) existing water reservoirs and dams; (e) (vii)existing pastoral farming activities on the margins of these areas (b) ... (vi)existing pastoral farming activities on the margins of these areas (c) ... (v)existing pastoral farming activities on the margins of these areas <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>
<i>FSI 223.186</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
646.12	Vodafone New Zealand	Retain Policy 3.3.2 Recognising values and qualities, as notified.
575.11	Fulton Hogan Limited	Retain Policy 3.3.3 Protection from inappropriate subdivision, use and development, provided that the Significant Natural Areas, Outstanding Natural Features and Outstanding Natural Landscapes are removed as sought elsewhere in the submission.

<i>FSI 027.3 and FSI 027.4</i>	<i>Ngaruawahia Action Group Incorporated</i>	<i>Oppose</i>
580.23	Meridian Energy Limited	<p>Retain Policy 3.3.3 Protection from inappropriate subdivision, use and development, except for the amendment sought below</p> <p>AND</p> <p>Amend Policy 3.3.3(a)(i) Protection from inappropriate subdivision, use and development, as follows:</p> <p>(i) requiring buildings and structures to be integrated into the Outstanding Natural Landscape or feature <u>to the extent reasonably practicable</u> to minimise any visual impacts</p> <p>AND</p> <p>Amend the Proposed District Plan as necessary to address the matters raised in the submission.</p>
<i>FSI 223.112</i>	<i>Mercury NZ Limited</i>	<i>Support</i>
<i>FSI 342.146</i>	<i>Federated Farmers of New Zealand</i>	<i>Support</i>
680.40	Federated Farmers of New Zealand	<p>Amend Policy 3.3.3 Protection from inappropriate subdivision, use and development, as follows:</p> <p>(a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:</p> <p>(i) requiring <u>new</u> buildings and structures to be integrated into the Outstanding Natural Landscape or feature to minimise any visual impacts;</p> <p>(ii) managing the adverse effects of <u>new</u> building platforms, buildings, driveways and roads through appropriate subdivision design;</p> <p>(iii) requiring subdivision and development to retain views of Outstanding Natural Landscapes and features from public places; and</p> <p>(iv) avoiding the adverse effects of extractive industries and <u>inappropriate</u> earthworks.</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>
<i>FI 223.187</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
395.1	Ministry of Business, Innovation and Employment for New Zealand Petroleum and Minerals	<p>Amend Policy 3.3.3(a)(iv) Protection from inappropriate subdivision, use and development, as follows (or similar wording):</p> <p>(iv) <u>Avoiding, remedying, mitigating, offsetting or compensating</u> the adverse effects of extractive industries and earthworks</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential or similar amendments as necessary to</p>

		address the matters in the submission.
FSI 198.19	Bathurst Resources and BT Mining Limited	Support
FSI 377.83	Havelock Village Limited	Support
FSI 334.33	Fulton Hogan Limited	Support
646.13	Vodafone New Zealand Limited	Retain Policy 3.3.3 Protection from inappropriate subdivision, use and development, as notified.
644.13	Spark New Zealand Trading Limited	Retain Policy 3.3.3 Protection from inappropriate subdivision, use and development, as notified.
648.13	Chorus New Zealand Limited	Retain Policy 3.3.3 Protection from inappropriate subdivision, use and development, as notified.
646.44	Vodafone New Zealand	Retain Policy 3.3.4 The relationships of Maaori with natural resources and land, as notified.
575.12	Fulton Hogan Limited	Retain Policy 3.3.4 The relationships of Maaori with natural resources and land, provided that the Significant Natural Areas, Outstanding Natural Features and Outstanding Natural Landscapes are removed as sought elsewhere in the submission.
648.45	Chorus New Zealand Limited	Retain Policy 3.3.4 The relationships of Maaori with natural resources and land, as notified.
680.41	Federated Farmers of New Zealand	Retain Policy 3.3.4 The relationships of Maaori with natural resources and land, as notified.
644.43	Spark New Zealand Trading Limited	Retain Policy 3.3.4 The relationships of Maaori with natural resources and land, as notified.
8.4	Geoscience Society of New Zealand	Add more policies and rules to protect Outstanding Natural Features and provide for the potential identification of others.
FSI 345.109	Genesis Energy Limited	Oppose
FSI 1012.1	Auckland Volcanic Cones Society	Support
FSI 223.181	Mercury NZ Limited	Oppose
FSI 342.3	Federated Farmers of New Zealand	Oppose
FSI 293.3	Department of Conservation	Support

5.2.3 Analysis

Section 3.3 Outstanding Natural Features and Landscapes

128. Mercer Residents and Ratepayers Committee [367.46] supports the whole of Section 3.3. I recommend that this submission be accepted in part as a result of my responses to other submissions relating to this section.
129. The three noted telecommunication companies, Federated Farmers [680.38], Transpower New Zealand Ltd [576.7] and Waikato Regional Council [81.104] support Objective 3.3.1. I consider that the objectives and policies for ONF/ONL give effect to Objective 3.20 and Policy 12.1 in the WRPS, and recommend that these supportive submissions be accepted.

130. Fulton Hogan [575.3] requests that Objective 3.3.1 be amended by adding the following underlined text (or similar):
- (a) *Outstanding Natural Features and Outstanding Natural Landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development excluding any legally established mineral or aggregate extraction activities.*
131. This requested amendment is unnecessary, as this objective is future-focused rather than retrospective. Quarries within the district are legally established either by virtue of existing use rights or resource consent. In my opinion, this amendment would risk the expansion of quarries into ONF and ONL that are nationally important as a section 6(b) matter, thus constituting a use that is potentially inappropriate. Furthermore, this amendment would directly conflict with Policy 3.3.3 (iv) which requires the avoidance of adverse effects on ONF/ONL by extractive industries and earthworks. If any quarry proposed an expansion into such outstanding areas, this would require a rigorous resource consent process. For this reason, I recommend rejection of Fulton Hogan's request.
132. Fulton Hogan's submission does, however, highlight a potential tension in the WRPS between recognising the importance of mineral extractions and the directives to 'protect' ONF/ONL in Objective 3.20 and Policy 12.1, and 'avoid' in Implementation Method 12.1.1(a)(i) and (ii), unless the site is outside of the coastal environment, in which case remedying or mitigating are the defaults if avoidance is not possible.
133. Mr Ian McNally [368.3] requests amendments to Section 3.3 to ensure that the limitations for development only apply to an identified ONF/ONL. This is not necessary in my view, as these limitations apply when the rules are linked to any ONF/ONL identified on the planning maps. The Chapter 13 definitions for ONF/ONL also refer to the identification of these particular features/landscapes on the planning maps. Section 3.3 provides the objective and policy framework for the assessment of resource consent applications. I therefore recommend rejection of this submission.
134. Waikato Regional Council (WRC) [81.105 to 107] requests three amendments to Section 3.3. Their first request is for the adverse effects of activities on the values and characteristics of any ONF/ ONL to be avoided in the coastal environment. In my view, this directive is already contained in Objective 3.3.1 and Policy 3.3.3, which require the protection of ONF/ONL on sites inside or outside the coastal environment.
135. Secondly, WRC requests that Section 3.3 addresses cumulative adverse effects. I do not consider this is necessary, as section 104(1)(a) in the RMA already requires an assessment of any actual and potential effects with any resource consent application and a determination as to whether any adverse effects have accumulated to such a point that they cannot be avoided, remedied or mitigated. In defining 'effect', section 3(d) of the RMA captures any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect. For this reason, I recommend rejection of this request.
136. Thirdly, WRC requests that Section 3.3 be amended to reflect the hierarchy in Implementation Method 12.1.1(a)(ii) such that, for activities outside of the coastal environment, the avoidance of adverse effects takes priority, followed by remediation or mitigation. I consider that there is merit in this request. This is because clear policy guidance is given to avoid adverse effects on any ONF/ONL in the coastal environment, although this guidance appears to be lacking for areas outside of the coastal environment.
137. In order to address this gap, I recommend that Policy 3.3.3 be amended as shown in red underline/strikeout in Attachment 2 and below:

3.3.3 Policy – Protection from inappropriate subdivision, use and development

(a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:

~~(i)~~ for areas outside of the coastal environment, avoiding adverse effects of activities on the values and characteristics of Outstanding Natural Features and Outstanding Natural Landscapes and, if avoidance is not possible, remedy or mitigate the adverse effects.

~~(ii)~~ requiring buildings and structures to be integrated into the Outstanding Natural Landscape or feature to minimise any visual impacts;

~~(iii)~~ managing the adverse effects of building platforms, driveways and roads through appropriate subdivision design;

~~(iv)~~ requiring subdivision and development to retain views of Outstanding Natural Landscapes and features from public places; and

~~(v)~~ Despite clause (a)(i) above, avoiding adverse effects of extractive industries and earthworks.

138. The Geoscience Society of New Zealand [8.5] requests the addition of assessment criteria in Section 3.3 to assist with the identification of an ONF, similar to the approach taken by the Auckland Unitary Plan and Northland Regional Plan. Additional policies and rules for geopreservation sites are also requested, although no specific wording has been provided.
139. I am unclear as to the value of adding these criteria to the PWDP if they are already contained in the WRPS. In addition, the scheduling of a new site in the PWDP would require a plan change or variation, and Section 3.3 would appear not to apply anyway because it refers to ONF that are 'identified', and the definition for an ONF also refers to a mapped area.
140. Schedule 5B geopreservation sites in the operative Franklin Section are described, but they are not shown on the planning maps. The Geoscience Society of NZ has requested that these ONF be carried over into the PWDP.
141. Some geopreservation sites listed in the submission from the Geoscience Society have been identified and mapped as ONF in the notified PWDP, these being the Waikato River delta, Bridal Veil Falls and the dune field at Aotea Harbour. Some of their listed sites have been mapped as SAL in the notified PWDP, one example being the Pukekawa Scoria Cone.
142. Attachment 3 to this hearing report contains Boffa Miskell's full technical response in relation to all of the sites listed in this submission.
143. In my opinion, for other geopreservation sites not identified in the PWDP to be of real value in a statutory sense, they need to be accurately mapped so that there is certainty as to their extent and therefore the application of rules with an objective and policy framework. This is particularly relevant in the case of some geopreservation sites (such as volcanic tuff rings) that are no longer completely intact.
144. I consider that focused engagement with landowners is a necessary prerequisite for this map identification, as they would be the most affected by this process. However, this also raises a more general question as to whether geopreservation sites should be scheduled in the PWDP for their geoscience value if they do not attain 'outstanding' status in terms of section 6(b) of the RMA.

145. Other submissions, such as those from the Auckland Volcanic Cones Society, request the scheduling of specific geological features not included in the notified PWDP. This submitter may find some relief if the hearings panel agrees to those additions, but my overall conclusion is that their request should be rejected, as it could subjugate the RMA expectation of public participation in the development of a district plan. As noted above, no mapping details have been provided for these sites, therefore I am concerned that this may jeopardise the position of some landowners, some of whom may wish to engage their own geoscience expert to challenge any mapping exercise.
146. Genesis and Federated Farmers are further submitters who raise this same concern in respect to the identification of additional geopreservation sites on the planning maps when there has been no direct landowner involvement. They therefore consider that this identification does not result in certainty of outcome for those landowners. I consider that these concerns are valid.

Policy 3.3.2 – Recognising values and qualities

147. Policy 3.3.2 is supported by Heritage New Zealand [559.40], Meridian Energy [580.22] and the three noted telecommunication companies. I consider that Policy 3.3.2 is an appropriate way of achieving Objective 3.3.1 and it gives effect to Objective 3.20 and Policy 12.1 in the WRPS. I therefore recommend that these supportive submissions be accepted in part due to my responses to other submissions.
148. Submissions from Tainui o Tainui [942.12], Whaingaroa Environmental Defence Inc. Society [780.21] and John Lawson [825.21] request that Policy 3.3.2(a)(i) be amended so that ridgelines are protected (as well as recognised). Policy 3.3.2 only applies to ridgelines that are specifically identified as part of an ONF/ONL, and protection of these is already afforded by Objective 3.3.1.
149. If the submitters intended to mean ridgelines that are not part of an ONF/ONL, the protection of these in a statutory sense is also not supported. I do not consider that it would be reasonable for all ridgelines within the district to be treated as ‘outstanding’, even if they are not identified as an ONF/ONL. There are many situations where ridgelines not part of an ONF/ONL can be developed as a permitted activity, as the effects on the environment are expected and manageable without triggering an enormous number of, and potentially costly, resource consent processes. For these reasons, I recommend rejection of these submission points.
150. WRC [81.189] requests that ‘existing water reservoirs and dams’ be added to the list of attributes in Policy 3.3.2(b) to recognise the flood protection and water attenuation afforded by such man-made features in respect to the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape.
151. I note that ‘existing water reservoirs and dams’ are listed in Policy 3.3.2(a)(i) in respect to an ONF/ONL located in the district’s mountains, bush clad ranges and hill country. However, it is unclear which water reservoirs and dams exist in respect to an identified ONF/ONL at these other locations listed in Policy 3.3.2(b), and what this would add to the policy. The further submission from Auckland Waikato Fish and Game Council (AWFGC) raises concern that the requested amendment would give flood schemes primacy over other relevant considerations.
152. KiwiRail [986.9] has made a similar request in respect to amending Policy 3.3.2(b) so that ‘existing infrastructure, including land transport networks’ is added to the list of attributes. It

is unclear what land transport infrastructure already exists in respect to the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape.

- I 153. It would be helpful for WRC and KiwiRail to confirm these details at the hearing. Pending this confirmation, I provisionally recommend rejection of their submission points.
- I 154. Federated Farmers [680.39] requests deletion of the word 'existing' in respect to water reservoirs and dams that are part of an ONF/ONL identified in Policy 3.3.2(a). I do not support this deletion, on the basis that it could weaken the policy framework and dilute the test of adverse effects in any future resource consent application for new water reservoirs and dams in these locations.
- I 155. Malibu Hamilton [553.6] requests the addition of a new clause in Policy 3.3.2(a) so that specific reference is made to the Whaanga coastline. This policy specifically relates to an identified ONF/ONL within the district's mountains, bush clad ranges and hill country, as opposed to a more extensive coastline. In my view, the Whaanga coastline is already adequately managed through a combination of Policy 3.5.1(a) and the higher order NZCPS and WRPS that provide a sufficiently robust framework to ensure that effects from subdivision, use and development along the Whaanga coastline are not inappropriate. For this reason, I consider that amending Policy 3.3.2(a) in this way is neither appropriate nor necessary. The purpose of this policy is to identify the attributes of an ONF/ONL rather than singling out a geographic area.
- I 156. Fulton Hogan [575.10 and 11] supports Policies 3.3.2 and 3.3.3, conditional on the removal of ONF/ONL annotations over land that they currently quarry or where future expansions of their operations might occur, as sought by their other submission points. This is a separate mapping matter addressed in Part C of this report and which has no bearing on the statutory objective and policy framework.
- I 157. AWFGC [433.40] request various amendments to Policy 3.3.2(b). These include, firstly, adding references to biodiversity and ecology. I support these references, as they are important ONF/ONL values that sit alongside, and are reliant upon, natural geomorphology and hydrological processes.
- I 158. AWFGC's second request involves providing a non-exhaustive list of recreational uses in clause (b). In my opinion, the meaning of recreational use is self-explanatory without having to list examples.
- I 159. Lastly, AWFGC requests removal of clause (b)(vi) which refers to existing pastoral farming activities on the margins of any ONF/ONL listed in Policy 3.3.2(b). I agree that retaining this reference incorrectly elevates the importance of pastoral farming located adjacent to and outside an ONF/ONL so that it has equal importance with the ONF/ONL itself. Policy 3.3.2 is specific to the attributes of the listed ONF/ONL, therefore I consider it inappropriate to elevate the status of any activity through a policy, simply because it is adjacent an ONF/ONL. I recommend rejection of the submission from Federated Farmers [680.39] for the same reason. For consistency, I recommend deletion of all references to existing pastoral farming activities in clauses (a)(vii), (b)(vi) and (c)(v) in Policy 3.3.2.

Policy 3.3.3 Protection from inappropriate subdivision, use and development

- I 160. All four noted telecommunication companies support Policy 3.3.3 as notified, although other submitters request amendments. I consider that this policy is an appropriate way of achieving Objective 3.3.1 and it gives effect to Objective 3.20 and Policy 12.1 of the WRPS.

161. Meridian Energy [580.23] requests that Policy 3.3.3(a)(i) be amended to require buildings and structures to be integrated into an ONF/ONL 'to the extent reasonably practical' to minimise visual impacts. I consider that it is inappropriate to add this quoted phrase as it is subjective. Unless built developments are integrated with an ONF/ONL, they risk generating adverse visual effects that are more than minor, yet they could be enabled through a 'softened' policy such as that requested here.
162. Federated Farmers [680.40] requests that Policy 3.3.3(a) be amended to refer to 'new' developments. I do not consider this necessary, as any district plan policy is future-focused rather than retrospective. Their request to add the word 'inappropriate' in clause (a)(c)(iv) is also not supported, as Policy 3.3.3 already addresses 'inappropriate' subdivision, use and development.
163. The Ministry of Business, Innovation & Employment for NZ Petroleum and Minerals [395.1] requests an amendment to Policy 3.3.3(a)(iv) so that the adverse effects of extractive industries and earthworks may be remedied, mitigated, offset or compensated, in addition to being avoided. I do not support these additions to a policy framework. While the onus is on a resource consent applicant to demonstrate that an extractive industry and earthworks will protect the attributes of an ONF/ONL, I have reservations about accepting that any remediation, mitigation, offsetting or compensation works would result in the protection (i.e. status quo) of the existing attributes of an ONF/ONL.

Policy 3.3.4 The relationships of Maaori with natural resources and land

164. All submissions received in respect to Policy 3.3.4 are in support. However, Fulton Hogan's support is conditional on the removal of ONF/ONL annotations over land that they currently quarry or where future expansions of their operations might occur, as sought by their other submission points. Again, this is a separate mapping matter addressed in Part C of this report, and which has no bearing on the statutory objective and policy framework.

5.2.4 Recommendations

165. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Mercer Residents and Ratepayers Committee [367.46] to the extent of the amendments shown in Attachment 2
 - (b) **Accept** the submissions from Vodafone New Zealand Limited [646.11] and Chorus New Zealand Limited [648.11]
 - (c) **Accept** the submission from Federated Farmers of New Zealand Limited [680.38]
 - (d) **Reject** the further submission from *Mercury NZ Limited* [FS1223.185]
 - (e) **Accept** the submissions from Spark NZ Trading Limited [644.11], Transpower New Zealand Limited [576.7] and Waikato Regional Council [81.104]
 - (f) **Reject** the submission from Ian McAlley [368.3] and further submission from *Genesis Energy Limited* [FS1345.111]
 - (g) **Accept** the further submission from *Mercury NZ Limited* [FS1386.558]
 - (h) **Reject** the submission from the Geoscience Society of NZ Limited [8.5] and further submissions from the *Auckland Volcanic Cones Society* [FS1012.2], *Department of Conservation* [FS1293.4], *Andrew and Christine Gore* [FS1062.1] and *Mercury NZ Limited* [FS1223.153]
 - (i) **Accept** the further submissions from *Bathurst Resources and BT Mining Limited* [FS1198.18], *Genesis Energy Limited* [FS1345.110], *Federated Farmers of NZ Limited* [FS1342.4] and *Mercury NZ Limited* [FS1223.182]

- (j) **Accept in part** the submission from Waikato Regional Council [81.105] and further submission from *Mercury NZ Limited* [FS1223.150] to the extent of the amendments shown in Attachment 2
- (k) **Accept in part** the submission from Waikato Regional Council [81.106] and further submission from *Mercury NZ Limited* [FS1223.151] to the extent of the amendments shown in Attachment 2
- (l) **Reject** the submission from Waikato Regional Council [81.107] and the further submission from *Mercury NZ Limited* [FS1223.152]
- (m) **Reject** the submission from Fulton Hogan Limited [575.3] and further submission from *Winstone Aggregates* [FS1332.24]
- (n) **Reject** the submission from *Tainui o Tainui* [942.12]
- (o) **Accept** the further submissions from *Meridian Energy Limited* [FS1258.44] and *Havelock Village Limited* [FS1377.301]
- (p) **Reject** the submission from Whaingaroa Environmental Defence Inc. Society [780.21]
- (q) **Accept** the further submissions from *Federated Farmers of NZ* [FS1342.213], *Havelock Village Limited* [FS1377.275], *Ta Ta Valley Limited* [FS1340.143] and *Meridian Energy Limited* [FS1258.32]
- (r) **Reject** the submission from John Lawson [825.21]
- (s) **Accept** the further submissions from *Federated Farmers of NZ* [FS1342.231], *Rangitahi Limited* [FS1208.13] and *Meridian Energy Limited* [FS1258.33]
- (t) **Reject** the submission from Waikato Regional Council [81.189] and further submission from *Mercury Energy Limited* [FS1223.148]
- (u) **Accept** the further submission from *Auckland Waikato Fish and Game Council* [FS1045.10]
- (v) **Accept** the submission from Heritage New Zealand Lower Northern Office [559.40]
- (w) **Accept** the submission from *Meridian Energy Limited* [580.22]
- (x) **Accept** the submission from Fulton Hogan Limited [575.10]
- (y) **Reject** the further submission from *Ngaruawahia Action Group* [FS1019.1]
- (z) **Accept** the submission from Spark NZ Trading Limited [644.12]
- (aa) **Reject** the submission from Malibu Hamilton [553.6]
- (bb) **Accept** the submission from Chorus NZ Limited [648.12]
- (cc) **Reject** the submission from KiwiRail Holdings Limited [986.9] and further submission from *Watercare Services Limited* [FS1176.287]
- (dd) **Accept in part** the submission from Auckland Waikato Fish and Game Council [433.40] and further submission from *Middlemiss Farm Holdings Limited* [FS1330.41] to the extent of the amendments shown in Attachment 2
- (ee) **Reject** the submission from Federated Farmers of NZ [680.39]
- (ff) **Accept** the further submission from *Mercury NZ Limited* [FS1223.186]
- (gg) **Accept** the submission from Vodafone NZ [646.12]
- (hh) **Accept** the submission from Fulton Hogan Limited [575.11]
- (ii) **Reject** the further submissions from *Ngaruawahia Action Group* [FS1027.3 and FS1027.4]
- (ji) **Reject** the submission from *Meridian Energy Limited* [580.23] and further submissions from *Mercury Energy Limited* [FS1223.112] and *Federated Farmers of NZ* [FS1342.146]

- (kk) **Reject** the submission from Federated Farmers of NZ [680.40]
- (ll) **Accept** the further submission from *Mercury NZ Limited* [FS1223.187]
- (mm) **Reject** the submission from the Ministry of Business, Innovation and Employment for NZ Petroleum and Minerals [395.1] and further submissions from *Bathurst Resources and BT Mining* [FS1198.19], *Havelock Village Limited* [FS1377.83] and *Fulton Hogan Limited* [FS1334.33]
- (nn) **Accept** the submissions from Vodafone NZ Limited [646.13 and 646.44], Spark NZ Trading Limited [644.13 and 644.43], Chorus NZ Limited [648.13 and 648.45], Fulton Hogan Limited [575.12] and Federated Farmers of NZ [680.41]
- (oo) **Reject** the submission from the Geoscience Society of NZ [8.4]
- (pp) **Accept** the further submission from *Genesis Energy Limited* [FS1345.109]
- (qq) **Reject** the further submission from *Auckland Volcanic Cone Society* [FS1012.1]
- (rr) **Accept** the further submission from *Mercury Energy Limited* [FS1223.181]
- (ss) **Accept** the further submission from *Federated Farmers of NZ* [FS1342.3]
- (tt) **Reject** the further submission from the *Department of Conservation* [FS1293.3].

5.2.5 Recommended amendments

3.3.2 Policy – Recognising values and qualities

- (a) Recognise the attributes of the district's mountains, bush clad ranges and hill country identified as Outstanding Natural Features and Outstanding Natural Landscapes including:
 - (i) ridgelines and valleys;
 - (ii) significant ecological values;
 - (iii) indigenous bush and the extent of this bush cover;
 - (iv) cultural heritage values associated with these areas;
 - (v) recreational attributes including walking and access tracks;
 - (vi) existing water reservoirs and dams;
 - ~~(vii) existing pastoral farming activities on the margins of these areas. —~~
- (b) Recognise the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape identified as Outstanding Natural Features, including:
 - (i) natural geomorphology ~~and~~ hydrological processes; biodiversity and ecology;
 - (ii) significant habitat values;
 - (iii) significant indigenous vegetation;
 - (iv) cultural heritage values associated with these areas;
 - (v) recreational use of these areas; and
 - ~~(vi) existing pastoral farming activities on the margins of these areas.~~
- (c) Recognise the attributes of the west coast dunes identified as outstanding natural features, including:
 - (i) natural geomorphology, patterns and processes;
 - (ii) significant habitat values;
 - (iii) significant indigenous vegetation;

(iv) cultural heritage values associated with these areas; and

~~(v) existing pastoral farming activities on the margins of these areas.~~

3.3.3 Policy – Protection from inappropriate subdivision, use and development

(a) Ensure that the attributes of identified Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development by:

~~(i)~~ for areas outside of the coastal environment, avoiding adverse effects of activities on the values and characteristics of Outstanding Natural Features and Outstanding Natural Landscapes and, if avoidance is not possible, remedy or mitigate the adverse effects.

~~(i)~~ (ii) requiring buildings and structures to be integrated into the Outstanding Natural Landscape or feature to minimise any visual impacts;

~~(ii)~~ (iii) managing the adverse effects of building platforms, driveways and roads through appropriate subdivision design;

~~(iii)~~ (iv) requiring subdivision and development to retain views of Outstanding Natural Landscapes and features from public places; and

~~(iv)~~ (v) despite clause (a)(i) above, avoiding adverse effects of extractive industries and earthworks.

5.2.6 Section 32AA Evaluation

166. In my opinion, the recommended amendments to Policy 3.3.2 are more appropriate ways to achieve Objective 3.3.1 than the notified version. This is because listing existing pastoral farming activities on the ONF/ONL margins as an attribute inadvertently elevates these areas outside the mapped ONF/ONL to an ‘outstanding’ status, when the attributes actually relate to the mapped ONF/ONL. This has the potential to result in difficulties in policy interpretation and costly resource consent requirements for new farming developments outside of these identified landscapes, which is not effective or efficient in achieving Objective 3.3.1.
167. In my opinion, adding ‘biodiversity and ecology’ to Policy 3.3.2(b)(i) is a more complete reflection of the attributes of the Waikato River delta and wetlands, Whangamarino Wetland and Lake Whangape, and the resulting policy would enable resource consents to be processed in a more cost-effective manner due to a better understanding of which attributes need to be recognised and protected. This is a more effective and efficient way of achieving Objective 3.3.1.
168. In my opinion, the amended Policy 3.3.3 is more appropriate than the notified version. This is because it reflects the hierarchy in Implementation Method 12.1.1(a)(ii) of the WRPS such that, for activities outside of the coastal environment, the avoidance of adverse effects takes priority, followed by remediation or mitigation. This provides clear policy guidance for processing resource consent applications involving areas outside of the coastal environment in a more efficient and cost-effective manner, and is therefore a more appropriate way of achieving Objective 3.3.1.
169. I consider there are more risks in not acting (i.e. leaving the notified version unchanged) because of the potential for misinterpretation of policy and costly resource requirements. Making a decision to accept the recommended amendments would reduce these risks, as these are more appropriate ways of achieving Objective 3.3.1.

5.2 Section 3.4 Significant Amenity Landscapes

5.2.7 Introduction

170. Section 3.4 contains the following objective and four policies that address Significant Amenity Landscapes:

3.4.1 Objective – Significant amenity landscapes

- (a) *The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.*

3.4.2 Policy – Recognising Significant Amenity Landscapes

- (a) *Recognise the attributes which contribute to identified Significant Amenity Landscapes.*

3.4.3 Policy – Maintaining and enhancing Significant Amenity Landscapes

- (a) *Maintain and enhance identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:*
- (i) *requiring buildings and structures to be integrated into the Significant Amenity Landscape to minimise any visual impacts;*
 - (ii) *managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design;*
 - (iii) *providing for the continuation of farming activities within hill country landscapes and volcanic features;*
 - (iv) *managing the adverse effects of earthworks; and*
 - (v) *promoting and encouraging maintenance and enhancement of their attributes.*

3.4.4 Policy – The relationships of Maaori with their resources and land

- (a) *Provide for the cultural and spiritual relationship of Maaori with Significant Amenity Landscapes during subdivision, use and development.*
- (b) *Provide for the development of Maaori Freehold Land within Significant Amenity Landscapes.*
- (c) *Provide for Maaori cultural and customary uses of natural resources, including land, water and other natural resources as an integral part of identified Significant Amenity Landscapes.*

5.2.8 5.2.2 Submissions

171. The 28 original submissions listed in the following table:

- (a) support Section 3.4
- (b) oppose Section 3.4
- (c) request an amendment to the approach for SAL to signal that Council will purchase these areas, promote their recognition, fund fencing, reward affected landowners and develop programmes for their future care
- (d) specifically support Objective 3.4.1
- (e) request amendments to Objective 3.4.1 that:
 - (i) apply development limitations only when SAL are identified on planning maps
 - (ii) invoke this objective only for SAL identified over public land
- (f) specifically support Policy 3.4.2
- (g) request amendments to Policy 3.4.2 that:

- (i) signal that this policy will be implemented by the relevant zone rules
- (ii) refer to the maintenance or, 'where appropriate', the enhancement of SAL attributes
- (iii) remove the requirement for buildings and structures to be integrated into SAL to minimise their visual impact
- (iv) recognise and provide for rural production activities
- (v) remove the requirement to manage adverse effects from earthworks
- (vi) promote and encourage the maintenance and enhancement of SAL attributes
- (vii) note that Chapter 22 does not contain SAL rules, but that this policy will be used to assess resource consent applications for discretionary and non-complying activities
- (viii) exclude 'support structures'
- (ix) recognise historic farming and forestry operations that continue today
- (x) elaborate on ways to provide for the relationship of Maaori with SAL
- (xi) specifically support Policy 3.4.4.

Submission Point	Submitter	Summary of Submission
328.4	Paula Dudley	Retain Section 3.4 Significant Amenity Landscapes
367.47	Mercer Residents and Ratepayers	Retain Section 3.4 Significant Amenity Landscapes
368.4	Ian McAlley	Amend Objective 3.4.1 (a) Significant Amenity Landscapes, to clearly identify that the objective only relates to specifically identified Significant Amenity Landscapes.
FS1386.559	Mercury NZ Limited	<i>Oppose</i>
FS1345.112	Genesis Energy Limited	<i>Support</i>
680.42	Federated Farmers of New Zealand	Add a new clause (b) to Objective 3.4.1 Significant Amenity Landscapes, as follows: (vi) <u>These areas will be identified and applied over public land only in recognition that zone specific rules are designed, in part, to manage adverse effects on amenity values created by private land use, where appropriate</u> AND Any consequential changes needed to give effect to this relief.
FS1139.42	Turangawaewae Trust Board	<i>Oppose</i>
FS1223.188	Mercury NZ Limited	<i>Oppose</i>
FS1108.51	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	<i>Oppose</i>
646.45	Vodafone New Zealand Limited	Retain Objective 3.4.1 Significant Amenity Landscapes, as notified.
648.46	Chorus New Zealand Limited	Retain Objective 3.4.1 Significant Amenity Landscapes, as notified.

644.44	Spark New Zealand Trading Limited	Retain Objective 3.4.1 Significant Amenity
575.4	Fulton Hogan Limited	Retain Objective 3.4.1, provided that the Significant Natural Areas, Outstanding Natural Features and Outstanding Natural Landscapes are removed as sought elsewhere in the submission.
680.43	Federated Farmers of New Zealand	<p>Amend Policy 3.4.2 (a) Recognising Significant Amenity Landscapes, as follows:</p> <p>(a) Recognise the attributes which contribute to identified Significant Amenity Landscapes</p> <p><u>(i) This policy will be implemented by the relevant zone rules which control effects of land use relative to the zone.</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>
<i>FS1223.189</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
644.45	Spark New Zealand Trading Limited	Retain Policy 3.4.2 Recognising Significant Amenity Landscapes, as notified.
648.47	Chorus New Zealand Limited	Retain Policy 3.4.2 Recognising Significant Amenity Landscapes, as notified.
646.46	Vodafone New Zealand Limited	Retain Policy 3.4.2 Recognising Significant Amenity Landscapes, as notified.
81.108	Waikato Regional Council	Retain objectives, policies, rules and maps for Significant Amenity Landscapes.
<i>FS1334.87</i>	<i>Fulton Hogan Limited</i>	<i>Support</i>
<i>FS1340.23</i>	<i>Ta Ta Valley Limited</i>	<i>Oppose</i>
701.8	Steven & Theresa Stark	Delete all objectives, policies, methods and rules relating to Significant Amenity Landscapes.
644.46	Spark New Zealand Trading Limited	Retain Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes, as notified.
646.47	Vodafone New Zealand Limited	Retain Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes, as notified.
648.48	Chorus New Zealand Limited	Retain Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes, as notified.
575.13	Fulton Hogan Limited	Retain Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes, provided that the Significant Amenity Landscape overlay is removed, as sought elsewhere in the submission.
680.44	Federated Farmers of New Zealand	<p>Amend Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes, as follows:</p> <p>Policy 3.4.3 Maintaining and <u>or where appropriate</u> enhancing <u>the attributes of</u> Significant Amenity Landscapes,</p> <p>(a) Maintain and, <u>where appropriate, enhance the attributes of</u> identified Significant Amenity Landscapes during subdivision, use or development, in particular by:</p> <p>(i) requiring buildings and structures to be integrated into the Significant Amenity</p>

		<p>Landscape to minimise any visual impacts;</p> <p>(ii) managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design;</p> <p>(iii) recognising and providing for the continuation development of rural production farming activities within hill country landscapes and volcanic features:</p> <p>(iv) managing the adverse effects of earthworks; and (v) <u>promoting and encouraging maintenance and enhancement of their attributes</u></p> <p><u>(b) Note: There are no rules relating specifically to Significant Amenity Landscapes in Chapter 22. However, where discretionary or non-complying activity resource consents are required under rules of this Plan, and where those activities are located within significant amenity landscapes, the proposed activities will be assessed in terms of their consistency with this policy.</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p>
FS1108.52	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1139.43	Turangawaewae Trust Board	Oppose
FS1223.190	Mercury NZ Limited	Oppose
836.33	Powerco	<p>Amend Policy 3.4.3(a)(i) Maintaining and enhancing Significant Amenity Landscapes as follows:</p> <p>(i) requiring buildings and structures (<u>excluding support structures</u>) to be integrated into the Significant Amenity Landscape to minimise any visual impacts</p> <p>OR</p> <p>Add an introduction to Chapter 6 Infrastructure to clearly state that these objectives and policies supersede underlying zone and overlay objectives and policies.</p>
731.11	Jean Tregidga	<p>Amend Policy 3.4.3(a) Maintaining and enhancing Significant Amenity Landscapes, by inserting an additional sub-clause (vi) as follows:</p> <p><u>(vi) recognising historic farming and forestry operations that continue today.</u></p>
FS1180.11	Jean Tregidga	Support
574.12	Ta Ta Valley Limited	<p>Amend Policy 3.4.4(a) The relationships of Maaori with their resources and land, if Significant Amenity Landscapes are retained in the Proposed District Plan, by elaborating on ways in which the relationship of Maaori with Significant Amenity Landscapes can be provided for</p> <p>AND</p> <p>Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>

FSI369.14	Ngati Tamaoho Trust	Oppose
FSI108.90	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.81	Turangawaewae Trust Board	Oppose
FSI301.54	New Zealand Health Food Park Limited	Support
FSI303.54	Charlie Harris	Support
648.49	Chorus New Zealand Limited	Retain Policy 3.4.4 The relationships of Maaori with their resources and land, as notified.
680.45	Federated Farmers of New Zealand	Retain Policy 3.4.4 The relationships of Maaori with their resources and land, as notified.
644.47	Spark New Zealand Trading Limited	Retain Policy 3.4.4 The relationships of Maaori with their resources and land, as notified.
559.42	Heritage New Zealand Lower Northern Office	Retain Policy 3.4.4 (a), (b) and (c) The relationships of Maaori with their resources and land, as notified.
646.48	Vodafone New Zealand Limited	Retain Policy 3.4.4 The relationships of Maaori with their resources and land, as notified.
261.3	Rita Carey	<p>Amend the approach to Significant Natural Areas and Significant Amenity Landscapes through the following:</p> <ul style="list-style-type: none"> • Council purchase the land; • Council to fund fencing; • Council to maintain those areas or promote acknowledgement of the areas; • Reward landowners for past care; • Create an incentive programme for future care; and • Initial capital outlay such as fences be at Council cost.

5.2.9 Analysis

Section 3.4 Significant Amenity Landscapes

172. Paula Dudley [328.4], Mercer Residents & Ratepayers Committee [367.47] and Waikato Regional Council [81.108] support the whole of Section 3.4. In addition, Waikato Regional Council seeks to retain the objectives, policies, rules and maps for Significant Amenity Landscapes.
173. Steven and Theresa Stark [701.8], however, request the deletion of all objectives, policies, methods and rules for a SAL, despite their property at 747 Rutherford Road, Ohinewai, being annotated with an ONF, rather than a SAL. They appear to express a general concern that any map annotations are placed over private property without proper engagement with landowners. The WDLS discusses that natural features and landscapes that do not rank as 'outstanding' can nonetheless be required to be 'maintained and enhanced' either as 'amenity values' of part of the wider 'environment' in terms of section 7(c) or 7(f) of the RMA. For this reason, I consider it important for the PWDP to retain SAL provisions.
174. I invite Mr and Mrs Stark to provide details at the hearing as to how any SAL provisions would affect them, but in the meantime recommend that their submission point be rejected.

Objective 3.4.1 Significant Amenity Landscapes

175. The three noted telecommunication companies support Objective 3.4.1.
176. Fulton Hogan Limited [575.4] also supports Objective 3.4.1, conditional on the removal of any SNA/ONF/ONL annotations over land that they currently quarry or where future expansions of their operations might occur, as sought by their other submission points. It would appear that they are also referring to the SAL annotation which is proposed in respect of their sand quarry at Friedlander Road, Tuakau. This is a separate mapping matter addressed in Part C of this report, and which has no bearing on the statutory objective and policy framework.
177. Ian McAlley [368.4] requests an amendment to Objective 3.4.1(a) so that this objective only relates to specifically defined SAL. I do not consider any amendment to be necessary in this regard, as the objective is already specific to 'identified' SAL. Furthermore, the definition of SAL refers to those areas that are identified on the planning maps.
178. Federated Farmers [680.42] request the addition of a new clause (b) in Objective 3.4.1 shown below:

3.4.1 Objective – Significant amenity landscapes

- (a) *The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.*
- (b) *These areas will be identified and applied over public land only in recognition that zone specific rules are designed, in part, to manage adverse effects on amenity values created by private land use, where appropriate.*
179. I do not support this request for clause (b) for two reasons. Firstly, this does not read as an objective which is to describe an outcome or end point, nor is the intention clear. Secondly, SAL map annotations are not limited to public land and it is not appropriate that they be limited to public land. Each SAL has been identified on its own merits based on expert analysis from Boffa Miskell, and there should be no distinction based on land ownership.

Policy 6.4.2 Recognising Significant Amenity Landscapes

180. The three noted telecommunication companies support Policy 3.4.2. However, Federated Farmers [680.43] request the addition of a new clause (a)(i) in this policy, shown below:

3.4.2 Policy – Recognising Significant Amenity Landscapes

- (a) *Recognise the attributes which contribute to identified Significant Amenity Landscapes.*
- (i) *This policy will be implemented by the relevant zone rules which control effects of land use relative to the zone.*
181. I consider this requested clause (a)(i) to be unnecessary. Any development proposal will need to be considered in the context of the rules of the particular zone, and the Section 3.4 objectives and policies need to be addressed if a SAL is relevant to a resource consent application. There is no need to set out the legislative requirements for how rules implement policies.

Policy 3.4.3 Maintaining and enhancing Significant Amenity Landscapes

182. The three noted telecommunication companies support Policy 3.4.3.

183. Fulton Hogan [575.13] supports Policy 3.4.3, conditional on the removal of SNA/ONF/ONL annotations over land that they currently quarry or where future expansions of their operations might occur, as sought by their other submission points. As noted above, it would appear that they are also referring to the SAL annotation which is proposed in respect of their sand quarry at Friedlander Road, Tuakau. This is a separate mapping matter addressed in Part C of this report and which has no bearing on the statutory objective and policy framework.
184. Federated Farmers [680.44] request various amendments to Policy 3.4.3, shown below, which, they say, are contingent on the relief they seek in respect of Objective 3.4.1 and Policy 3.4.2:

3.4.3 Policy – Maintaining and enhancing Significant Amenity Landscapes

- (a) *Maintain ~~and~~ or where appropriate enhance the attributes of identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:*
- (i) ~~requiring buildings and structures to be integrated into the Significant Amenity Landscape to minimise any visual impacts;~~*
 - (ii) managing the adverse effects of building platforms, buildings, driveways and roads through appropriate subdivision design;*
 - (iii) Recognising and providing for the continuation development of rural production of farming activities within hill country landscapes and volcanic features;*
 - (iv) ~~managing the adverse effects of earthworks; and~~*
 - (v) promoting and encouraging maintenance and enhancement of their attributes.*
- (b) Note: There are no rules relating specifically to Significant Amenity Landscapes in Chapter 22. However, where discretionary or non-complying activity resource consents are required under rules of this Plan, where those activities are located within significant amenity landscapes, the proposed activities will be assessed in terms of their consistency with this policy.*

185. In summary, Federated Farmers consider that Policy 3.4.3 contains unnecessary duplications and that it also conflicts with the enabling approach of Policy 3.4.4, which specifically provides for the relationship of Maaori with their resources and land.
186. I disagree with most amendments sought. I consider that the requested words ‘where appropriate’ weakens the policy framework by introducing subjectivity and therefore uncertainty. However, I agree that adding a reference to the attributes of a SAL is appropriate, as this would result in consistency with the wording of Policy 3.4.2 as well as the policies that address ONF/ONL.
187. New buildings, structures and earthworks have the potential to compromise the attributes of any SAL, particularly as a result of their adverse visual effects, irrespective of whether they are related to farming or not. For this reason, I do not support any amendment to clauses (iii) or (iv).
188. However, I do consider that the actions of ‘promoting and encouraging’ in clause (v) are unnecessary and confusing, as the expectations are unclear and there are no rules that implement these actions. While I acknowledge that there is no specific submission on clause (v), my preference would be to delete it to make Policy 3.4.2 clear and concise.

189. I do not consider that Policy 3.4.3 should be amended to equate with the more enabling approach of Policy 3.4.4. The relationship of Māori with their resources and land is a section 6(e) matter of national importance which must be recognised and provided for. In my view, this is a separate matter from the level of stringency that needs to be reflected in Policy 3.4.3. Adverse (particularly visual) effects from any new building or structure have the potential to compromise the attributes of any SAL, and I consider that a resource consent process is appropriate to test those effects and the merits of specific proposals.
190. Federated Farmers has incorrectly stated that there are no rules in Chapter 22 for the Rural Zone that concern a SAL. For example, Rule 22.1.3 provides for intensive farming as a restricted discretionary activity, which may or may not involve buildings, if located outside of a SAL. Rule 22.2.3.4 also sets thresholds for earthworks that occur within an SAL.
191. Federated Farmers' request to add a note to Policy 3.4.3 is not supported. Advice notes do not have any statutory weight. However, their request does highlight what might be an inadvertent omission in respect to Rule 22.3.3 which manages buildings and structures in the Rural Zone if they locate in landscape and natural character areas. While Rule 22.3.3 lists ONF/ONL/NCA, it does not refer to a SAL. In my opinion, Rule 22.3.3 as notified is incongruent with Rule 22.1.3 and Rule 22.2.3.4, which are examples of rules that manage visual impact from development within any SAL.
192. Arguably, a building or structure within a SAL could result in adverse effects that are more significant than earthworks that are permitted in a SAL, provided they do not exceed the notified 500m² area and 500m³ volume thresholds. It would also appear that this is the reason for Rule 22.1.3 – specifying that intensive farming is a restricted discretionary activity, provided that it is located outside of a SAL.
193. If it is the intention of Rule 22.1.3 to manage the visual impact of buildings that house animals by requiring them to locate outside of a SAL, then it is my opinion that other large-scale buildings or structures that may generate similar adverse visual and landscape effects within a SAL should also be tested through a resource consent process. There are no submissions for this landscape hearing that address this possible anomaly, but I wish to highlight it for the panel's consideration.
194. Powerco [836.33] requests the following amendment to Policy 3.4.3(a)(i), shown below:

3.4.3 Policy – Maintaining and enhancing Significant Amenity Landscapes

(a) Maintain and enhance identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:

(i) requiring buildings and structures (excluding support structures) to be integrated into the Significant Amenity Landscape to minimise any visual impacts;

195. I do not support the requested amendment. While it is apparent that Powerco is referring to their own infrastructure, the term 'support structure' is ambiguous and could lead to the misuse of this policy such that significant adverse effects from particular developments are enabled. I invite Powerco to comment at the hearing as to whether their relief sought is already provided to some extent by other legislation such as the National Policy Statement on Renewable Energy Generation 2011. Otherwise, I consider that this policy should not contain exceptions such that the adverse effects of any building or structure within an identified SAL are tested through a resource consent process.
196. Powerco's alternative request is to amend the introduction section in Chapter 6 (Infrastructure) to signal that the specific objectives and policies for infrastructure supersede

those associated with the particular zone and overlay. I do not support this request either. This is because the district plan framework of objectives and policies is to be considered as an integrated whole. While it is important to provide for infrastructure, there are circumstances that need to be tested within the framework of the Chapter 3 objectives and policies to ensure that the adverse effects of development on sensitive environments, including ONF/ONL/SAL/NCA, can be avoided, remedied or mitigated.

197. Jean Tregidga [731.11] requests the following new clause (vi) in Policy 3.4.3 shown below:

3.4.3 Policy – Maintaining and enhancing Significant Amenity Landscapes

(a) *Maintain and enhance identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:*

...

(vi) recognising historic farming and forestry operations that continue today.

198. I consider this addition to be unnecessary. Some SAL contain farming and forestry operations that have existed for a considerable period of time are permitted to continue, provided that any new associated developments do not trigger a resource consent requirement.

Policy 3.4.4 The relationship of Maaori with their resources and land

199. Policy 3.4.4 as notified is supported by the three noted telecommunication companies, Federated Farmers [680.45] and Heritage New Zealand [559.42].
200. However, Ta Ta Valley Limited [574.12] requests an amendment to clause (a) in Policy 3.4.4 to clarify how the cultural and spiritual relationship of Maaori with any SAL is provided for. The submitter has not suggested any amendments. However, this policy language is similar to that used for ONF/ONL/NCA, and it also reflects the matter of national importance in section 6(e) of the RMA, and Objectives 3.9 and 10.2 in the WRPS. If resource consent is triggered for any development within any SAL, the onus is on the applicant to demonstrate that their development is, at the very least, not inconsistent with this policy. This may require the applicant to liaise with the relevant iwi to identify and ensure that any relevant cultural element has been appropriately considered, and that any adverse effects are avoided, remedied or mitigated.
201. Rita Carey [261.3] requests an amended approach to SAL to signal that Council will purchase these areas, promote their recognition, fund fencing, reward affected landowners and develop programmes for their future care. I do not support this approach. The provisions do not affect current farming practices unless resource consent is triggered, which then requires the merits of a development to be tested to ensure that adverse effects on any SAL are avoided, remedied or mitigated, and the attributes of SAL are maintained or enhanced. Amending the objective and policy framework for SAL in the manner requested would likely result in unreasonable expectations being placed on Council to assist in the protection and enhancement of a SAL that should be the responsibility of the landowner and where private financial gains from this work might outweigh public benefits.

5.2.10 Recommendations

202. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept** the submissions from Paula Dudley [328.4] and Mercer Residents and Ratepayers [367.47]
 - (b) **Reject** the submission from Ian McAlley [368.4]

- (c) **Accept** the further submissions from *Mercury NZ Limited* [FS1386.559] and *Genesis Energy Limited* [FS1345.112]
- (d) **Reject** the submission from Federated Farmers of NZ [680.42]
- (e) **Accept** the further submissions from *Turangawaewae Trust Board* [FS1139.42], *Mercury NZ Limited* [FS1223.188] and *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.51]
- (f) **Accept** the submissions from Vodafone NZ Limited [646.45], Chorus NZ Limited [648.46], Spark NZ Trading Limited [644.44] and Fulton Hogan Limited [575.4]
- (g) **Reject** the submission from Federated Farmers of NZ [680.43]
- (h) **Accept** the further submission from *Mercury NZ Limited* [FS1223.189]
- (i) **Accept** the submissions from Spark NZ Trading Limited [644.45], Chorus NZ Limited [648.47] and Vodafone NZ Limited [646.46]
- (j) **Accept** the submission from Waikato Regional Council [81.108] and further submission from *Fulton Hogan Limited* [FS1334.87]
- (k) **Reject** the further submission from *Ta Ta Valley Limited* [FS1340.23]
- (l) **Reject** the submission from Steven and Theresa Stark [701.8]
- (m) **Accept in part** the submissions from Spark NZ Trading Limited [644.46], Vodafone NZ Limited [646.47], Chorus NZ Limited [648.48] and Fulton Hogan Limited [575.13] to the extent of the amendments shown in Attachment 2
- (n) **Accept in part** the submission from Federated Farmers of NZ [680.44] to the extent of amendments shown in Attachment 2
- (o) **Accept in part** the further submissions from *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.52], *Turangawaewae Trust Board* [FS1139.43] and *Mercury NZ Limited* [FS1223.190] to the extent of amendments shown in Attachment 2
- (p) **Reject** the submission from Powerco [836.33]
- (q) **Reject** the submission from Jean Tregidga [731.11] and further submission from *Jean Tregidga* [FS1180.11]
- (r) **Reject** the submission from *Ta Ta Valley Limited* [574.12] and further submissions from *New Zealand Health Food Park Limited* [FS1301.54] and *Charlie Harris* [FS1303.54]
- (s) **Accept** the further submissions from *Ngati Tamaoho Trust* [FS1369.14], *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.90] and *Turangawaewae Trust Board* [FS1139.81]
- (t) **Accept** the submissions from Chorus NZ Limited [648.49], Federated Farmers of NZ [680.45], Spark NZ Trading Limited [644.47], Heritage New Zealand Lower Northern Office [559.42] and Vodafone NZ Limited [646.48]
- (u) **Reject** the submission from Rita Carey [261.3].

5.2.11 Recommended amendments and section 32AA evaluation

3.4.3 Policy – Maintaining and enhancing Significant Amenity Landscapes

- (a) Maintain and enhance *the attributes of* identified Significant Amenity Landscapes, during subdivision, land use and development, in particular by:

...

- 203. In my opinion, referring to the attributes of identified SAL will provide clarity and assistance in the processing of resource consent applications, and this policy will work alongside the

recommended schedule for SAL which will list these attributes. Amending the policy in this way is also consistent with the reference to attributes in accompanying Policy 3.4.2, and other objectives and policies that refer to the attributes of identified ONF/ONL. Overall, I conclude that the amended Policy 3.4.3 is a more appropriate way of achieving Objective 3.4.1.

204. As noted in my analysis, there is no specific submission in this landscape topic that addresses a possible anomaly in respect to Rule 22.3.3 in the Rural Zone which does not manage buildings in SAL. However, I wish to record this here for consideration by the hearings panel.

5.3 Section 3.5 Natural Character

5.3.1 Introduction

205. Section 3.5 contains the following two objectives and accompanying policies that address natural character:

3.5.1 Objectives – Natural character

- (a) *The high and Outstanding Natural Character of the coastal environment is protected from inappropriate subdivision, use and development.*
- (b) *The natural character of wetlands, and lakes and rivers and their margins are protected from inappropriate subdivision, use and development.*

3.5.2 Policies – Recognising natural character

- (a) *Recognise the following natural elements, patterns, processes and experiential qualities which contribute to natural character:*
 - (i) *areas or waterbodies in their natural states or close to their natural state;*
 - (ii) *coastal or freshwater landforms and landscapes;*
 - (iii) *coastal or freshwater physical processes, including the movement of water and sediment;*
 - (iv) *biodiversity;*
 - (a) *biological processes and patterns;*
 - (vii) *water flows and levels, and water quality; and*
 - (viii) *the experience of the above elements, patterns and processes.*
- (b) *Recognise the natural character qualities of the following areas within the coastal environment and identified on the planning maps as:*
 - (i) *Outstanding Natural Character areas; and*
 - (ii) *high (and very high) natural character areas.*

3.5.3 Policy – Protecting the natural character qualities of the coastal environment

- (a) *Protect the qualities of outstanding and high natural character areas in the coastal environment from inappropriate subdivision, use and development by:*
 - (i) *managing the adverse effects of subdivision, use and development;*
 - (ii) *avoiding significant adverse effects of subdivision, use and development;*

- (iii) *avoiding subdivision, use and development within areas of outstanding natural character, where it would damage, diminish or compromise natural character;*
- (iv) *avoiding activities that damage the stability of identified coastal dune systems;*
- (v) *requiring appropriate building setbacks from riparian and coastal margins;*
- (vi) *ensuring that activities are carried out in a way that maintains or enhances water quality in the coastal environment;*
- (vii) *enabling and concentrating development within existing settlements to avoid development sprawling along the coastline;*
- (viii) *recognising historic farming operations that continue today;*
- (ix) *avoiding the establishment of new plantation forestry.*

3.5.4 Policy – Protecting the natural character of wetlands, and lakes and rivers and their margins

- (a) *Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:*
 - (i) *ensuring that location, intensity, scale and form of subdivision, use and development are appropriate;*
 - (ii) *minimising, to the extent practicable, indigenous vegetation clearance and modification (including earthworks, disturbance and structures);*
 - (iii) *encouraging any new activities to consolidate within, and around, existing developments or, where the natural character and landscape values have already been compromised, to avoid development sprawling; and*
 - (iv) *requiring appropriate setbacks of activities from wetlands, lakes and rivers.*

5.3.2 Submissions

206. The 33 original submissions listed in the following table:
- (a) support Section 3.5
 - (b) oppose Section 3.5
 - (c) request amendments to ensure that development limitations in Section 3.5 only apply to identified areas with 'high' and 'outstanding character'
 - (d) specifically support Objective 3.5.1
 - (e) request deletion of the terms 'high' and 'outstanding'
 - (f) specifically support Policy 3.5.2
 - (g) oppose Policy 3.5.2
 - (h) specifically support Policy 3.5.3
 - (i) request amendments to Policy 3.5.3 that:
 - (i) recognise the functionality (rather than stability) of coastal dune systems
 - (ii) delete sub-clause (a)(iii), on the basis that the word 'damage' is too subjective and unhelpful for resource consent applications
 - (iii) delete the words that refer to existing farming operations being historic
 - (iv) include a note stating that this policy will not be implemented until outstanding NCA are identified on planning maps
 - (j) support Policy 3.5.4
 - (k) request amendments to Policy 3.5.4 that:

- (i) delete parts of the sub-clauses that refer to the term ‘sprawling’ and situations where natural character and landscape values are already ‘compromised’, on the basis that both of these terms are too subjective and not well understood
 - (ii) include cross-references to specific rules or RMA requirements
 - (iii) include the word ‘necessary’ and delete reference to earthworks, disturbance and structures
 - (iv) add a new clause outlining how to determine whether use and development are inappropriate
- (l) request amendments throughout the PWDP to recognise that a different approach is required for high and outstanding NCA to give effect to Policy 12.2 and Implementation Method 12.2.1 in the VRPS.

Submission Point	Submitter	Summary of Submission
368.5	Ian McAlley	Amend Section 3.5 to ensure that any limitations to development are only for those areas specifically identified in the District Plan as having High and Outstanding Natural Character.
367.48	Mercer Residents and Ratepayers Committee	Retain Section 3.5 Natural Character
646.14	Vodafone New Zealand Limited	Retain Objective 3.5.1 Natural Character, as notified.
585.3	Department of Conservation	Amend Objective 3.5.1 Natural Character, as follows: (a) The high and Outstanding Natural Character of the coastal environment ...
576.8	Transpower New Zealand Limited	Retain Objective 3.5.1 Natural Character, as notified.
433.41	Auckland Waikato Fish and Game Council	Retain Objective 3.5.1 (b) Natural Character, as notified.
81.109	Waikato Regional Council	Retain Objective 3.5.1 Natural Character.
644.14	Spark New Zealand Trading Limited	Retain Objective 3.5.1 Natural Character, as notified.
648.14	Chorus New Zealand Limited	Retain Objective 3.5.1 Natural Character, as notified.
680.46	Federated Farmers of New Zealand	Retain Objective 3.5.1 Natural Character, as notified.
<i>FSI 223.191</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
646.15	Vodafone New Zealand Limited	Retain Policy 3.5.2 Recognising natural character, as notified.
680.47	Federated Farmers of New Zealand	Delete Policy 3.5.2 Recognising natural character AND Any consequential changes needed to give effect to this relief.
<i>FSI 139.44</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>
<i>FSI 108.53</i>	<i>Te Whakakitenga o</i>	<i>Oppose</i>

	<i>Waikato Incorporated (Waikato-Tainui)</i>	
648.15	Chorus New Zealand Limited	Retain Policy 3.5.2 Recognising natural character, as notified
644.15	Spark New Zealand Trading Limited	Retain Policy 3.5.2 Recognising natural character, as notified
704.2	The C. Alma Baker Trust	Retain Policy 3.5.3(a)(viii) Protecting the natural character qualities of the natural environment, recognising historic farming operations that continue today.
585.4	Department of Conservation	Amend Policy 3.5.3(a)(iv)Protecting the natural character qualities of the coastal environment, as follows: (a) Protect the qualities of outstanding and high natural character areas in the coastal environment from inappropriate subdivision, use and development by: ... (iv) avoiding activities that damage the stability of <u>functioning identified</u> coastal dune systems;
644.16	Spark New Zealand Trading Limited	Retain Policy 3.5.3 Protecting the natural character qualities of the coastal environment, as notified.
695.10	Sharp Planning Solutions	Delete Policy 3.5.3(a)(iii) Protecting the natural character qualities of the coastal environment.
<i>FSI 223.202</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
680.48	Federated Farmers of New Zealand	Delete clause (a)(vi) from Policy 3.5.3(a) Protect the natural character qualities of the coastal environment AND Amend Policy 3.5.3(a)(viii) Protecting the natural character qualities of the coastal environment, as follows: (viii) recognising historic farming operations that continue today ; AND Add to Policy 3.5.3(a)Protecting the natural character qualities of the coastal environment, a new 'Note' as follows: <u>Note the Policy will not be implemented until such time as the areas of outstanding natural character within the coastal environment have been appropriate identified and included into the planning maps</u> AND Any consequential changes needed to give effect to this relief.
<i>FSI 275.4</i>	<i>Zeala Limited TIA Aztech Buildings</i>	<i>Support</i>
<i>FSI 223.192</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI 108.54</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FSI 139.45</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>

648.16	Chorus New Zealand Limited	Retain Policy 3.5.3 Protecting the natural character qualities of the coastal environment, as notified.
646.16	Vodafone New Zealand Limited	Retain Policy 3.5.3 Protecting the natural character qualities of the coastal environment, as notified.
576.9	Transpower New Zealand Limited	Retain Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, as notified.
644.17	Spark New Zealand Trading Limited	Retain Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, as notified.
695.11	Sharp Planning Solutions Limited	Delete Policy 3.5.4(a)(iii) Protecting the natural character of wetlands, and lakes and rivers and their margins.
FSI 223.203	Mercury NZ Limited	<i>Oppose</i>
FSI 108.147	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	<i>Oppose</i>
FSI 377.199	Havelock Village Limited	<i>Support</i>
433.42	Auckland Waikato Fish and Game Council (AWFGC)	<p>Retain Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, except for the amendments sought below</p> <p>AND</p> <p>Amend Policy 3.5.4(a)(iii) Protecting the natural character of wetlands, and lakes and rivers and their margins as follows:</p> <p>(iii) encouraging any new activities to consolidate within, and around, existing developments and or, where the natural character and landscape values have already been compromised, to avoid development sprawling; and</p> <p>AND/OR</p> <p>Any alternative relief to address the issues and concerns raised in the submission.</p>
FSI 340.66	Ta Ta Valley Limited	<i>Oppose</i>
695.12	Sharp Planning Solutions Limited	Amend Policy 3.5.4(a)(iv) Protecting the natural character of wetlands, and lakes and rivers and their margins, to include a reference to a specific rule, or requirement of the Resource Management Act, is placed here to assist the reader.
FSI 223.204	Mercury NZ Limited	<i>Oppose</i>
648.17	Chorus New Zealand Limited	Retain Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, as notified.
680.49	Federated Farmers of New Zealand	<p>Amend Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, as follows:</p> <p>(a) Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:</p> <p>(g) (i) ensuring that location, intensity, scale and form of subdivision, use and development are appropriate;</p>

		<p>(h) (ii) minimising, to the extent practicable <u>and necessary</u> indigenous vegetation clearance and modification (including earthworks, disturbance and structures);</p> <p>(i) (iii) encouraging any new activities to consolidate within, and around, existing developments or, where the natural character and landscape values have already been compromised, to avoid development sprawling; and</p> <p>(j) (iv) requiring appropriate setbacks of activities from wetlands, lakes and rivers</p> <p>(k) (b) <u>Determining what is inappropriate use and development will be considered with respect to the level of natural character. Where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effect on natural character.</u></p> <p>AND</p> <p>) Any consequential changes needed to give effect to this relief.</p>
FSI 223.193	Mercury NZ Limited	Oppose
646.17	Vodafone New Zealand Limited	Retain Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, as notified.
831.65	Raglan Naturally	Retain Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins, and the associated rules.
701.6	Steven & Theresa Stark	Delete all objectives, policies, methods and rules relating to Natural Character.
81.26	Waikato Regional Council	Amend provisions throughout the plan that relate to natural character to recognise that a different approach is required to high and outstanding natural character to give effect to Policy 12.2 and Implementation Method 12.2.1 of the WRPS.
FSI 330.11	Middlemiss Farm Holdings Limited	Oppose
FSI 293.12	Department of Conservation	Support
FSI 258.3	Meridian Energy Limited	Oppose
81.25	Waikato Regional Council	Amend the provisions to ensure that natural character is managed in accordance with Policy 12.2 and Implementation Method 12.2.1 of the WRPS.
FSI 330.10	Middlemiss Farm Holdings Limited	Oppose
FSI 342.48	Federated Farmers of New Zealand	Oppose
FSI 258.2	Meridian Energy Limited	Oppose

5.3.3 Analysis

Section 3.5 Natural Character

207. Mercer Residents & Ratepayers Committee [367.48] supports the whole of Section 3.5. I recommend that this submission be accepted in part as a result of my responses to other submissions.
208. Steven and Theresa Stark [701.6] own a property at 747 Rutherford Road, Ohinewai. They have expressed concern about the considered lack of consultation with affected property owners in developing any form of map overlay involving natural features. Although their property contains an ONF, and not an NCA, they request the deletion of all objectives, policies and rules for NCA on the basis that no statutory basis exists for the protection of such areas. However, statutory requirements do exist in higher order documents, including section 6(a) of the RMA, Objective 3.27 and Policy 12.2 in the WRPS, and Policy 13 in the NZCPS, all of which support the PWDP's provisions that manage important natural features identified on the planning maps. I therefore consider that it is appropriate and necessary to retain a statutory framework to address natural character. For this reason, I recommend that their submission be rejected.
209. Waikato Regional Council [81.25 and 26] requests that the district plan be amended to recognise a different approach for managing high and outstanding natural character to give effect to Policy 12.2 and Implementation Method 12.2.1 of the WRPS. No specific amendments have been suggested by Waikato Regional Council in this regard, but they may be meaning that the PWDP planning maps do not distinguish between 'high' and 'outstanding' NCA, and that the attributes for these are not specifically identified either. I invite WRC to clarify whether it is these types of amendments that are sought in their submission. In the meantime, I provisionally recommend that their request be accepted in part. This is because I have recommended schedules for 'high' and 'outstanding' NCA, and that these areas be identified on the planning maps. In my opinion, these amendments would give effect to Policy 13 in the NZCPS, as well as Policy 12.2 and Implementation Method 12.2.1 in the WRPS.
210. Mr Ian McNally [368.5] requests amendments to Section 3.5 to ensure that the limitations for development only apply to an identified ONF/ONL. I do not support this request, as Section 3.5 applies across the district and is not limited to identified ONF/ONL. It also provides the objective and policy framework for the assessment of resource consent applications. I therefore recommend rejection of this submission.

Objective 3.5.1 Natural Character

211. Objective 3.5.1 is supported by the three telecommunication companies, Transpower New Zealand Ltd [576.8], AWFGC [433.41], WRC [81.109] and Federated Farmers [680.46].
212. The Department of Conservation [585.3] requests that Objective 3.5.1(a) be amended as shown below:
- 3.5.1 Objectives – Natural character*
- (a) ~~The high and Outstanding~~ Natural Character of the coastal environment is protected from inappropriate subdivision, use and development.
213. I do not support this amendment as Objective 3.5.1 gives effect to Policy 13 in the NZCPS, as well as Policy 12.2 and Implementation Method 12.2.1 in the WRPS.

Policy 3.5.2 – Recognising natural character

214. Policy 3.5.2 is supported by the three noted telecommunication companies, but opposed by Federated Farmers [680.47], on the basis that it is an unnecessary duplication of the matters

listed in Policies 3.5.3 and 3.5.4. Federated Farmers also notes that the references in clause (b) of Policy 3.5.2 to 'Outstanding Natural Character Areas' and 'High (and very high) Natural Character Areas' are not shown as such on the planning maps.

215. I do not support the deletion of Policy 3.5.2, as this would then not give effect to the express direction in the WRPS regarding outstanding and high natural character areas. These areas need to be identified in some form and ideally shown on the planning maps, otherwise there would be a disconnect between the policy framework (objectives, policies and rules) and the planning maps. The identification of outstanding and high natural character areas will trigger the policy framework, thus giving effect to Implementation Method 12.2.1(b) of the WRPS.

Policy 3.5.3 Protecting the natural character qualities of the coastal environment

216. Policy 3.5.3 is supported by the three noted telecommunication companies and The C. Alma Baker Trust [704.2], although amendments are sought by other submitters. I recommend that these supportive submissions be accepted in part due to my response to other submissions.
217. The Department of Conservation [585.4] requests that clause (a)(iv) in Policy 3.5.3 be amended as shown below:

3.5.3 Policy – Protecting the natural character qualities of the coastal environment

(a) *Protect the qualities of outstanding and high natural character areas in the coastal environment from inappropriate subdivision, use and development by:*

...

(iv) *avoiding activities that damage the stability functioning of identified coastal dune systems;*

218. I agree that this amendment is appropriate to reflect the dynamic nature of coastal dune systems, whereby they constantly change between stable and unstable states.

219. Sharp Planning Solutions [695.10] requests the deletion of clause (a)(iii) shown below:

3.5.3 Policy – Protecting the natural character qualities of the coastal environment

(a) *Protect the qualities of outstanding and high natural character areas in the coastal environment from inappropriate subdivision, use and development by:*

...

~~(iii) *avoiding subdivision, use and development within areas of outstanding natural character, where it would damage, diminish or compromise natural character;*~~

220. The submitter considers that this clause is too subjective, such as the word 'damage', and that this is unhelpful for ascertaining adverse effects in terms of sections 95 and 104 of the RMA for resource consent applications. I disagree. To the contrary, this clause describes outcomes that would not be appropriate to achieve the protection of a NCA identified on the planning maps. Furthermore, the deletion would not give effect to Policy 12.2 of the WRPS or Policy 13 of the NZCPS.

221. Federated Farmers [680.48] request that clause (a)(vi) be deleted and (viii) be amended as shown below:

3.5.3 Policy – Protecting the natural character qualities of the coastal environment

(a) *Protect the qualities of outstanding and high natural character areas in the coastal environment from inappropriate subdivision, use and development by:*

...

~~(vi) ensuring that activities are carried out in a way that maintains or enhances water quality in the coastal environment;~~

...

~~(viii) recognising historic farming operations that continue today;~~

222. I do not support the deletion of clause (a)(vi), as this is an appropriate reflection of policies in higher-order documents such as Policy 12.2(d) and Implementation Method 12.2.2(d) in the WRPS and Policy 13 of the NZCPS. I support the amendments to clause (a)(viii), as it is unnecessary to refer to the fact that some existing farming operations have been established for a considerable time.

223. Federated Farmers also request that Policy 3.5.3(a) include this note shown below:

Note the Policy will not be implemented until such time as the areas of outstanding natural character within the coastal environment have been appropriate identified and included into the planning maps

218. I do not support this note being added to this policy, on the basis that it does not have statutory weight. However, I have recommended that the planning maps be amended to distinguish between 'high' NCA and 'outstanding' NCA. Without this occurring, there would be a disconnect between the rules and the planning maps. Furthermore, the policy will give effect to Policy 13 of the NZCPS, or Policy 12.2 and Implementation Method 12.2.1 in the WRPS.

Policy 3.5.4 Protecting the natural character of wetlands, and lakes and rivers and their margins

219. Policy 3.5.4 is supported by Transpower New Zealand Ltd [576.9], Raglan Naturally [831.65] and the three noted telecommunication companies, although amendments are sought by other submitters.

220. Sharp Planning Solutions [695.11] requests the deletion of clause (a)(iii) as shown below:

3.5.4 Policy – Protecting the natural character of wetlands, and lakes and rivers and their margins

(a) *Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:*

...

~~(iii) encouraging any new activities to consolidate within, and around, existing developments or, where the natural character and landscape values have already been compromised, to avoid development sprawling; and~~

(iv) *requiring appropriate setbacks of activities from wetlands, lakes and rivers.*

221. Sharp Planning Solutions considers that this clause is too subjective, such as the term 'sprawling', and that this is unhelpful for ascertaining adverse effects in terms of sections 95 and 104 of the RMA for resource consent applications. They state that development cannot consolidate with an existing development unless it is adjoining and connections have been provided. I do not support this deletion. I consider that the term 'sprawling' is commonly understood, and this policy reflects the language used in Policy 6(c) of the NZCPS.

222. Sharp Planning Solutions also request that a note be added to clause (a)(iv) which makes reference to a specific rule or RMA requirement [695.12]. This is inappropriate and unnecessary, as setbacks differ, depending on the zone and the type of water feature, and it is incumbent on the reader to consider the relevant objectives, policies and rules as a package, rather than being directed to various parts of the plan through multiple cross-references.

223. AWFGC [433.42] requests amendments to clause (a)(iii) shown below:

3.5.4 Policy – Protecting the natural character of wetlands, and lakes and rivers and their margins

- (a) *Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:*

...

- (iii) *encouraging any new activities to consolidate within, and around, existing developments ~~and or, where the natural character and landscape values have already been compromised,~~ to avoid development sprawling; and*

224. AWFGC requests this deletion on the basis that the term ‘compromised’ is subjective. It is accepted that any resource consent process would involve a judgement call as to whether natural character and landscape values are ‘already compromised’, and this may require input from landscape experts. However, despite this, I consider that this clause should be retained, as it reflects the language in Policy 6(c) of the NZCPS. I also note that Policy 12.2.2 in the WRPS addresses ‘enhanced natural character where compromised’.

225. Federated Farmers [680.49] requests these amendments shown below:

3.5.4 Policy – Protecting the natural character of wetlands, and lakes and rivers and their margins

- (a) *Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:*

...

- (ii) *minimising, to the extent practicable and necessary, indigenous vegetation clearance and modification ~~(including earthworks, disturbance and structures);~~*

...

- (b) Determining what is inappropriate use and development will be considered with respect to the level of natural character. Where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effect on natural character.

226. In my view, the addition of the words ‘and necessary’ make clause (a)(ii) confusing and unclear as to what needs minimising. However, I agree that the bracketed words are unclear. I consider that the term ‘modification’ is intended to mean earth disturbance, therefore I recommend this replacement clause:

- (ii) *Minimising, to the extent practicable, indigenous vegetation clearance and earthworks disturbance: modification ~~(including earthworks, disturbance and structures);~~*

227. The submitter’s requested wording in new clause (b) partly reflects Policy 12.2(c) in the WRPS, which recognises that there may be some instances where the natural character of some wetlands, and lakes and rivers and their margins, is already compromised to some extent. My preference is for this new clause (b) to mirror Policy 12.2(c) in the WRPS to

make clear that any new use, development or subdivision in these locations is not a given, and that Council expects the consideration of opportunities to remedy or mitigate adverse effects on natural character. I therefore recommend that a new clause (b) read as follows:

(b) *Where man-made influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate should still be considered.*

5.3.4 Recommendations

228. For the above reasons, it is recommended that the hearings panel:

- (a) **Reject** the submission from Ian McAlley [368.5]
- (b) **Accept in part** the submission from Mercer Residents and Ratepayers [367.48] to the extent of the amendments shown in Attachment 2
- (c) **Accept** the submission from Vodafone NZ Limited [646.14]
- (d) **Reject** the submission from the Department of Conservation [585.3]
- (e) **Accept** the submission from Transpower NZ Limited [576.8]
- (f) **Accept** the submission from Auckland Waikato Fish and Game Council [433.41]
- (g) **Accept** the submission from Waikato Regional Council [81.109]
- (h) **Accept** the submissions from Spark NZ Trading [644.14] and Chorus NZ Limited [648.14]
- (i) **Accept** the submission from Federated Farmers of NZ [680.46] and **reject** the further submission from *Mercury NZ Limited* [FS1223.191]
- (j) **Accept** the submission from Vodafone NZ Limited [646.15]
- (k) **Reject** the submission from Federated Farmers of NZ [680.47] and **accept** the further submissions from *Turangawaewae Trust Board* [FS1139.44] and *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.53]
- (l) **Accept** the submissions from Chorus NZ Limited [648.15] and Spark NZ Trading Limited [644.15]
- (m) **Accept in part** the submission from The C. Alma Baker Trust [704.2] to the extent of the amendments shown in Attachment 2
- (n) **Accept** the submission from the Department of Conservation [585.4]
- (o) **Accept in part** the submission from Spark NZ Trading Limited [644.16] to the extent of the amendments shown in Attachment 2
- (p) **Reject** the submission from Sharp Planning Solutions [695.10] and **accept** the further submission from *Mercury NZ Limited* [FS1223.202]
- (q) **Accept in part** the submission from Federated Farmers of NZ [680.48] and further submission from *Zeala Limited T/A Aztech Buildings* [FS1275.4] to the extent of the amendments shown in Attachment 2
- (r) **Accept in part** the further submissions from *Mercury NZ Limited* [FS1223.192], *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.54] and *Turangawaewae Trust Board* [FS1139.45]
- (s) **Accept in part** the submissions from Chorus NZ Limited [648.16], Vodafone NZ Limited [646.16], Transpower NZ Limited [576.9] and Spark NZ Trading Limited [644.17] to the extent of the amendments shown in Attachment 2
- (t) **Reject** the submission from Sharp Planning Solutions [695.11] and further submission from *Havelock Village Limited* [FS1377.199] and **accept** the further submissions from

Mercury NZ Limited [FS1223.203] and Te Whakakitenga o Waikato Inc. (Waikato-Tainui) [FS1108.147]

- (u) **Reject** the submission from Auckland Waikato Fish and Game Council [433.42] and **accept** the further submission from *Ta Ta Valley Limited [FS1340.66]*
- (v) **Reject** the submission from Sharp Planning Solutions [695.12] and **accept** the further submission from *Mercury NZ Limited [FS1223.204]*
- (w) **Accept in part** the submission from Chorus NZ Limited [648.17] to the extent of the amendments shown in Attachment 2
- (x) **Accept in part** the submission from Federated Farmers of NZ [680.49] and **accept in part** the further submission from *Mercury NZ Limited [FS1223.193]* to the extent of the amendments shown in Attachment 2
- (y) **Accept in part** the submissions from Vodafone NZ Limited [646.17] and Raglan Naturally [831.65] to the extent of the amendments shown in Attachment 2
- (z) **Reject** the submission from Steven and Theresa Stark [701.6]
- (aa) **Accept in part** the submission from Waikato Regional Council [81.26] and further submission from the *Department of Conservation [FS1293.12]* to the extent of the recommended amendments
- (bb) **Accept in part** the further submissions from *Middlemiss Farm Holdings [FS1330.11]* and *Meridian Energy Limited [FS1258.3]*
- (cc) **Accept in part** the submission from Waikato Regional Council [81.25] and **accept in part** the further submissions from *Middlemiss Farm Holdings [FS1330.10]*, *Federated Farmers of NZ [FS1342.48]* and *Meridian Energy Limited [FS1258.2]*.

5.3.5 Recommended amendments

3.5.3 Policy – Protecting the natural character qualities of the coastal environment

- (a) Protect the qualities of identified outstanding and high natural character areas in the coastal environment from inappropriate subdivision, use and development by:
 - ...
 - (iv) avoiding activities that damage the stability functioning of ~~identified~~ coastal dune systems;
 - ...
 - (viii) recognising historic farming operations ~~that continue today~~;
 - ...

3.5.4 Policy – Protecting the natural character of wetlands, and lakes and rivers and their margins

- (a) Protect the natural character qualities of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development by:
 - (i) ensuring that location, intensity, scale and form of subdivision, use and development are appropriate;
 - (ii) minimising, to the extent practicable, indigenous vegetation clearance and earthworks disturbance; modification (including earthworks, disturbance and structures);
 - ...

(b) Where man-made influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate should still be considered.

5.3.6 Section 32AA Evaluation

229. In my opinion, the amended Policy 3.5.3 is more appropriate than the notified version, as it does not contain unnecessary text and it accurately reflects the dynamic nature of identified coastal dune systems whereby they constantly change between stable and unstable states. I consider that these amendments will assist in interpreting this policy so that resource consent applications can be more effectively and efficiently processed, therefore the amended policy is a more appropriate way of achieving Objective 3.5.1.
230. The amended Policy 3.5.4 is more appropriate than the notified version, as it provide clarity. The addition of a new clause (b) also mirrors, and gives effect to, Policy 12.2(c) in the WRPS. In turn, these amendments will assist in interpreting which activities need to be managed so that resource consent applications can be more effectively and efficiently processed, thus being a more appropriate way of achieving Objective 3.5.1.

6 PART B: RULES

6.1 Permitted Activities in Significant Amenity Landscapes

6.1.1 Introduction

231. The planning maps in the PWDP identify SAL within the Rural, Business, Country Living, Heavy Industrial, General Industrial, Reserves, Residential and Village Zones. A wide range of activities are permitted in these zones, and those already existing can continue using land within SAL unless non-permitted earthworks, or buildings or structures are proposed to locate within them, in which case resource consent is required to test adverse (particularly visual) effects.
232. However, I have noted earlier in Part A of this report a possible anomaly in respect to Rule 22.3.3, which does not address buildings and structures within SAL in the Rural Zone. There are no submissions in this landscape topic that have identified this possible anomaly, but I have highlighted this for the hearing panel's consideration.

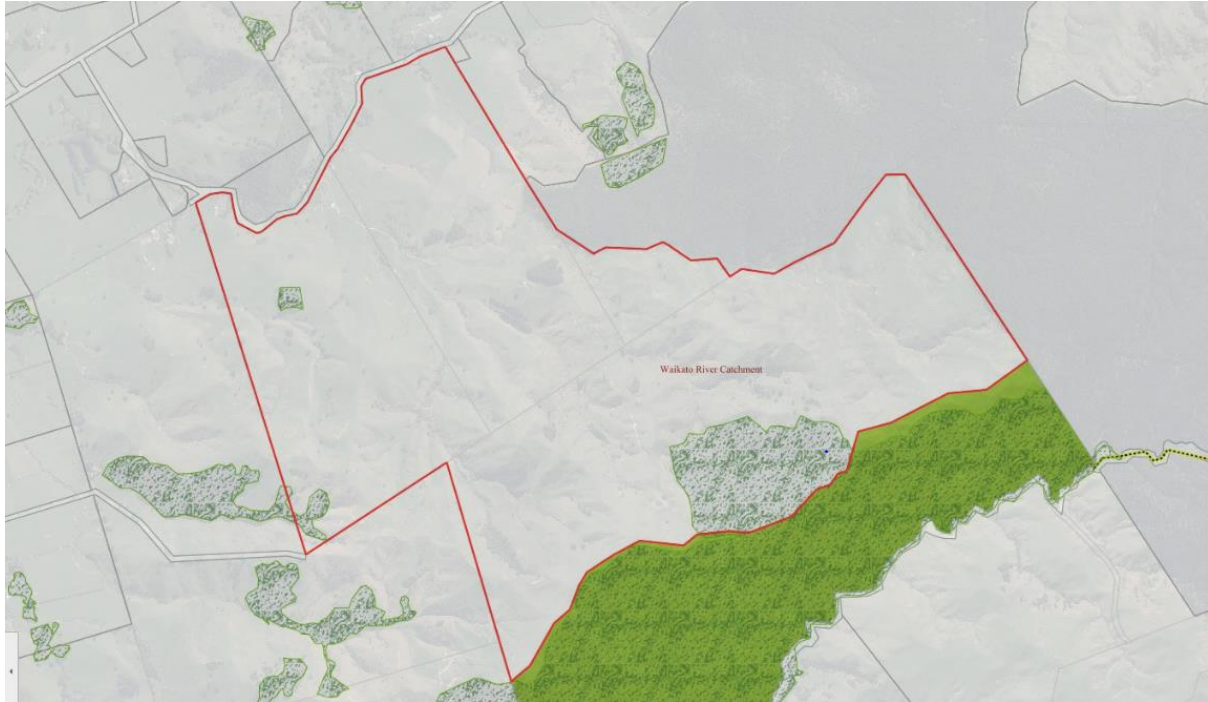
6.1.2 Submission

233. The submission in the table below requests that the rules for SAL (and SNA) be amended to better enable activities that are expected in the Rural Zone.

481.16	Culverden Farms	Amend the rules relating to Significant Natural Areas and Significant Amenity Landscapes to better enable existing practices for activities which are usual and expected in the Rural Zone.
--------	-----------------	--

6.1.3 Analysis

234. Culverden Farms request amendments to the rules for a SAL (as well as an SNA) to better enable existing practices for activities which are usual and expected in the Rural Zone.
235. While no specific amendments are offered in the submission, the following PWDP map indicates that the submitter's property located at 84 Waipuna Road in Waerenga contains various SNA, but not any SAL. The submitter may therefore have misinterpreted the planning maps.
236. Notwithstanding this situation, a wide range of rural activities are permitted within any SNA or SAL, and those that are already existing can continue, unless non-permitted earthworks are proposed to locate within them, in which case, resource consent is required to test adverse (particularly visual) effects. I therefore recommend rejection in part of submission point [481.16] insofar as it relates to SAL.
237. This submission point has also been allocated to Hearing 21, which will deal specifically with the submitter's concern about the mapping of SNA.

Culverden Farms property - 84 Waipuna Road, Waerenga**6.1.4 Recommendation**

238. For the reason given above, it is recommended that the hearings panel:

- (a) **Accept in part** the submission from Culverden Farms [481.16] insofar as it relates to SAL.

7 Earthworks in Landscape and Natural Character Areas

7.1.1 Introduction

239. The earthworks rules in various zone chapters manage adverse visual and landscape effects in identified ONF/ONL/NCA/SAL by specifying area and volume thresholds, limiting the time for when earthworks may be carried out, and detailing the manner in which the earthworks are to occur.
240. I have developed the table below to assist the understanding of these area and volume thresholds for various zones.

7.1.2 Area and volume thresholds for earthworks in notified version of PWDP

Chapter and rule	Area	Volume
Chapter 16 Residential Zone Rule 16.2.4.4	50m ²	250m ³
Chapter 20 General Industrial Zone Rule 20.2.5.3	50m ²	250m ³
Chapter 21 Heavy Industrial Zone Rule 21.2.5.3	50m ²	250m ³
Chapter 22 Rural Zone Rule 22.2.3.4	SAL Hill Country = 1000m ²	SAL Hill Country = 500m ³
	SAL Waikato River Margins and Lakes = 500m ²	SAL Waikato River Margins and Lakes = 500m ³
	SAL - sand dune/High or Outstanding NCA/ONF – sand dune/ONF/ONL = 50m ²	SAL - sand dune/High or Outstanding NCA/ONF – sand dune/ONF/ONL = 250m ³
Chapter 23 Country Living Zone Rule 23.2.3.4	SAL Hill Country = 1000m ²	SAL Hill Country = 500m ³
	SAL Waikato River Margins and Lakes = 500m ²	SAL Waikato River Margins and Lakes = 500m ³
	SAL - sand dune/High or Outstanding NCA/ONF – sand dune/ONF/ONL = 50m ²	SAL - sand dune/High or Outstanding NCA/ONF – sand dune/ONF/ONL = 250m ³
Chapter 24 Village Zone Rule 24.2.4.4	SAL – sand dune/NCA or Outstanding NCA = 50m ²	SAL – sand dune/NCA or Outstanding NCA = 250m ³
Chapter 25 Reserves Zone Rule 25.2.4.4	SAL Hill Country = 500m ³	SAL Hill Country = 500m ³
	SAL Waikato River Margins and Lakes = 500m ³	SAL Waikato River Margins and Lakes = 500m ³
	SAL - sand dune/High or Outstanding NCA/ONF – sand dune/ONF/ONL = 250m ³	SAL - sand dune/High or Outstanding NCA/ONF – sand dune/ONF/ONL = 250m ³

7.1.3 Submissions

241. The 32 original submissions listed in the following table request:

- (a) permitted earthwork thresholds of 250m² and 50m³ for sites in the Residential, Countryside Living, Village and Rural Zones (rather than the notified thresholds of 50m² and 250m³)
- (b) deletion of Rule 22.2.3.4
- (c) deletion of NCA from Rule 22.2.3.4 and permitted earthwork thresholds of 2000m² and 1000m³, and up to 6000m² and 3000m³ for properties greater than 40ha in the Rural Zone
- (d) application of a 1:5 ratio for permitted earthworks in the Residential Zone based on the whole of the identified landscape area rather than per site
- (e) application of a 1:1 ratio for permitted earthworks in the Rural Zone based on the site area
- (f) permitted activity status for the maintenance of existing tracks, fences and drains without any earthworks thresholds
- (g) permitted activity status for new farming infrastructure without any earthworks thresholds
- (h) permitted activity status for ecosystem protection, restoration or enhancement
- (i) reformatting of the earthworks rules for identified landscapes and NCA in the Residential, Rural, Country Living, General Industrial Zone, Heavy Industrial Zone and Reserves Zone.

Submission Point	Submitter	Summary of Submission
695.87	Sharp Planning Solutions Limited	Amend Rule 16.2.4.4 Earthworks – Landscape and Natural Character Areas so that the 50m ² area figure is volume and the 250m ³ figure is area
697.112	Waikato District Council	<p>Delete from Rule 16.2.4.4 PI(a)(ii) Earthworks – Landscape and Natural Character Areas the table titled Landscape or Natural Character Area</p> <p>AND</p> <p>Amend the heading of Permitted Activities Rule 16.2.4.4 Earthworks – Landscape and Natural Character Areas as follows:</p> <p>Earthworks – Landscapes, <u>Natural Features</u> and Natural Character Areas</p> <p>AND</p> <p>Amend Rule 16.2.4.4 PI(a)(i) and (ii) Earthworks – Landscape and Natural Character Areas, as follows:</p> <p>Earthworks for the maintenance of existing tracks, fences or drains within <u>the following landscapes, natural features and natural character areas</u>:</p> <p>(i) <u>Significant Amenity Landscape (SAL)</u>;</p> <p>(ii) <u>High or Outstanding Natural Character area of the coastal environment</u></p> <p>(iii) Outstanding Natural Feature (ONF) sand dune</p> <p>(iv) <u>Outstanding Natural Feature (ONF)</u>; and</p> <p>(v) <u>Outstanding Natural Landscape (ONL) an identified</u></p>

		<p>Landscape or Natural Character Area and must meet all of the following conditions:</p> <p>A. The earthworks are undertaken within a single consecutive 12 month period; B. The earthworks must not exceed the following areas and volumes <u>an area of 50m² and a volume of 250m³</u> within a single consecutive 12 month period:</p> <p>AND</p> <p>Amend Rule 16.2.4.4 PI(a) by renumbering (iii)-(vii) as C.-G.</p>
FSI340.119	Ta Ta Valley Limited	Support
749.84	Housing New Zealand Corporation	<p>Amend Rule 16.2.4.4 PI(a)(ii) Earthworks – Landscape and Natural Character Areas, to change the area from 50m² to 250m² and the volume from 250m³ to 50m³</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FSI293.58	Department of Conservation	Oppose
695.88	Sharp Planning Solutions Limited	<p>Amend Rule 16.2.4.4 Earthworks – Landscape and Natural Character, so that the earthworks applied within the affected area by the overlay (as distinct from the whole of the site) as a 1:5 ratio to site area i.e. if 500m² occurs in the overlay, only 100m² and 100m³ volume will be allowed.</p>
697.627	Waikato District Council	<p>Delete the table in Rule 20.2.5.3 PI(ii) Earthworks – Landscape and Natural Character Areas;</p> <p>AND</p> <p>Amend Rule 20.2.5.2 PI(a) Earthworks – Landscape and Natural Character Areas, as follows:</p> <p>(n) (a) Earthworks <u>are</u> for the maintenance of existing tracks, fences or drains within <u>the following landscapes, natural features and natural character areas:</u></p> <p>(o) (i) <u>Significant Amenity Landscape (SAL)- sand dune</u></p> <p>(p) (ii) <u>High Natural Character area</u></p> <p>(q) (iii) <u>Outstanding Natural Character area of the coastal environment</u></p> <p>(r) (iv) <u>Outstanding Natural feature – sand dune</u> (v) <u>Outstanding Natural feature</u></p> <p>(s) (vi) <u>Outstanding Natural landscapes</u> an identified Landscape or Natural Character Area <u>and</u> must meet all of the following conditions:</p> <p>(t) (i) The earthworks are undertaken within a single consecutive 12 month period;</p> <p>(u) (ii) <u>The earthworks must not exceed the following areas and volumes</u></p> <p>(v) <u>an area of 50m³ and a volume of 250m³</u> within a single consecutive 12 month period</p> <p>(w) ...</p>

FS1387.629	Mercury NZ Limited	Oppose
697.702	Waikato District Council	<p>Delete the table in Rule 21.2.5.3 P1(a) Earthworks – Landscape and Natural Character Areas</p> <p>AND</p> <p>Amend Rule 21.2.5.3 P1 Earthworks – Landscape and Natural Character Areas, as follows:</p> <p>(a) ...</p> <p>(b) Earthworks <u>are</u> for the maintenance of existing tracks, fences or drains within <u>the following landscapes, natural features and natural character areas:</u></p> <p>(i) <u>Significant Amenity Landscape (SAL)- sand dune</u> (ii) <u>High Natural Character area</u></p> <p>(iii) <u>Outstanding Natural Character area of the coastal environment</u></p> <p>(iv) <u>Outstanding Natural feature – sand dune</u></p> <p>(v) <u>Outstanding Natural feature</u></p> <p>(vi) <u>Outstanding Natural landscapes</u></p> <p>an identified Landscape or Natural Character Area and must meet all of the following conditions:</p> <p>(c) The earthworks are undertaken within a single consecutive 12 month period;</p> <p>(d) The earthworks must not exceed the following areas and volumes <u>an area of 50m² and a volume of 250m³</u> within a single consecutive 12 month period</p>
FS1387.648	Mercury NZ Limited	Oppose
482.1	Hill Country Farmers Group	<p>Delete the limits on volume, area and cuts in Rule 22.2.3.4 P1 Earthworks within Landscape and Natural Character Areas, for the purpose of maintaining existing farming infrastructure</p> <p>AND</p> <p>Amend Rule 22.2.3.4 P1 Earthworks within Landscape and Natural Character Areas, to permit earthworks for new infrastructure such as fencing, tracks and drains.</p>
701.7	Steven & Theresa Stark	<p>Amend Rule 22.2.3.4 Earthworks – Within Landscape and Natural Character Areas, as follows:</p> <p>22.2.3.4 Earthworks – Within landscape and Natural Character Areas</p> <p>P1(a) Earthworks are for the maintenance <u>or upgrade</u> of existing tracks, fences or drains within an identified <u>outstanding Natural Landscape</u> Landscape or Natural Character Area <u>and must meet all of the following conditions are permitted.</u></p> <p>AND</p> <p>Delete Rule 22.2.3.4 P1(a)(i)-(vii) Earthworks within a Landscape and Natural Character Area;</p> <p>AND</p> <p>Add a new P2 to Rule 22.2.3.4 Earthworks within a Landscape and Natural Character Area, as follows:</p> <p><u>P2(a) Earthworks within a site must meet all of the following conditions:</u></p> <p>(i) <u>Does not exceed a volume of more than 1000m³</u></p>

		<p><u>and an area of more than 2000m³ over any single consecutive 12 month period on a property</u></p> <p>(ii) <u>Does not exceed a volume of more than 3000m³ and an area of more than 6000m² over any single consecutive 12 month period on a property >40ha</u></p> <p>(x)</p> <p>AND</p> <p>Delete Rule 22.2.3.4 DI Earthworks – within Landscape and Natural Character Areas</p>
268.2	Warwick Cheyne	Delete Rule 22.2.3.4 Earthworks – within Landscape and Natural Character Areas
695.208	Sharp Planning Solutions Limited	Amend Rule 22.2.3.4 Earthworks within Landscape and Natural Character Areas, so that earthworks are based on the site area i.e. a 1:1 ratio so that a 450m ² site would provide 450m ³ of earthworks.
<i>FSI 223.208</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
257.2	Estate of Alwynne McDonald Chisnall	<p>Delete Rule 22.2.3.4 Earthworks – within Landscape and Natural Character Areas</p> <p>OR</p> <p>Amend Rule 22.2.3.4 PI Earthworks – within Landscape and Natural Character Areas, to change the area and volume of earthworks for Significant Amenity Landscapes.</p>
695.209	Sharp Planning Solutions	Retain a maximum area of earthworks in Rule 22.2.3.4 Earthworks within Landscape and Natural Character Areas.
<i>FSI 223.209</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
747.7	Ryburn Lagoon Trust Limited	<p>Delete Rule 22.2.3.4 PI (a)(i)-(iv) Earthworks within Landscape and Natural Character Areas</p> <p>AND</p> <p>Amend the Proposed District Plan to provide other such relief and consequential amendments as to give effect sought in the submissions.</p>
<i>FSI 387.987</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
104.4	Tim Newton	Amend Rule 22.2.3.4 PI (a)(ii) Earthworks – within Landscape and Natural Character Areas, to allow 1000m ² area and 500m ² volume for all categories of landscape or natural character areas.
<i>FSI 007.2</i>	<i>Phillip John Swan</i>	<i>Support</i>
481.6	Culverden Farm	<p>Delete the limits on volume, area and cuts in Rule 22.2.3.4 PI Earthworks within Landscape and Natural Character Areas, for the purposes of maintaining existing farming infrastructure</p> <p>AND</p> <p>Amend Rule 22.2.3.4 PI Earthworks within Landscape and Natural Character Areas, to permit earthworks for new infrastructure within these areas such as fencing, tracks and drains.</p>
81.162	Waikato Regional Council	Clarify the earthworks thresholds (area and volume) for the landscape and natural character areas, across all zones.

510.5	Bob Carter	Amend Rule 22.2.3.4 Earthworks – within landscape and natural character areas by swapping around the area and volume figures of 50m ² and 250m ³ .
433.53	Auckland Waikato Fish and Game Council	Delete Rule 22.2.3.4 PI(a)(vii) Earthworks – within Landscape and Natural Character Areas AND Add new note to Rule 22.2.3.4 Earthworks – within Landscape and Natural Character Areas, as follows: <u>Note: Where earthworks are specifically for ecosystem protection, restoration or enhancement (e.g. conservation covenants, works involved with wetland enhancement) then PI does not apply.</u> AND/OR Any alternative relief to address the issues and concerns raised in the submission.
<i>FSI 340.71</i>	<i>Ta Ta Valley Limited</i>	<i>Support</i>
731.2	Jean Tregidga	Amend Rule 22.2.3.4 Earthworks – within Landscape and Natural Character Areas, by permitting earthworks for the construction of new tracks within Outstanding Natural Features and Outstanding Natural Landscapes.
<i>FSI 180.2</i>	<i>Jean Tregidga</i>	<i>Support</i>
330.84	Andrew & Christine Gore	No specific decision sought, however submission refers to Rule 22.2.3.4 Earthworks – within Landscape and Natural Character Areas.
706.4	Francis & Susan Turton	Opposes Rule 22.2.3.4 PI(a) Earthworks – within Landscape and Natural Character Areas, with respect to the volume, area and cut limits.
575.20	Fulton Hogan Limited	Retain Rule 22.2.3.4 Earthworks within Landscape and Natural Character Areas OR Amend Rule 22.2.3.4 Earthworks, if the Significant Natural Areas, Outstanding Natural Features and Outstanding Natural Landscapes are not removed from Fulton Hogan's lawfully existing quarries as sought elsewhere in the submission AND Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.
<i>FSI 332.34</i>	<i>Winstone Aggregates</i>	<i>Support</i>
697.776	Waikato District Council	Amend Rule 22.2.3.4 PI(a) Earthworks – within Landscape and Natural Characters, as follows: (a) Earthworks are for the maintenance of existing tracks, fences or drains within <u>the following landscapes, natural features and natural character areas:</u> (i) <u>Hill Country Significant Amenity Landscape</u> (ii) <u>Significant Amenity Landscape (SAL) – Waikato River and margins and lakes</u> (iii) <u>Significant Amenity Landscape (SAL) – sand dune</u> (iv) <u>High or Outstanding Natural Character Area of the coastal environment</u>

		<p>(v) <u>Outstanding Natural Feature sand dune</u></p> <p>(vi) <u>Outstanding Natural Feature (ONF)</u></p> <p>(vii) <u>Outstanding Natural Landscapes (ONLs) an identified Landscape or Natural Character Area and must meet all of the following conditions:</u></p>												
680.207	Federated Farmers of New Zealand	<p>Amend Rule 22.2.3.4 PI Earthworks – within Landscapes and Natural Character Areas, as follows:</p> <p>(a) Ancillary rural earthworks for are the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions: ...</p> <p>(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;</p> <p>(iv) The maximum slop of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);</p> <p>(v) Areas exposed by the earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls:</p> <p>(vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths</p> <p>(b) <u>Earthworks for other purposes must meet all of the following conditions: ...</u></p> <p>(i) The earthworks are undertaken within a single consecutive 12 month period;</p> <p>(ii) The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period ...</p> <table border="1"> <thead> <tr> <th>Landscape or natural character area</th> <th>Area (m²)</th> <th>Volume (m³)</th> </tr> </thead> <tbody> <tr> <td>Hill Country Significant Amenity Landscape</td> <td>1000</td> <td>500</td> </tr> <tr> <td>Significant Amenity Landscape Waikato River Margins and Lakes</td> <td>500</td> <td>500</td> </tr> <tr> <td>Significant Amenity Landscape (SAL) sand dune</td> <td>50</td> <td>250</td> </tr> </tbody> </table> <p>High or Outstanding Natural Character Area of the coastal environment</p> <p>Outstanding Natural Feature sand dune</p> <p>Outstanding Natural Feature (ONF)</p> <p>Outstanding Natural Landscapes (ONLs) 50 250</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>	Landscape or natural character area	Area (m ²)	Volume (m ³)	Hill Country Significant Amenity Landscape	1000	500	Significant Amenity Landscape Waikato River Margins and Lakes	500	500	Significant Amenity Landscape (SAL) sand dune	50	250
Landscape or natural character area	Area (m ²)	Volume (m ³)												
Hill Country Significant Amenity Landscape	1000	500												
Significant Amenity Landscape Waikato River Margins and Lakes	500	500												
Significant Amenity Landscape (SAL) sand dune	50	250												
680.208	Federated Farmers of New Zealand	<p>Amend Rule 22.2.3.4 DI Earthworks – within Landscapes and Natural Character Areas, as follows:</p> <p>DI-RDI (a) Earthworks within an identified Landscape or Natural Character Area that do not comply with Rule 22.2.3.4 PI</p> <p>AND</p> <p>Add new clause (b) to Rule 22.2.3.4 DI Earthworks –</p>												

		<p>within Landscape and Natural Character Areas, as follows:</p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>visibility from public place; and</u></p> <p>(ii) <u>scale of earthworks and effects on the landscape values</u></p> <p>(iii) <u>The purpose and functional need of the earthworks</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>
FSI 139.61	Turangawaewae Trust Board	Oppose
FSI 108.70	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
704.4	The C. Alma Baker Trust	Opposes the volume limits and time period in Rule 22.2.3.4 Earthworks – within Landscape or Natural Character Areas
695.110	Sharp Planning Solutions Limited	Amend Rule 23.2.3.4 PI(a)(ii) Earthworks – within Landscape and Natural Character Areas, so that the 50m ² figure is volume and the 250m ³ volume is area.
FSI 223.205	Mercury NZ Limited	Oppose
697.869	Waikato District Council	<p>Amend Rule 23.2.3.4 PI(a) Earthworks – within Landscape and Natural Character Areas, as follows:</p> <p>(a) Earthworks are for the maintenance of existing tracks, fences or drains within <u>the following landscapes, natural features and natural character areas:</u></p> <p>(i) <u>Hill Country Significant Amenity Landscape</u></p> <p>(ii) <u>Significant Amenity Landscape (SAL) – Waikato River and margins and lakes</u></p> <p>(iii) <u>Significant Amenity Landscape (SAL) – sand dune</u></p> <p>(iv) <u>High or Outstanding Natural Character Area of the coastal environment</u></p> <p>(v) <u>Outstanding Natural Feature sand dune</u></p> <p>(vi) <u>Outstanding Natural Feature (ONF)</u></p> <p>(vii) <u>Outstanding Natural Landscapes (ONLs)</u></p> <p>an identified Landscape or Natural Character Area and must meet all of the following conditions:</p> <p>(i) The earthworks are undertaken within <u>any single consecutive</u> 12 month period;</p> <p>(ii) The earthworks must not exceed the following areas and volumes within <u>any single consecutive</u> 12 month period:</p>
695.130	Sharp Planning Solutions Limited	Amend Rule 24.2.4.4 PI(a)(ii) Earthworks – within Landscape and Natural Character Areas, so that the 50m ² area figure is volume and the 250m ³ volume is

		area.
<i>FSI223.207</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.958	Waikato District Council	<p>Amend Rule 24.2.4.4 PI(a) Earthworks – Landscapes and Natural Character Areas, as follows:</p> <p>(a) Earthworks <u>are</u> for the maintenance of existing tracks, fences or drains within <u>the following landscapes, natural features and natural character areas:</u></p> <p>(i) <u>Significant Amenity Landscape (SAL) – sand dune</u></p> <p>(ii) <u>Natural Character Area</u></p> <p>(iii) <u>Outstanding Natural Character Area of the coastal environment</u></p> <p>an identified Landscape or Natural Character Area and must meet all of the following conditions: ...</p>
<i>FSI387.749</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.959	Waikato District Council	<p>Delete the table under Rule 24.2.4.4 PI(a)(iii) Earthworks – Landscape and Natural Character Areas</p> <p>AND</p> <p>Amend Rule 24.2.4.4 PI(c) Earthworks – Landscape and Natural Character Areas:</p> <p>(c) The earthworks must not exceed the following areas and volumes <u>an area of 50m² and a volume of 250m³</u> within a single consecutive 12 month period ...</p>
<i>FSI387.750</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.1030	Waikato District Council	<p>Amend Rule 25.2.4.4 PI Earthworks – within Landscapes and Natural Character Areas, as follows:</p> <p>(a) Earthworks are for the maintenance of existing tracks, fences or drains <u>within the following landscapes, natural character areas:</u></p> <p>(i) <u>Significant Amenity Landscape</u></p> <p>(ii) <u>High Natural Character Area</u></p> <p>(iii) <u>Outstanding Natural Character Area of the coastal environment</u></p> <p>(iv) <u>Outstanding Natural Landscapes</u></p> <p>(v) <u>Outstanding Natural Features</u></p> <p><u>and</u> must comply with all of the following conditions:</p> <p>(i) <u>A The earthworks are undertaken within a single consecutive 12 month period;</u></p> <p>(ii) <u>B The earthworks do not exceed the following areas and volumes: ...</u></p>
<i>FSI387.776</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
273.1	Russell Luders	No specific decision sought, but submission opposes the limits on volume, area and cut of earthworks in Rule 22.2.3.4 PI(a) Earthworks within landscape or Natural Character Areas.

7.1.4 Analysis

All Zones

242. Waikato Regional Council [81.162] requests clarification of the earthworks thresholds across all zones. I invite them to comment at the hearing as to whether my recommended amendments to the rules for earthworks in identified landscapes and NCA are appropriate.
243. Waikato District Council [697.112, 697.627, 697.702, 697.776, 697.869, 697.958, 697.959, 697.1030] requests various amendments to the earthworks rules for identified landscapes and natural character areas in the Rural, Residential, Countryside Living, Village, General Industrial, Heavy Industrial and Reserves Zones. These amendments primarily concern the formatting and expression of the rules, rather than any material change. However, I note that Council's submissions in respect to the Residential, General Industrial Zone and Village Zone have confused the area and volume thresholds by expressing the area as a cubic metre measurement or the volume as a square metre measurement. I also consider that the phrase 'single consecutive 12 month period' is confusing. This could be interpreted to mean a second 12 month period that immediately follows an initial period of 12 months. It is far more concise to simply refer to a 12 month period.
244. The style of rules across the whole of the district plan is to be ultimately decided by the hearings panel. However, I consider that my recommended amendments to these earthworks rules, resulting from these submissions, are more clear and concise than the notified versions.

Residential Zone

245. For the Residential Zone, Sharp Planning Solutions Limited [695.87] and Kainga Ora [749.84] request amendments to the thresholds for earthworks to permit 250m² and 50m³ within identified landscape areas (rather than the notified thresholds of 50m² and 250m³). The Department of Conservation's further submission raises concern that an increase in the thresholds will result in increased sediment runoff and visual effects.
246. However, the further amendment requested by Sharp Planning Solutions Limited [695.88] is unclear and contradictory, in that it seeks application of a 1:5 ratio for earthworks occurring within the affected landscape area, as opposed to the area of the residential site. The submission provides an example of 500m² earthworks within any landscape overlay, where the permitted threshold should then be 100m² and 100m³. It is unclear whether they are basing this calculation on the whole of the landscape area or just that part that overlays the Residential Zone. It would be helpful for the submitter to clarify this request at the hearing.
247. I consider that there is merit in the requests for the 250m² and 50m³ thresholds in the Residential Zone. These thresholds are reasonable, given typical site areas and residential developments that are expected in this zone - namely a dwelling and driveway. Without any relaxation of the area threshold, it is expected that almost all residential developments on residential lots in identified landscape areas would require resource consent. For example, there is an extensive SAL overlay that applies to the Residential Zone at Raglan. I consider that the costs of obtaining resource consent in these situations are not justified and significantly outweigh benefits where the land is identified for residential development.
248. I disagree with the application of any ratio that is based on the identified landscape area, irrespective of its extent across just the Residential Zone or all affected zones. Sharp Planning Solutions has not provided evidence or any rationale to justify their requested 1:5 ratio, and I consider that it is far simpler to apply the same thresholds to all residential sites located in identified landscape areas, irrespective of site size. If earthworks on a site were to

exceed the 250m² and 50m³ thresholds that I am recommending, I consider that the merits should be considered through a resource consent process. This is an effective and efficient means to calculate the area of earthworks rather than a more complex process of calculating a portion of the earthworks relative to the site or overlay.

Rural Zone

249. For the Rural Zone, Hill Country Farmers Group [482.1], Culverden Farm [481.6], and Francis and Susan Turton [706.4] request exemptions from the area and volume thresholds for earthworks in landscape areas, if they are associated with the maintenance of existing farming infrastructure or the development of new infrastructure (such as fencing, tracks and drains). The submission from The C. Alma Baker Trust [704.4] raises similar concerns in respect to the necessary maintenance of existing farming infrastructure.
250. While I accept that the maintenance of existing farming infrastructure is important and should be permitted, new farming infrastructure has the potential to erode the 'naturalness' or significance of these identified features and landscapes, such that their attributes are diminished. The wide range of farming infrastructure would result in a level of uncertainty as to the extent of adverse effects if this were afforded a permitted activity status. I do not anticipate a significant demand for new infrastructure and works, however some extent of earthworks is permitted by the rules, and it is my opinion that it is appropriate to test the merits of any new development that breaches the permitted activity standards through a resource consent process.
251. Steven and Theresa Stark [701.7] request various amendments to the rules for earthworks in identified landscape areas in the Rural Zone to permit 2000m² and 1000m³, an increase of these thresholds to 6000m² and 3000m³ for properties greater than 40ha, deletion of the reference to NCA, upgrading (in addition to maintenance) of existing tracks, fences and drains in outstanding natural landscape areas, and deletion of the default rule for a discretionary activity.
252. I accept that earthworks associated with the maintenance of existing farm infrastructure should be permitted. I do not support Mr and Mrs Stark's other requests for the reasons given above, however I consider that some relaxation should be given in respect to the activity status for non-compliance with the standards, so that a test is for a restricted discretionary activity rather than a discretionary activity. This is because the adverse effects are essentially restricted to visual, landscape and ecological effects on the identified landscape feature or area. I recommended this approach in my concluding hearing report for the two industrial zones (Hearing 7) so that Council is required to consider the extent to which adverse effects on landscape or natural character values are avoided, remedied or mitigated. For consistency, I recommend the same approach in respect to other zone chapters that contain the equivalent rule.
253. Warwick Cheyne [268.2] requests that Rule 22.2.3.4 be deleted entirely because his view is that his property at 648 Waipuna Road in Waerenga should be completely unencumbered so that he can exercise all his privileges. In my opinion, it is important to retain some control over earthworks in identified landscape areas and NCA, otherwise there is a risk that adverse effects will diminish their attributes and it is also necessary for the PWDP to give effect to the WRPS.
254. Stuart Chisnall (on behalf of the Estate of Alwynne McDonald Chisnall) [257.2] also requests the deletion of Rule 22.2.3.4, unless the area and volume thresholds within SAL are amended. While no amended thresholds are offered, Mr Chisnall considers that less onerous thresholds are warranted so that maintenance of the drains, as required by Waikato

Regional Council, on the subject property at 275 Parker Lane in Buckland, can continue without any resource consent process. Similar requests have been made by Ryburn Lagoon Trust Limited [747.7], who own a 36.5ha rural property adjoining the Mangatawhiri Stream, and Tim Newton [104.4] who owns a 54ha rural property at 1665 Whaanga Road in Raglan.

255. Russell Luders [273.3] does not seek any specific decision, but he opposes the limits on earthworks in Rule 22.2.3.4 for the reason that regular maintenance of tracks is essential and that maintaining existing farm infrastructure should therefore be allowed.
256. In my opinion, Rule 22.2.3.4 should permit the maintenance of existing tracks, fences and drains without any area or volume threshold. This work is part and parcel of any farming operation and, in my opinion, it would be unreasonable to require a resource consent process to maintain infrastructure that already exists. For example, the length of farm tracks used for vehicular access can be extensive, and they often need to be regularly graded and dressed with metal so that they remain functional and safe. I do not consider the cost of a resource consent process for such maintenance works to be justified. For this reason, I agree with these submitters and accordingly recommend amendments to this rule.
257. Sharp Planning Solutions Limited [695.208] requests that Rule 22.2.3.4 be amended so that earthworks in landscape areas are managed based on a 1:1 ratio. They provide an example where a 450m² site would permit 450m³. It would appear that this submitter has misaligned the size of a rural site with a typical residential site. This specific request may also conflict with their separate request for this rule to retain maximum thresholds. I remain concerned that a 1:1 ratio would support large-scale earthworks as permitted activities, for example 1ha for 10,000m³ earthworks. This could result in significant adverse effects, including cumulative effects on the feature/landscape identified in overlays, and would not give effect to the WRPS. My preference is to amend this rule as per my recommendation.
258. Bob Carter [510.5] and Sharp Planning Solutions [695.87] request amendments to the thresholds for earthworks to permit 250m² and 50m³ within identified landscape areas in the Rural Zone (rather than the notified thresholds of 50m² and 250m³). These particular thresholds of 50m² and 250m³ apply to SAL – sand dune/ NCA/ONF/ONL. More generous thresholds apply to Hill Country SAL (100m²/500m³) and SAL – Waikato River Margins and Lakes (500m²/500m³). I am reluctant to amend the thresholds for identified SAL/ONF sand dunes because of their sensitive and dynamic character. I am also reluctant to amend the thresholds for high and outstanding NCA/ONF/ONL because of the potential risks in diminishing the attributes of these locations and the directives in the WRPS and NZCPS to either protect or preserve them. My preference is to retain the notified thresholds and require a resource consent process to test the merits of any proposal involving a breach of these thresholds.
259. Auckland Waikato Fish and Game Council (AWFGC) [433.53] request deletion of clause (a)(vii) in Rule 22.2.3.4 which restricts any earthworks associated with the maintenance of tracks, fences and drains from diverting or change natural water flows, water bodies or established drainage paths. They also request the addition of this note:

Note: Where earthworks are specifically for ecosystem protection, restoration or enhancement (e.g. conservation covenants, works involved with wetland enhancement) then PI does not apply.
260. I do not support this note for the reason that it does not have statutory weight, but primarily because some new works have the potential to compromise the attributes of identified landscapes and NCA, and it is my opinion that a resource consent process is appropriate to test the merits of a particular proposal.

261. Federated Farmers [680.207] request amendments to Rule 22.2.3.4 so that ancillary rural earthworks are permitted (instead of the maintenance of tracks, fences and drains as per the notified version). They also request deletion of the earthworks thresholds within a SAL and a cascade to a restricted discretionary activity upon non-compliance with a permitted standard, rather than a discretionary activity.
262. I acknowledge that ancillary rural earthworks are integral to farming operations. However, potential exists for earthworks associated with new development to compromise the attributes of SAL and any other identified landscape areas. For this reason, I consider it appropriate to test the merits of introducing modifications into these identified landscape areas (that do not fit into the 'maintenance' category) through a resource consent process. I invite Federated Farmers to comment at the hearing as to whether they consider my recommended amendments to Rule 22.2.3.4 acceptable.
263. As noted earlier, I do support an activity cascade to a restricted discretionary in Rule 22.2.3.4, as opposed to a discretionary activity. This is because the adverse effects are essentially restricted to visual, landscape and ecological effects on the identified landscape feature or area.
264. Jean Tregidga [731.2] requests that Rule 22.2.3.4 be amended to permit the construction of new tracks in ONF and ONL. I do not support this request, as such new works have the potential to compromise the attributes of these outstanding features and landscapes which need to be protected, and it is therefore my opinion that the merits of a particular proposal should be tested through a resource consent process.
265. Andrew and Christine Gore [330.84] oppose Rule 22.2.3.4, although their position is unclear and no details or decision request have been provided. Without this information, I am left to recommend rejection of their submission.
266. Fulton Hogan [575.20] supports Rule 22.2.3.4, although this is conditional on the removal of mapped SNA/ONF/ONL on properties that contain their lawfully established quarries. This mapping issue should have no bearing on this rule, and is addressed separately in Part C of this report.

Country Living Zone

267. Sharp Planning Solutions [695.110] request amendments to the thresholds for earthworks to permit 250m² and 50m³ within identified landscape areas in the Country Living Zone (rather than the notified thresholds of 50m² and 250m³). Similar to the Rural Zone, these particular thresholds of 50m² and 250m³ apply to SAL – sand dune/NCA/ONF/ONL. More generous thresholds apply to Hill Country SAL (100m²/500m³) and SAL – Waikato River Margins and Lakes (500m²/500m³).
268. I am reluctant to amend the thresholds for identified SAL/ONF sand dunes because of their sensitive and dynamic character. I am also reluctant to amend the thresholds for high and outstanding NCA/ONF/ONL because of the potential risks in diminishing the attributes of these locations and the directives in the WRPS and NZCPS to either protect or preserve them. My preference is to retain the notified thresholds and require a resource consent process to test the merits of any proposal involving a breach of these thresholds.

Village Zone

269. Sharp Planning Solutions Limited [695.130] also requests that the area and volume thresholds be swapped to permit 250m² and 50m³ in the Village Zone. The notified rule applies thresholds of 50m² and 250m³ to SAL – sand dune and NCA. I am reluctant to amend the thresholds for identified SAL – sand dunes because of their sensitive and dynamic

character. I am also reluctant to amend the thresholds for NCA because of the potential risks in diminishing the attributes of these locations and the directives in the WRPS and NZCPS to either protect or preserve them. My preference is to retain the notified thresholds and require a resource consent process to test the merits of any proposal involving a breach of these thresholds.

7.1.5 Recommendations

270. For the reasons given above, it is recommended that the hearings panel:

- (a) **Accept** the submission from Sharp Planning Solutions Ltd [695.87]
- (b) **Reject** the submission from Waikato District Council [697.112] and further submission from *Ta Ta Valley Limited* [FS1340.119]
- (c) **Accept** the submission from Housing NZ Corporation [749.84] and **reject** the further submission from the *Department of Conservation* [FS1293.58]
- (d) **Reject** the submission from Sharp Planning Solutions Ltd [695.88]
- (e) **Reject** the submission from Waikato District Council [697.627] and **accept** the further submission from *Mercury NZ Ltd* [FS1387.629]
- (f) **Reject** the submission from Waikato District Council [697.702] and **accept** the further submission from *Mercury NZ Ltd* [FS1387.648]
- (g) **Accept in part** the submission from Hill Country Farmers Group [482.1] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2
- (h) **Reject** the submission from Steven and Theresa Stark [701.7]
- (i) **Reject** the submission from Warwick Cheyne [268.2]
- (j) **Reject** the submission from Sharp Planning Solutions Ltd [695.208] and **accept** the further submission from *Mercury NZ Ltd* [FS1223.208]
- (k) **Accept in part** the submission from the Estate of Alwynne McDonald Chisnall [257.2] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2
- (l) **Accept** the submission from Sharp Planning Solutions Ltd [695.209] and **reject** the further submission from *Mercury NZ Ltd* [FS1223.209]
- (m) **Accept in part** the submission from Ryburn Lagoon Trust Ltd [747.7] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2 and **accept in part** the further submission from *Mercury NZ Ltd* [FS1387.987]
- (n) **Reject** the submission from Tim Newton [104.4] and further submission from *Phillip John Swan* [FS1007.2]
- (o) **Accept in part** the submission from Culverden Farm [481.6] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2
- (p) **Accept** the submission from Waikato Regional Council [81.162]
- (q) **Reject** the submission from Bob Carter [510.5]
- (r) **Reject** the submission from the Auckland Waikato Fish and Game Council [433.53] and further submission from *Ta Ta Valley Limited* [FS1340.71]
- (s) **Reject** the submission from Jean Tregidga [731.2] and further submission from Jean Tregidga [FS1180.2]
- (t) **Reject** the submission from Andrew and Christine Gore [330.84]
- (u) **Accept in part** the submission from Francis and Susan Turton [706.4] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2

- (v) **Accept in part** the submission from Fulton Hogan Ltd [575.20] and the further submission from *Winstone Aggregates* [FS1332.34] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2
- (w) **Reject** the submission from Waikato District Council [697.776]
- (x) **Reject** the submission from Federated Farmers of NZ [680.207]
- (y) **Accept in part** the submission from Federated Farmers of NZ [680.208] and **accept in part** the further submissions from *Turangawaewae Trust Board* [FS1139.61] and *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.70]
- (z) **Accept in part** the submission from The C. Alma Baker Trust [704.4] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2
- (aa) **Reject** the submission from Sharp Planning Solutions Limited [695.110] and **accept** the further submission from *Mercury NZ Ltd* [FS1223.205]
- (bb) **Reject** the submission from Waikato District Council [697.869]
- (cc) **Reject** the submission from Sharp Planning Solutions Limited [695.130] and **accept** the further submission from *Mercury NZ Ltd* [FS1223.207]
- (dd) **Reject** the submission from Waikato District Council [697.958] and **accept** the further submission from *Mercury NZ Ltd* [FS1387.749]
- (ee) **Reject** the submission from Waikato District Council [697.959] and **accept** the further submission from *Mercury NZ Ltd* [FS1387.750]
- (ff) **Reject** the submission from Waikato District Council [697.1030] and **accept** the further submission from *Mercury NZ Ltd* [FS1387.776]
- (gg) **Accept in part** the submission from Russell Luders [273.3] to the extent of the amendments to Rule 22.2.3.4 shown in Attachment 2.

7.1.6 Recommended amendments and section 32AA evaluation

- 271. Due to the substantial amount of earthworks rules for identified landscape areas in various zone chapters, I have shown my recommended amendments in Attachment 2 rather than here.
- 272. In my opinion, the recommended rule amendments are more appropriate ways to achieve the associated zone objectives than the notified versions. This is because they specify thresholds that are more practical for new works and enable maintenance of existing infrastructure without thresholds. The amended rules are more clear and easier to administer compared to the notified versions.
- 273. Other than amendments that allow for maintenance of existing infrastructure, the only amendments that I have recommended for area and volume thresholds are for the Residential Zone. Without these particular amendments, the onerous requirements in the notified version would result in a considerable amount of resource consent applications and associated costs which I consider unreasonable, particularly as the Residential Zone is where more intensive development is expected. Submissions that request amendments to thresholds for other zones relate to sensitive dune environments and ONF/ONL/NCA. I do not support any change to the notified version here because these are environments that are particularly sensitive, and the PWDP is obliged to either protect or preserve them in terms of the WRPS and NZCPS.
- 274. I also consider that some relaxation should be given in respect of the activity status for non-compliance with the standards, so that a test is for a restricted discretionary activity rather than a discretionary activity. This is because the adverse effects are essentially restricted to visual, landscape and ecological effects on the identified landscape feature or area. Narrowing

the matters of discretion to those that are relevant to landscapes provides for a more effective and efficient resource consent process and provides more certainty around how proposals are to be considered if they do not meet the permitted activity standards.

275. Overall, I consider that there are more risks in not acting (i.e. retaining the status quo of the notified rule versions) and that the amended rules are more effective and efficient in achieving the zone objectives.

8 Buildings in Identified ONF/ONL/SAL/NCA

8.1.1 Introduction

276. The PWDP contains zone rules that manage the effects of locating buildings or structures within important features and areas that include any ONF/ONL/SAL/NCA. The objective of these rules is to ensure that (particularly visual) adverse effects do not undermine the attributes of these important features and areas that are specifically identified in objectives, policies and on the planning maps.

8.1.2 Submissions

277. The nine original submissions listed in the following table:
- (a) support the building rules for specific zones
 - (b) request a less onerous activity status for particular buildings and structures
 - (c) request a new permitted rule for modifications to buildings and structures, and for buildings ancillary to agricultural production
 - (d) request minor grammatical changes to rules.

Submission Point	Submitter	Summary of Submission
543.15	Fellrock Developments Limited and TTT Products Limited	Retain Rule 20.3.2 Building height in an Outstanding Natural Feature, Outstanding Natural Landscape or Significant Amenity Landscape.
680.221	Federated Farmers of New Zealand	<p>Add a new permitted activity rule PI to Rule 22.3.3 Buildings and structures in Landscape and Natural Character Areas, as follows:</p> <p><u>PI</u></p> <p><u>(a) Maintenance and replacement of existing buildings, or structures within an identified outstanding natural feature or landscape.</u></p> <p><u>(b) New buildings and structures ancillary to agricultural production activities within pastoral landscapes that form part of an Outstanding Natural Feature and Landscape that:</u></p> <p><u>(i) when visible from a road or other public place does not extend above any ridgeline and does not have a backdrop of a lake or sky;</u></p> <p><u>(ii) That the maximum floor area is 600m², and</u></p> <p><u>(iii) That the maximum height is 10 metres</u></p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief</p>

		<p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>
<i>FSI 387.215</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
680.220	Federated Farmers of NZ Limited	<p>Amend Rule 22.2.3 Buildings and structures in Landscape and Natural Character Areas, so that only natural features and natural landscapes that have demonstrable outstanding natural qualities are identified and mapped as Outstanding Landscapes or Features are subject to this rule</p> <p>AND</p> <p>Amend Rule 22.3.3 D1 Buildings and structures in Landscape and Natural Character Areas as follows:</p> <p>D1 <u>RDI</u> (a) Building or structure located within any:</p> <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; (iv) High Natural Character Area <p>(v)</p> <p>AND</p> <p>Add a new restricted discretionary activity rule (b) to Rule 22.3.3 D1 Buildings and structures in Landscape and Natural Character Areas, as follows:</p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) The extent to which the building or structure adversely affects the stated landscape or feature values, and in particular whether the activity is prominent when viewed from the road or other public land</u> <u>(ii) The functional or operational need of the building or structure to locate within the identified area.</u> <p>AND</p> <p>Any consequential changes needed to give effect to this relief</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>
<i>FSI 139.66</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>
<i>FSI 223.194</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI 108.75</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
81.165	Waikato Regional Council	Retain Rule 22.3.3 Buildings and structures in Landscape and Natural Character Areas
433.58	Auckland Waikato Fish and Game Council (AWFGC)	<p>Amend Rule 22.3.3 D1 Buildings and structures in Landscape and Natural Character Areas, as follows:</p> <ul style="list-style-type: none"> (a) Building or structure <u>that is not a maimai</u> located within any ... <p>AND/OR</p>

		Any alternative relief to address the issues and concerns raised in the submission.
697.799	Waikato District Council	Amend Rule 22.3.3 D1 (a) Buildings and structures in Landscape and Natural Character Areas, as follows: (a) Building or structure located within any <u>of the following landscape and natural character areas</u> : ...
704.6	The C. Alma Baker Trust	Amend Rule 22.3.3 Buildings and structures in Landscape and Natural Character Areas, by changing the activity status from discretionary to either a restricted discretionary or controlled activity.
330.108	Andrew & Christine Gore	No specific decision sought, however submission refers to Rule 23.3.3 Buildings and structures in Landscape and Natural Character Areas
81.178	Waikato Regional Council	Retain Rule 23.3.3 Buildings and structures in Landscape and Natural Character Areas

8.1.3 Analysis

General Industrial Zone

278. Fellrock Developments Limited and TTT Products Limited [543.15] support Rule 20.3.2, which manages building height in the General Industrial Zone. I agree that this rule is appropriate and recommend that these submissions be accepted.

Rural Zone

279. Waikato Regional Council [81.165] supports Rule 22.3.3, which manages building height in the Rural Zone. I agree that building height needs to be managed in identified landscape areas to ensure that their attributes are not compromised.
280. Federated Farmers [680.221] requests a new permitted activity rule for the Rural Zone that provides for maintenance and replacement of existing buildings or structures. In my view, such provision is unnecessary. If such works were to breach this building rule, existing use rights in terms of section 10 of the RMA would permit them, provided that the existing developments are legally established and the effects of the proposed works are the same or similar in character, intensity and scale as the effects that already exist.
281. There is an established process through a Certificate of Compliance to support an assessment of existing use rights in terms of replacement. Maintenance, such as the replacement of a roof, painting or fixing cladding, is not considered to trigger the thresholds associated with the rules for ONF/ONL/SAL/NCA, nor are additional rules required to address this. Otherwise, resource consent is required for new buildings or structures, or extensions to these, to test the effects that go beyond these thresholds.
282. The second part of the rule requested by Federated Farmers permits new buildings and structures ancillary to agricultural production within pastoral landscapes that form part of an ONF/ONL, subject to bulk and location conditions.
283. The options associated with the rules are to require resource consent for new buildings (regardless of their use), or as this submitter requests, to provide for permitted buildings to a certain scale which could recognise existing rural production activities. It is acknowledged that while some ONF/ONL/SAL/NCA do contain pastoral areas, the clear majority relate to natural features associated with bush, wetland and landforms.

284. There is little evidence to indicate significant demand for new rural buildings in the Rural Zone where these overlays apply. I am also concerned that the relief sought would establish a permitted baseline as a result of a complying structure, which could then be used to determine how the rule applies to non-farm related buildings. I therefore consider it unwise to establish a permitted baseline of building scale in relation to development within these overlays.
285. Furthermore, the effects of some building developments have the potential to compromise the attributes of nationally important ONF/ONL, which must be protected in terms of section 6(b) of the RMA and the WRPS. It is therefore prudent to test the merits of any new building proposal through a rigorous resource consent process. Overall therefore, it is my opinion that this request is inappropriate.
286. Federated Farmers [680.220] and The C. Alma Baker Trust [704.6] request a relaxation in activity status for buildings and structures in identified ONF/ONL/NCA so that they are considered as a controlled activity or restricted discretionary activity (rather than a discretionary activity as notified). I do not support a controlled activity, as there is no ability to decline consent for this category of activity. However, because the effects of buildings are essentially visual in nature, I do accept that a restricted discretionary activity would be more appropriate so that the assessment is restricted (compared to a discretionary activity) and conditions of consent can be imposed to manage those visual effects. The ability also remains for consent to be declined if Council is not satisfied that those visual adverse effects are unable to be managed in such a way that the attributes of these nationally-important features and areas remain protected.
287. Other matters raised by Federated Farmers in submission point [680.220] involve mapping and definitions, which are addressed separately in later sections of this report.
288. Auckland Waikato Fish and Game Council [433.58] request a dispensation to permit the construction of maimai within identified features/landscapes in the Rural Zone. I do not support this request. There remains potential for adverse effects (particularly visual) to be generated by maimai, and I am of the opinion that they should be considered in the same way as any other building or structure in these particular locations. I am also aware that some existing maimai in the district have questionable legal status, with some of these being quite elaborate in terms of their size and facilities. My preference is for a resource consent process to test the adverse effects generated by any building or structure within an identified landscape, irrespective of their purpose. This is because there is potential for such development to diminish the attributes of identified landscapes.
289. Lastly, WDC's [697.799] request to add the words 'of the following landscape and natural character areas' are unnecessary in my view, as they do not materially change this rule. My preference is for any district rule to be concise without using unnecessary words. However, how rules are expressed throughout the whole of the plan is a matter of consistency, which will ultimately be decided by the hearings panel. I have therefore provisionally recommended rejection of this request.

Country Living Zone

290. Waikato Regional Council [81.178] supports Rule 23.3.3 which manages building height in the Country Living Zone. I agree that managing height of buildings within the landscape overlays is an appropriate way to give effect to the objectives and policies in the WRPS on this matter.

291. Andrew and Christine Gore's [330.108] submission refers to Rule 23.3.3 in respect to the Country Living Zone, although their position is unclear and no specific decision is sought. I am therefore left to recommend rejection of their submission.

8.1.4 Recommendations

292. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept** the submission from Fellrock Developments Limited and TTT Products Limited [543.15]
 - (b) **Reject** the submission from Federated Farmers of New Zealand [680.221]
 - (c) **Accept** the further submission from *Mercury NZ Limited* [FS1387.215]
 - (d) **Reject** the submission from Federated Farmers of New Zealand [680.220]
 - (e) **Accept** the further submissions from *Turangawaewae Trust Board* [FS1139.66], *Mercury NZ Limited* [FS1223.194] and *Te Whakakitenga o Waikato Inc. Society (Waikato-Tainui)* [FS1108.75]
 - (f) **Accept** the submission from Waikato Regional Council [81.165]
 - (g) **Reject** the submission from Auckland Waikato Fish and Game Council [433.58]
 - (h) **Reject** the submission from Waikato District Council [697.799]
 - (i) **Reject** the submission from The C. Alma Baker Trust [704.6]
 - (j) **Reject** the submission from Andrew and Christine Gore [330.108]
 - (k) **Accept** the submission from Waikato Regional Council [81.178].

8.1.5 Recommended amendments and section 32AA evaluation

293. No amendments are recommended to the rules that manage buildings and structures in any ONF/ONL/SAL/NCA as a result of these submissions, thus no section 32AA evaluation is necessary.

9 New schedules for important geological sites and landforms, ONF, ONL, NCA and SAL

9.1.1 Introduction

294. The PWDP does not contain a specific schedule for geopreservation sites or landforms. There are also no schedules for ONF/ONL/NCA/SAL. While the Waikato District Landscape Study contains details for the attributes/values of these identified landscape and natural character areas, these details have not been carried through to the PWDP.

9.1.2 Submissions

295. The five original submissions listed in the following table:

- (a) request a new schedule of important geological sites and landforms (matching Schedule 5B in the operative Franklin Section of the OWDP)
- (b) request a new ONF schedule that includes various geological sites and landforms currently recorded in the NZ Geopreservation Inventory
- (c) request new schedules for ONF, ONL and SAL.

Submission Point	Submitter	Summary of Submission
8.2	Geoscience Society of New Zealand	<p>Add a new schedule to Section 2 Appendices and Schedules, entitled 'Important Geological Sites and Landforms' and include the following sites (from the Waikato District Plan – Franklin Section, Part 5, Schedule 5B) in the schedule:</p> <ul style="list-style-type: none"> • <u>Daff Road Jurassic Plan Beds</u> • <u>Kaawa Creek-Ngatutura Bay Section</u> • <u>Kellyville Tuff Ring</u> • <u>Moeweka Quarry Jurassic Fauna</u> • <u>Onewhero Tuff Ring</u> • <u>Opuatia Cliff Jurassic Fauna</u> • <u>Port Waikato to Tuakau Bridge Road Jurassic Section</u> • <u>Pukekawa III Scoria Cone</u> • <u>Huriwai Beach Jurassic Plant Beds</u> • <u>Waikato River Delta</u>
FS1223.180	Mercury NZ Limited	Oppose
FS1012.4	Auckland Volcanic Cones Society	Support
FS1342.1	Federated Farmers of New Zealand	Oppose
FS1293.1	Department of Conservation	Support
8.3	Geoscience Society of New Zealand	<p>Add the following additional Outstanding Natural Features (i.e. geological sites and landforms) as recorded in the NZ Geopreservation Inventory to a new schedule of Outstanding Natural Features as follows:</p> <ol style="list-style-type: none"> 1. <u>Port Waikato sandspit</u> 2. <u>Ngapuriri natural arch and surrounding karst</u> 3. <u>Huriwai-Waikawau coastal section</u>

		4. <u>Waiwiri Beach unconformity and basal Waitemata group</u> 5. <u>Pukeotahinga scoria cone</u> 6. <u>Onewhero scoria cone</u> 7. <u>Kauri Rd scoria cone</u> 8. <u>Onepoto volcanic cone</u> 9. <u>Te Kohanga tuff ring</u> 10. <u>Rasmussen Rd tuff ring</u> 11. <u>Waiuku volcanic cone</u> 12. <u>Pokeno scoria cone</u> 13. <u>Serpell Rd tuff ring</u> 14. <u>Puketoka conglomerate</u> 15. <u>Waikorea hot springs</u> 16. <u>Gibsons Beach unconformity and fossil karst</u> 17. <u>Taupiri Gorge</u> 18. <u>Dunphall Bluffs Oligocene sandstone</u> 19. <u>Waingaro hot springs</u> 20. <u>Carters Beach shore platforms</u> 21. <u>Raglan coastal karst</u> 22. <u>Te Toto Gorge lava and pyroclastic sequence</u> 23. <u>Mt Karioi</u> 24. <u>Papanui Pt volcanics</u> 25. <u>Bridal Veil Falls columnar jointed basalt</u> 26. <u>Lake Disappear blind valley</u> 27. <u>Lake Disappear karst</u> 28. <u>Taranaki Pt karst</u> 29. <u>Aotea dune field</u> 30. <u>Helectite Hole karst</u>
FSI276.215	Whaingaroa Environmental Defence Inc. Society	Support
FSI293.2	Department of Conservation	Support
FSI120.1	Whaingaroa Environmental Defence Inc. Society	Support
FSI012.5	Auckland Volcanic Cones Society	Support
FSI121.1	John Lawson	Support
FSI342.2	Federated Farmers of New Zealand	Oppose
585.36	Department of Conservation	Add a schedule identifying the Outstanding Natural Features and Outstanding Natural Landscapes
FSI223.172	Mercury NZ Limited	Oppose
FSI377.164	Havelock Village Limited	Oppose
FSI340.96	Ta Ta Valley Limited	Support
8.1	Geoscience Society of New Zealand	Add a new schedule listing scheduled Outstanding Natural Features (ONF) in the district
FSI012.3	Auckland Volcanic Cones Society	Support
FSI223.179	Mercury NZ Limited	Oppose
862.31	Havelock Village Limited	Add a schedule that reflects the outcomes of the Waikato District Landscape Study, which notes the attributes and features that lend itself to the Significant Amenity Landscape status

		OR Delete all Significant Amenity Landscapes from the Proposed District Plan if a schedule is not included AND Any consequential amendments and alternative relief to give effect to the matters raised in the submission.
<i>FS1086.31</i>	<i>Yashili Dairy Company Limited</i>	<i>Support</i>
<i>FS1186.31</i>	<i>Pokeno Nutritional Park Limited</i>	<i>Support</i>
<i>FS1301.31</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FS1303.31</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FS1340.178</i>	<i>Ta Ta Valley Limited</i>	<i>Support</i>
<i>FS1345.113</i>	<i>Genesis Energy Limited</i>	<i>Support</i>

9.1.3 Analysis

296. The Geoscience Society of NZ [8.2] requests a new schedule of geological sites or landforms which contains their list of 10 sites. They also support new schedules for ONF/ONL and provide a list of 30 sites in their submission point [8.3] that they consider should be identified within an ONF schedule.
297. The Department of Conservation [585.36] also requests schedules for ONL/ONF, and Havelock Village [862.31] requests a schedule of SAL that draws on the detail from the WDLS.
298. The notified PWDP does not contain schedules for geopreservation sites, or identified ONF/ONL/NCA/SAL.
299. Policy 12.2 in the WRPS concerns the preservation of natural character within the coastal environment and Implementation Method 12.2.1(d)(vi) requires regional and district plans to have particular regard to protecting geological sites. However, I can find no explicit directive in the WRPS that requires Council to schedule geopreservation sites on the basis of their geoscience value alone. Even if this were to occur, this would require a new framework of objectives, policies and rules, and the identification of geopreservation sites on the planning maps. However, this detail has not been developed or made available to the public input through the statutory process for the PWDP. I consider that this creates a situation of prejudice that disadvantages potentially affected parties, namely landowners whose properties contain these geopreservation sites. Accordingly, I recommend that submission point [8.2] from the NZ Geopreservation Society be rejected.
300. Some geopreservation sites noted by the Geoscience Society [8.3] are currently scheduled in the Franklin Section and have already been identified in the PWDP. For example, the Pukekawa Scoria Cone and the modified part of the Port Waikato sandspit are identified as SAL.
301. However, Boffa Miskell does not consider that all of the geological sites/landforms listed by the Geoscience Society of NZ satisfy the criteria for an ONF. Instead, they recommend that only the unmodified part of the Port Waikato sandspit be included as part of the ONF which is the Waikato River Delta. Boffa Miskell's detailed technical response is set out in Attachment 3 to this hearing report. Accordingly, I recommend that the submission point [8.3] from the Geoscience Society be accepted in part.

302. For identified ONF/ONL/NCA/SAL, I consider there is merit in adopting an approach similar to that of the Auckland Unitary Plan, which contains schedules with a list of descriptions for identified features, landscapes and natural character areas together with their assigned values or attributes.
303. The approach in the Auckland Unitary Plan is consistent with case law, which has held that mapping only assists in identifying the geographic extent of what is sought to be protected. Listing those values that inform why a feature/landscape is an ONF/ONL/NCA/SAL is an important further element of setting out what is sought to be protected and recognised.
304. The use of schedules was hotly debated by the Environment Court in *Upper Clutha Environmental Society v Queenstown Lakes District Council* [2019] NZEnvC 205. In that decision, some experts said it was just as important for a district plan to identify section 6(b) landscape values as it was to map ONLF, and that without values (schedules) being included for mapped ONFL, there would be a very high potential for inconsistency in assessment methodology and subsequent risk of inconsistent findings. Other experts did not favour the scheduling of ONFL values, primarily in view of the risks of being overly prescriptive or missing things. The Court found that scheduling was a helpful mechanism to better provide for the integrated management of ONFL and rural character landscapes. It said that schedules would bring to light those values vulnerable to inappropriate development.
305. The following excerpts from Schedules 6, 7 and 8 of the Auckland Unitary Plan provide examples for how such an approach could be incorporated into the PWDP:

Schedule 6 Outstanding Natural Features Overlay Schedule [rcp/dp]

Introduction

The factors in [B4.2.2\(4\)](#) have been used to determine the features included in Schedule 6 Outstanding Natural Features Overlay Schedule, and will be used to assess proposed future additions to the schedule.

ID	Name	Location	Site type	Description	Unitary Plan criteria
2	Algies Beach melange	Algies Bay	E	This site is one of the best examples of an exposure of the contact between Northland Allocthon and Miocene Waitemata Group rocks.	a, b, g

Schedule 7 Outstanding Natural Landscapes Overlay Schedule [rcp/dp]

Introduction

The factors in [B4.2.2\(1\)](#) have been used to determine the areas included in Schedule 7 Outstanding Natural Landscapes Schedule, and will be used to assess proposed future additions to the schedule.

WESI criteria

Environment Court decision *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* C180/1999 [2000] NZRMA 59 included a set of factors for assessing landscape significance. These are included in policy [B4.2.2\(1\)](#).

ONL Description					WESI Criteria						
ID	Name	Location	Landscape type, Nature and Description	Elements patterns, processes	Natural Science Factors			Aesthetic Values		Expressiveness	Transient values
					Geological Topographical	Ecological	Dynamic	Memorability	Naturalness		
2	Ararimu Valley West	West Rodney	Hill Country Wild nature (hill country) Hill ridge sequence overlooking the Ararimu Valley that descends to the Ararimu stream, overlaid by a mixture of remnant native forest and shrubland on the higher slopes and ridge tops, and also following local stream corridors, intermixed with open pasture on the unit's margins.	Retention of indigenous vegetation reinforcing topography. Maintaining low levels of built modification.	High Clearly defined sequence of hills/ridges, steep slopes and remnant forest framing valleys and stream corridors. Relatively dramatic topography .	High Pronounced sequence of native forest cover linked across major ridges and slopes together with stream corridors.	High Amalgam of strongly dissected to rolling terrain and native forest cover intermixed with lower lying stream corridors (Ararimu Stream) and areas of pasture to create a clearly defined structure and pattern.	High Combination of terrain and vegetation cover creating a clearly defined matrix, with a relatively high level of cohesion and continuity.	High Relatively intact sequence of regenerating forest cover and stream corridors, especially near and above the Ararimu Stream.	High Very clearly defined relationship between topography and vegetated land cover creating a quite distinctive and Auckland/New Zealand landscape.	

Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule [rcp/dp]

Introduction

The factors in [B8.2.2\(1\)](#) have been used to determine the areas that are included in Schedule 8 Outstanding Natural Character and High Natural Character Overlay Schedule and will be used to assess proposed future additions to the schedule.

Schedule ID	Name	Location	Description	Natural Character Values	
Okahukura Peninsula					
1	Manukapua Island & Tapora Bank	Okahukura Peninsula, Tapora	An extensive and outstanding assemblage of relatively untouched intertidal sand banks, sand spits, wetlands that comprise Manukapua Island and Tapora Bank. The Islands punctuate the end of the Okahukura Peninsula and the convergence of the Kaipara Harbour and its entrance into the Tasman. The Islands have a very strong sense of naturalness, rawness, and wilderness which is highly apparent along this remote coastal environment.	Bio-physical characteristics: Key Values	
				Geomorphological / landform features & characteristics	
				Vegetation type, cover & patterns	
				Habitat / ecological values	
				Water bodies & the movement of water & sediment	
				Bio-physical values: Low High	
				Perceptual Values: Key Values	
				The wider coastal 'context' / setting	
				Experiential attributes	
				Perceptual Values: Low High	
Overall Natural Character Evaluation				HIGH	OUTSTANDING

306. I therefore support the final agreed list of ONF/ONL/NCA/SAL, together with their associated attributes and values, forming new schedules in the PWDP to assist users of the district plan and the assessments for resource consent. I consider that these will better provide for the integrated management of landscape features, thus meeting the purpose of the RMA. While these details are included in the WDLS, they have not been carried over into the PWDP, therefore clear guidance and statutory weight are lacking.
307. With this background, I requested that Boffa Miskell develop draft schedules for ONF/ONL/NCA/SAL. These are included in Attachments 4, 5 and 6 to this s42A hearing report for consideration by the submitters and the hearings panel.

308. If these schedules are acceptable to the hearings panel, I also recommend various amendments to the Chapter 13 definitions for identified landscape areas and natural character areas so that there are clear cross-references to the relevant schedules.

9.1.4 Recommendations

309. For the reasons given above, it is recommended that the hearings panel:

- (a) **Reject** the submission from the Geoscience Society of New Zealand [8.2]
- (b) **Accept** the further submission from *Mercury NZ Limited* [FS1223.180]
- (c) **Accept** the further submission from *Federated Farmers of NZ* [FS1342.1]
- (d) **Reject** the further submission from the *Auckland Volcanic Cones Society* [FS1012.4]
- (e) **Reject** the further submission from the *Department of Conservation* [FS1293.1]
- (f) **Accept in part** the submission from the Geoscience Society of New Zealand [8.3] and the further submissions from *Whaingaroa Environmental Defence Society Inc.* [FS1276.215], *Department of Conservation* [FS1293.2], *Whaingaroa Environmental Defence Society Inc.* [FS1120.1], *Auckland Volcanic Cones Society* [FS1012.5] and *John Lawson* [FS1121.1] to the extent that the unmodified part of the Port Waikato sandspit be included as part of the Waikato River Delta ONF and scheduled accordingly
- (g) **Accept in part** the further submission from *Federated Farmers of NZ* [FS1342.2]
- (h) **Accept** the submission from the Department of Conservation [585.36]
- (i) **Reject** the further submission from *Mercury NZ Limited* [FS1223.172]
- (j) **Reject** the further submission from *Havelock Village Limited* [FS1377.164]
- (k) **Accept** the further submission from *Ta Ta Valley Limited* [FS1340.96]
- (l) **Accept** the submission from the Geoscience Society of New Zealand [8.1]
- (m) **Accept** the further submission from the *Auckland Volcanic Cones Society* [FS1012.3]
- (n) **Reject** the further submission from *Mercury NZ Limited* [FS1223.179]
- (o) **Accept** the submission from *Havelock Village Limited* [862.31] and further submissions from *Yashili Dairy Company Limited* [FS1086.31], *Pokeno Nutritional Park Limited* [FS1186.31], *New Zealand Health Food Park Limited* [FS1301.31], *Charlie Harris* [1303.31], *Ta Ta Valley Limited* [FS1340.178] and *Genesis Energy Limited* [FS1345.113].

9.1.5 Recommended amendments

- (a) Incorporate the unmodified part of the Port Waikato sandspit into the Waikato River Delta ONF and list those attributes accordingly in a new ONF schedule
- (b) Add new schedules in Section D Chapter 30 of the PWDP that list ONF/ONL/NCA/SAL and their attributes
- (c) Number each listed ONF/ONL/NCA/SAL on the planning maps to correspond with the new schedules.

9.1.6 Section 32AA Evaluation

310. In my opinion, the recommended amendments are appropriate and effective ways of interpreting the provisions of the PWDP. They provide clarity and assist in understanding which attributes of the identified landscape areas need to be assessed with resource consent applications so that these can be processed in a more efficient and cost-effective manner.

311. The approach of scheduling is also consistent with case law and better achieves the purpose of the RMA. That is, if the values and attributes of landscape features are not identified, then they cannot be protected and recognised. The schedules will therefore bring to light those values vulnerable to inappropriate development and will give effect to the WRPS.
312. Furthermore, the risks of acting will be significantly reduced compared to the risks of not acting (i.e. retaining the status quo approach of the notified PWDP).

10 Definitions

10.1.1 Introduction

313. The PWDP contains definitions listed below which just refer to the identification of these locations on the planning maps. I note there is a double entry for the ONL definition and the text for the definition of an Outstanding Natural Character Area is missing.

Outstanding Natural Feature

Means a feature identified as an Outstanding Natural Feature on the planning maps.

Outstanding Natural Landscape

Means a landscape identified as an Outstanding Natural Landscape on the planning maps.

High Natural Character Area

Means an area identified as High Natural Character Area on the planning maps.

Outstanding Natural Character Area

Significant Amenity Landscape

Means an area identified as Significant Amenity Landscape on the planning maps.

314. I also note that the planning maps do not distinguish between a High Natural Character Area and an Outstanding Natural Character Area and the planning map legend shows only one symbol for 'Natural Character'.

10.1.2 Submissions

315. The 17 original submissions listed in the following table:
- (a) request clarification as to what is meant by a 'high' and 'very high' NCA
 - (b) oppose the definition of 'High Natural Character Area'
 - (c) support the definition of 'Outstanding Natural Character Area'
 - (d) support the definition of 'Outstanding Natural Feature'
 - (e) support the definition of 'Outstanding Natural Landscape'
 - (f) request an amendment to the definition of an ONF to refer to an Attachment and individual assessment sheets
 - (g) request an amendment to the definition of an ONL to refer to an Attachment and individual assessment sheets
 - (h) request an amendment to the definition of 'Significant Amenity Landscape'
 - (i) request deletion of the definition 'Significant Amenity Landscape'

- (j) request the deletion of the terms 'Outstanding Natural Character Area' and 'High Natural Character Area' from Rule 22.3.3 which manages buildings in landscape and natural character areas in the Rural Zone, or add definitions for these terms.

Submission Point	Submitter	Summary of Submission
749.93	Housing New Zealand Corporation	Amend the Proposed District Plan to clarify what is mean by 'high' and 'very high' natural character areas such as through additional or amended definitions of the terms AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1377.261</i>	<i>Havelock Village Limited</i>	<i>Support</i>
680.143	Federated Farmers of New Zealand	Delete the definition of 'High Natural Character Area' from Chapter 13 Definitions AND Any consequential amendments needed to give effect to this relief.
576.43	Transpower New Zealand Limited	Retain the definition for 'Outstanding Natural Character Area' in Chapter 13 Definitions, as notified.
680.261	Federated Farmers of New Zealand	Delete the definition of 'Outstanding Natural Character Area' in Chapter 13 Definitions AND Any consequential amendments needed to give effect to this relief.
<i>FS1223.196</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
680.260	Federated Farmers of New Zealand	Amend the definition of 'Outstanding Natural Feature' in Chapter 13 Definitions, as follows: Means a feature identified as an Outstanding Natural Feature on the planning maps, <u>listed in Attachment XX and described in the individual assessment sheet</u> AND Any consequential changes needed to give effect to this relief.
<i>FS1223.195</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
576.42	Transpower New Zealand Limited	Retain the definition for 'Outstanding Natural Feature' in Chapter 13 Definitions, as notified.
680.262	Federated Farmers of New Zealand	Amend the definition of 'Outstanding Natural Landscape' in Chapter 13 Definitions as follows: <i>Means a landscape identified as an Outstanding Natural Landscape on the planning maps, listed in Attachment XX and described in the individual assessment sheet</i> AND Any consequential changes needed to give effect to this relief.
<i>FS1223.197</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
576.44	Transpower New Zealand Limited	Retain the definition for 'Outstanding Natural Landscape' in Chapter 13 Definitions, as notified.

697.508	Waikato District Council	Amend the definition for 'Significant Amenity Landscape' as follows: Significant amenity landscape or SAL
576.46	Transpower New Zealand Limited	Retain the definition for 'Significant Amenity Landscape' in Chapter 13 Definitions, as notified
680.267	Federated Farmers of New Zealand	Delete the definition of 'Significant Amenity Landscape' in Chapter 13 Definitions AND Any consequential changes needed to give effect to this relief.
<i>FSI 108.79</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FSI 139.70</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>
<i>FSI 223.198</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
471.7	CKL	Delete several terms such as 'Outstanding Natural Character Area' and 'High Natural Character Area' from Rule 22.3.3 Buildings and structures in Landscape and Natural Character Areas OR Add definitions for areas such as 'Outstanding Natural Character Area' and 'High Natural Character Area' to Chapter 13 Definitions AND Any consequential amendments necessary

10.1.3 Analysis

316. Transpower [576.42, 576.43, 576.44 and 576.45] supports the definitions of 'Outstanding Natural Character Area', 'Outstanding Natural Feature', 'Outstanding Natural Landscape' and 'Significant Amenity Landscape'. I recommend that these submissions be accepted in part, given my response to other submissions.
317. Waikato District Council [697.508] requests an amendment to the definition of 'Significant Amenity Landscape' so that it states 'significant amenity landscape or SAL'. In my opinion, this amendment is unnecessary and adding this acronym may result in confusion. Accordingly I recommend that this submission be rejected.
318. Federated Farmers [680.143, 680.261 and 680.267] request deletion of the definitions of 'High Natural Character Area', 'Outstanding Natural Character Area' and 'Significant Amenity Landscape'. I do not support these deletions, as this would result in difficulties with interpretation of the district plan.
319. Federated Farmers [680.260] also request an amendment to the definition of 'Outstanding Natural Feature' so that there is a reference to an attachment and a description of the feature in an individual assessment sheet. This request is consistent with my recommendation to introduce new schedules. I recommend that this submission be accepted in part, given my recommendation to introduce a new ONF schedule that will contain a list of attributes to assist in the assessment of resource consent applications.
320. Housing NZ Corporation [749.93] requests amendments to clarify what is meant by 'high' and 'very high' NCA. They refer to the use of both terms in Policy 3.5.2(b)(ii). I agree that

this is confusing, as there is no definition in the PWDP for a 'very high' NCA. I consider that the term 'very high' should be deleted from the PWDP, as it is unnecessary. The definition of 'High Natural Character Area' is sufficient, and the introduction of the recommended schedule for NCA (refer to Attachment 5) and the list of values will assist in the interpretation of this policy. Accordingly, I recommend that this submission be accepted and Policy 3.5.2(b) be amended as follows:

3.5.2 Policies – Recognising natural character

...

(b) Recognise the natural character qualities of the following areas within the coastal environment and identified on the planning maps as:

- (i) ~~an~~ Outstanding Natural Character ~~Area areas~~; and
- (ii) ~~high (and very high) natural character areas – a High Natural Character Area~~

321. CKL [471.7] requests that the terms 'Outstanding Natural Character Area' and 'High Natural Character Area' be deleted from Rule 22.3.3, which deals with buildings and structures in identified landscape areas and NCA in the Rural Zone. Their alternative request is for definitions to be provided for these two terms.
322. I do not support the deletion of these terms from Rule 22.3.3, as this would not enable buildings and structures to be managed if they are to be located in NCA in the Rural Zone. This outcome would potentially result in the values of these areas being compromised when there is a statutory requirement for them to be preserved. The definition of 'High Natural Character Area' exists, although my recommendation is to amend this so that there is reference to a new schedule for NCA. Because the text for 'Outstanding Natural Character Area' is missing, I recommend that this submission be accepted in part, to the extent that this definition be added with reference to a new NCA schedule.
323. Overall, my opinion is that the notified definitions are unhelpful, as they simply refer to the mapped spatial extent of a feature or landscape rather than describing what they are. The reference to schedules within these definitions will assist in the interpretation of the district plan and the identification of important and outstanding features and landscapes will give effect to the WRPS.

10.1.4 Recommendations

324. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept** the submission from Housing New Zealand Corporation [749.93]
 - (b) **Accept** the further submission from *Havelock Village Limited* [FS1377.261]
 - (c) **Reject** the submission from Federated Farmers of New Zealand [680.143]
 - (d) **Accept in part** the submission from Transpower New Zealand Limited [576.43] to the extent of the amendments shown in Attachment 2
 - (e) **Reject** the submission from Federated Farmers of New Zealand [680.261]
 - (f) **Accept** the further submission from *Mercury Energy Limited* [FS1223.196]
 - (g) **Accept in part** the submission from Federated Farmers [680.260] to the extent of the amendments shown out in Attachment 2
 - (h) **Accept in part** the further submission from *Mercury Energy Limited* [FS1223.195]
 - (i) **Accept in part** the submission from Transpower New Zealand Limited [576.42] to the extent of the amendments shown in Attachment 2

- (j) **Accept in part** the submission from Federated Farmers of New Zealand [680.262] to the extent of the amendments shown in Attachment 2
- (k) **Accept in part** the further submission from *Mercury Energy Limited* [FS1223.197]
- (l) **Accept in part** the submission from Transpower New Zealand Limited [576.44] to the extent of the amendments shown in Attachment 2
- (m) **Reject** the submission from Waikato District Council [697.508]
- (n) **Accept in part** the submission from Transpower New Zealand Limited [576.46] to the extent of the amendments shown in Attachment 2
- (o) **Reject** the submission from Federated Farmers of New Zealand [680.267]
- (p) **Accept** the further submissions from *Te Whakakitenga o Waikato Inc. (Waikato-Tainui)* [FS1108.79], *Turangawaewae Trust Board* [FS1139.70] and *Mercury Energy Limited* [FS1223.198]
- (q) **Accept in part** the submission from CKL [471.7] to the extent of the amendments shown in Attachment 2.

10.1.5 Recommended amendments

Outstanding Natural Feature – means a feature identified as an Outstanding Natural Feature on the planning maps ~~and described in Schedule 30.6~~

Outstanding Natural Landscape – means a landscape identified as an Outstanding Natural Landscape on the planning maps ~~and described in Schedule 30.7~~

High Natural Character Area – means an area identified as a High Natural Character Area on the planning maps ~~and described in Schedule 30.8~~

Outstanding Natural Character Area – means an area identified as an Outstanding Natural Character Area on the planning maps ~~and described in Schedule 30.9~~

Significant Amenity Landscape – means an area identified as a Significant Amenity Landscape on the planning maps ~~and described in Schedule 30.10~~

3.5.2 Policies – Recognising natural character

...

- (b) Recognise the natural character qualities of the following areas within the coastal environment and identified on the planning maps as:
 - (i) ~~an~~ Outstanding Natural Character ~~Area areas~~; and
 - (ii) ~~high (and very high) natural character areas~~ a High Natural Character Area

10.1.6 Section 32AA Evaluation

325. In my opinion, the recommended amendments to the definitions and Policy 3.5.2 are appropriate and effective ways of interpreting the provisions of the PWDP. Together with the identification of these identified landscape areas and natural character areas on the planning maps and the recommended schedules, this provides clarity to the district plan user and assists in the processing of resource consent applications in a more efficient and cost-effective manner. The identification of important and outstanding features and landscapes in new schedules will also give effect to the WRPS.

326. Furthermore, the risks of acting will be significantly reduced compared to the risks of not acting (i.e. retaining the status quo approach of the notified PWDP).

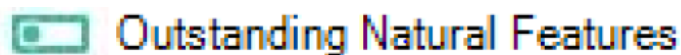
PART C: PLANNING MAPS

327. Part C of this report analyses submissions relating to the mapping of identified landscape overlays.
328. To assist the reader, I have split Part C into these sections:
- (a) Mapping of an ONF
 - (b) Mapping of an ONL
 - (c) Mapping of the entire Waikato River as an ONF/ONL
 - (d) Mapping of NCA
 - (e) Mapping of SAL
 - (f) Mapping of the coastal environment
 - (g) Map legend and symbols.
329. Submissions requesting deletion or amendment to particular overlays have required input from Boffa Miskell's landscape experts and their technical response and recommendations are included in this analysis.
330. Some recommendations from Boffa Miskell set out in Part C are for planning maps to be amended to either delete or reduce particular overlays. Where overlays are to be reduced, ground-truthing is necessary so that the extent of overlays can be accurately determined. This is because the WDLS, which informed the PWDP, is based on a combination of desktop reviews and on-site investigations to determine the biophysical, sensory and associative values of particular landscapes and features. Amended planning maps were not made available in time to include within this s42A hearing report.
331. For efficiency, I have included a generic 32AA evaluation for all recommended map amendments towards the end of Part C.

II Mapping of an Outstanding Natural Feature (ONF)

II.1.1 Introduction

332. The map legend in the PWDP indicates the following symbol for an ONF:



II.1.2 Submissions

333. The 13 original submissions listed in the following table:
- (a) support the identification of ONF
 - (b) request deletion of the ONF overlay from various properties
 - (c) request amendment to the extent of the ONF overlay on various properties

- (d) request the mapping of additional ONF
- (e) request clarification on the extent of ONF mapping on Mount Karioi.

Submission Point	Submitter	Summary of Submission
835.2	KiwiRail Holdings Limited	Delete Outstanding Natural Feature overlays from KiwiRail's designations.
<i>FSI 293.62</i>	<i>Department of Conservation</i>	<i>Oppose</i>
494.5	D & J Tate	Delete the Outstanding Natural Feature from the property at 185B Hakarimata Road, Ngaruawahia.
623.2	Paul Hoogeveen	Delete the Outstanding Natural Feature from the property at 156 Paddy Road, Te Kauwhata.
575.25	Fulton Hogan Limited	Delete the Outstanding Natural Feature from the Waingaro quarry land (Waingaro Road, Ngaruawahia – properties 2006029, 1012692, 1012697 and 1012732. (A map of the respective area sought for deletion is attached to the original submission as Appendix B) AND Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.
<i>FSI 027.8</i>	<i>Ngaruawahia Action Group Incorporated</i>	<i>Oppose</i>
579.67	Lakeside Developments 2017 Limited	Delete the Significant Natural Feature overlays from the lake edge within the Lakeside Developments 2017 Limited property, Te Kauwhata (see map included in submission) AND Amend the Proposed District Plan to make any amendments or consequential changes that are necessary to give effect to the matters raised in the submission.
701.2	Steven & Theresa Stark	Delete all Outstanding Natural Features from 747 Rutherford Road, Ohinewai.
642.8	Waikato River Authority	Retain the identification of Outstanding Natural Features and Outstanding Natural Landscapes.
<i>FSI 139.94</i>	<i>Turangawaewae Trust Board</i>	<i>Support</i>
<i>FSI 108.107</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
<i>FSI 035.52</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
<i>FSI 037.8</i>	<i>Waikato River Authority</i>	<i>Support</i>
<i>FSI 223.171</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
81.183	Waikato Regional Council	Clarify the approach taken to the extent of the Outstanding Natural Feature for Mount Karioi.
81.181	Waikato Regional Council	Retain Outstanding Natural Features as identified in the planning maps.
<i>FSI 334.86</i>	<i>Fulton Hogan Limited</i>	<i>Support</i>
<i>FSI 333.25</i>	<i>Fonterra Limited</i>	<i>Support</i>

742.186	New Zealand Transport Agency	Retain the Outstanding Natural Feature overlay, except for the amendments sought below AND Amend the Outstanding Natural Features Overlay by reviewing and removing any such areas from existing New Zealand Transport Agency designations AND Request any consequential changes necessary to give effect to the relief sought in the submission.
<i>FSI 277.149</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI 062.100</i>	<i>Andrew & Christine Gore</i>	<i>Oppose</i>
<i>FSI 293.49</i>	<i>Department of Conservation</i>	<i>Oppose</i>
493.28	Jackie Colliar	Supports efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes, the engagement of experts and with mana whenua.
<i>FSI 139.113</i>	<i>Turangawaewae Trust Board</i>	<i>Not stated</i>
<i>FSI 108.125</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
<i>FSI 223.175</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI 035.81</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
286.13	Waikato-Tainui	Supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field and with mana whenua.
<i>FSI 223.176</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
984.17	Turangawaewae Trust Board	Supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field with mana whenua.
731.13	Jean Tregidga	Delete the map annotations of Significant Natural Area, Outstanding Natural Landscape and Outstanding Natural Feature affecting the submitter's properties at Lyons Road, Mangatawhiri, being Lots 3, 4 and 5 DP 62084.
<i>FSI 293.135</i>	<i>Department of Conservation</i>	<i>Oppose</i>

11.1.3 Analysis

General Mapping of ONF

334. The identification of ONF on the PWDP planning maps is supported by the Waikato River Authority [642.8], Waikato Regional Council [81.181], Waikato-Tainui [268.13], Turangawaewae Trust Board [984.17] and Jackie Colliar [493.28].
335. I agree that the identification of ONF through expert analysis and mapping are important ways of responding to the mandatory requirement in section 6(b) of the RMA to recognise

and provide for the protection of outstanding features from inappropriate subdivision, use and development. The identification of ONF on planning maps is also an important way of giving effect to Policy 12.1 and Implementation Method 12.1.1(a) in the WRPS. I recommend that these supportive submissions be accepted in part due to my responses to other submissions.

336. The Turangawaewae Trust Board has lodged a further submission [FS1139.13] in respect to the original submission from Jackie Colliar [493.28] although their position is unstated and they simply state 'no reasons provided'. This further submitter is invited to clarify their position at the hearing but, in the meantime, I am left to provisionally recommend rejection of this further submission.

Overlays that apply to Mount Karioi, Mount Pirongia and Hunua Ranges

337. Waikato Regional Council [81.183] requests clarification on the map overlays that apply to Mount Karioi. As a result of this submission, it has come to my attention that an ONF overlay has been incorrectly applied to all three ONL – being Mount Karioi, Mount Pirongia and the Hunua Ranges. The WDLS signals that only an ONL overlay is to apply to these three landscape areas and not an ONF.
338. Removal of the ONF overlay will not result in any change to the management of these three landscape areas because the provisions for ONF and ONL are the same. However, these mapping corrections are needed to result in consistency with the WDLS which was prepared to inform the PWDP. I therefore recommend that the submission from Waikato Regional Council be accepted.
339. As a result of the required map corrections for Mount Karioi, Mount Pirongia and the Hunua Ranges, and other amendments to ONF overlays which are addressed in the following sections, I recommend that the submissions that support the notified ONF overlays be accepted in part.

11.1.4 Recommendations

340. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Waikato River Authority [642.8] to the extent of the ONF map amendments recommended in response to other submissions
 - (b) **Accept in part** the further submissions from *Turangawaewae Trust Board* [FS1139.94], *Te Whakakitenga o Waikato Incorporated* [FS1108.107], *Pareoranga Te Kata* [FS1035.52] and *Mercury Energy* [FS1223.171]
 - (c) **Accept in part** the submission from Waikato Regional Council [81.181] and the further submissions from *Fulton Hogan Limited* [FS1334.86] and *Fonterra Limited* [FS1333.25] to the extent of the ONF map amendments recommended in response to other submissions
 - (d) **Accept in part** the submission from Waikato-Tainui [286.13] and the further submission from *Mercury Energy* [FS1223.176] to the extent of the ONF map amendments recommended in response to other submissions
 - (e) **Accept in part** the submission from Turangawaewae Trust Board [984.17] to the extent of the ONF map amendments recommended in response to other submissions
 - (f) **Accept in part** the submission from Jackie Colliar [493.28] and the further submissions from *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FS1108.125] and *Pareoranga Te Kata* [FS1035.81]
 - (g) **Reject** the further submission from *Turangawaewae Trust Board* [FS1139.113]

- (h) **Accept in part** the further submission from *Mercury Energy [FS1223.175]* to the extent of the ONF map amendments recommended in response to other submissions
- (i) **Accept** the submission from Waikato Regional Council [81.183]
- (j) **Amend** the planning maps by removing the ONF overlay from Mount Karioi, Mount Pirongia and the Hunua Ranges so that only an ONL overlay applies to these locations.

ONF overlays for specific properties

341. I now turn to the submissions that request deletion of, or amendments to, specific ONF.

KiwiRail Holdings Limited (KiwiRail)

342. KiwiRail [835.2] requests that the ONF overlay be removed from their designated land. It would appear that they are referring to the mapping of the Whangamarino Wetland which is notably, the second largest wetland complex in the North Island and listed as a wetland of international importance under the Ramsar Convention.
343. The following two aerial maps show the area east of Mercer, the Whangamarino Wetland (existing Designation B3), the rail corridor (existing Designation L1) and the proposed ONF overlay:

Designated Rail Corridor (L1) alongside Whangamarino Wetland – ONF overlay in PWDP





344. KiwiRail states that the objective of identifying ONF needs to recognise the functional need for infrastructure to be located within these areas and that designated land transport corridors are generally highly modified areas. While I agree that transport infrastructure is important, this does not mean that new infrastructure should be developed at the expense of this ONF which also has national and international importance. In this case, the rail corridor is historic and it has co-existed alongside the Whangamarino Wetland for a considerable period of time.
345. If KiwiRail were to propose any new works within the rail corridor, any adverse effects on this ONF would need to be considered as a section 6(b) RMA matter and an assessment as to whether the development would be inappropriate given the modifications that have already occurred as a result of the existing rail corridor. In my opinion, it would be highly unlikely for any future works within the designated rail corridor to require any further physical change to this ONF but I invite KiwiRail to comment on this at the hearing. Nevertheless, the fact that land is designated is not a reason to remove any ONF.
346. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

347. The identification of the Outstanding Natural Feature (ONF) and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The mapping of the Whangamarino Wetland has been refined to follow the extent of the wetland feature and responds to the method of assessment set out in the RPS and in turn in the Landscape Study report.
348. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not, intentionally, consider land tenure or designations as matters that influence the attributes of that landscape or feature.

Boffa Miskell's Technical Recommendation

349. Retain the mapped extent of the ONF as identified in the Waikato District Landscape Study and the proposed planning maps.

11.1.5 Section 42A Recommendation

350. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Reject** the submission from KiwiRail Holdings Limited [835.2]
- (b) **Accept** the further submission from the *Department of Conservation* [FSI 293.62].

D and Tate – 185B Hakarimata Road

351. D and T Tate [494.5] request the deletion of the proposed ONF that overlays part of their property at 185B Hakarimata Road as shown on the following map.

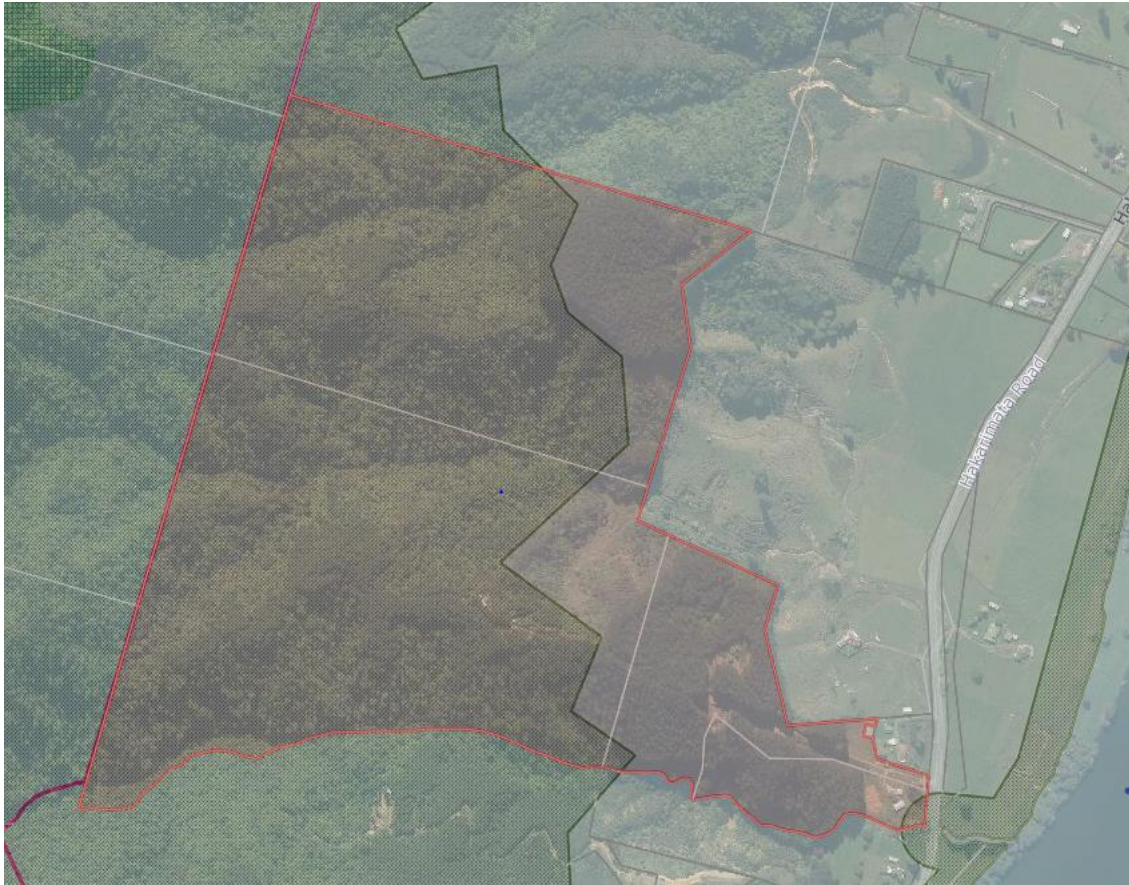
185B Hakarimata Road – ONF overlay in PWDP



352. Mr and Mrs Tate consider that the ONF is arbitrarily mapped and that there is already a policy in place to protect this feature. They are also concerned that this mapping will restrict future harvesting of the pine forest and that no compensation is given for what they consider to be a public good.

353. The second map that follows indicates those parts of the Tate property affected by the operative Landscape Policy Area shown with small green dots bordered by a solid green line. The development restrictions for this operative policy area are similar to the ONF and will remain in place until superseded by the decision version of the PWDP once that is free of legal challenge, at which time Council can declare it as the next operative district plan.

185B Hakarimata Road – operative Landscape Policy Area



354. I understand that some refinements to the mapping of the proposed ONF on the Tate property were the result of discussions between the submitter, and staff from Council and Boffa Miskell at one of the informal public engagement sessions prior to notification of the PWDP.
355. I do not support the wholesale removal of the ONF from this property as this forms part of the Hakarimata Ranges which have been identified as outstanding and therefore deserving of protection in terms of section 6(b) of the RMA.
356. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell. They have recommended a minor adjustment to the extent of ONF on the Tate property so that some of the existing production forestry is removed from this overlay. As an aside, I note that if this production forest was to remain within the ONF, resource consent would be required to harvest it (as is the case with the operative Landscape Policy Area).

Boffa Miskell's Technical Response

357. The identification of the Outstanding Natural Feature (ONF) and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The mapping of the Hakarimata Range has been refined to follow the extent of the biophysical attributes of the feature.
358. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not, intentionally, consider land tenure as matters that influence the attributes of that landscape or feature. The mapping requires minor refinement at a site specific scale to eliminate some of the productive forestry

(existing) from the ONF otherwise the qualities of the range remain intact and in turn are consistent with the retention of the Hakarimata Range as an Outstanding Natural Feature.

Boffa Miskell's Technical Recommendation

- 359. Retain the ONF as identified in the Waikato District Landscape Study and the proposed planning maps.
- 360. Update the maps to exclude the small areas of existing productive forestry within the submitter's property from the ONF.

11.1.6 Section 42A Recommendation

- 361. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
 - (a) **Accept in part** the submission from D and J Tate [494.5] to the extent of the map amendment recommended by Boffa Miskell.

Paul Hoogeveen - 156 Paddy Road

- 362. Paul Hoogeveen [623.2] requests the deletion of the sliver of proposed ONF from his property at 156 Paddy Road, shown on the map below, on the basis that it is separated from the main part of the Whangamarino Wetland by the existing rail corridor.

156 Paddy Road – ONF overlay in PWDP



- 363. The second map below reflects the mapped features from the operative Waikato District Plan and indicates that the Hoogeveen property does not contain any part of the designated Whangamarino Wetland (B3) which is also a Landscape Policy Area. However, this wetland does extend across the rail corridor and westward onto a number of other private properties.

156 Paddy Road – operative Landscape Policy Area/Designated Whangamarino Wetland



364. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

365. The identification of the Outstanding Natural Feature (ONF) and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The mapping of the Whangamarino Wetland has been refined to follow the extent of the wetland feature and responds to the method of assessment set out in the RPS and in turn in the Landscape Study report.
366. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not, intentionally, consider land tenure or designations as matters that influence the attributes of that landscape or feature.

Boffa Miskell's Technical Recommendation

367. Retain the mapped extent of the ONF as identified in the Waikato District Landscape Study and the proposed planning maps.

11.1.7 Section 42A Recommendation

368. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Paul Hoogeveen [623.2].

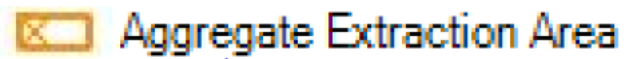
Fulton Hogan Limited – Waingaro Quarry

369. Fulton Hogan [575.25] operates the Waingaro Quarry to the west of the Waikato River and Ngaruawahia township as shown in the aerial photograph below.

Aerial of Waingaro Quarry on Waingaro Road



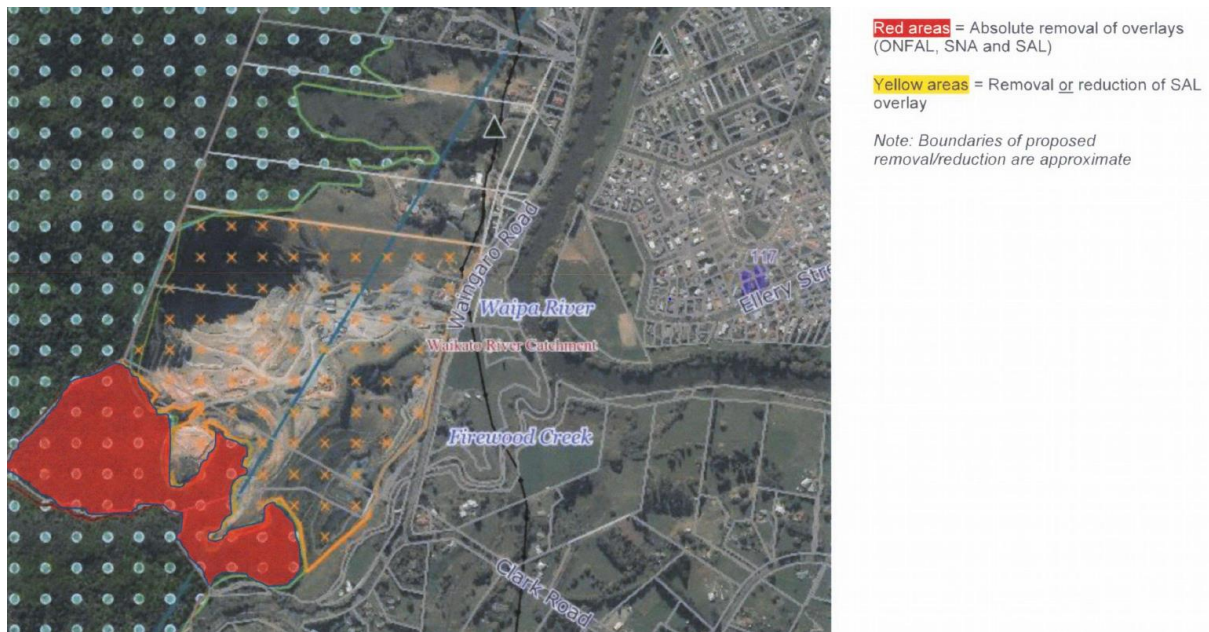
370. Fulton Hogan requests the deletion of the ONF (Hakarimata Ranges) from their Waingaro Quarry as a result of it overlapping the Aggregate Extraction Area as shown on the next map. The PWDP map legend indicates the following symbol for land that is currently quarried and/or consented for quarrying:



Waingaro Quarry – ONF and Aggregate Extraction Area overlays in PWDP



Fulton Hogan's submission contains the following map which sets out the amendments sought:



371. In my opinion, the fault lies in the mapped extent of the Aggregate Extraction Area and there should be no overlap. I do not support the removal of any part of the ONF which is unaffected by this quarry operation. In my opinion, the removal of ONF is only justified if it overlays a consented quarry area where the ONF attributes have already been lost.
372. Any future plans that Fulton Hogan may have to extend their quarry operations into this untouched ONF would require resource consent. This process would be challenging given the imperative in section 6(b) of the RMA to protect outstanding natural features and landscapes from inappropriate development. In my opinion, quarrying in an ONF/ONL is clearly the antithesis of protection.
373. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

374. The identification of the Outstanding Natural Feature (ONF) and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The mapping of the Hakarimata Range has been refined to follow the extent of the biophysical attributes of the feature.
375. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not intentionally consider land tenure or zones as matters that influence the attributes and evaluation of a landscape or feature.

Boffa Miskell's Technical Recommendation

376. Retain the ONF as identified in the Waikato District Landscape Study and the proposed planning maps.

11.1.8 Section 42A Recommendation

377. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Fulton Hogan [575.25]
 - (b) **Accept** the further submission from *Ngaruawahia Action Group Incorporated* [FS1027.8]

- (c) **Amend** the planning map so that the Aggregate Extraction Area does not overlay the Outstanding Natural Feature.

Lakeside Developments 2017 Limited (Lakeside)

378. Lakeside [579.67] is the owner and developer of various properties located adjacent to Lake Waikare. The aerial and PWDP maps that follow show this general location and the mapping of Lake Waikare as an ONF. Some areas of SNA are located within this ONF.
379. Lakeside appears to have inadvertently used the term 'Significant Natural Feature' instead of ONF. However, it is clear their prime concern is that the ONF/SNA layers encroach onto what is shown as a walkway/cycleway/bridleway, the route for which is shown in the PWDP map legend with this symbol:

 **Walkway Cycleway Bridleway (Under Review)**

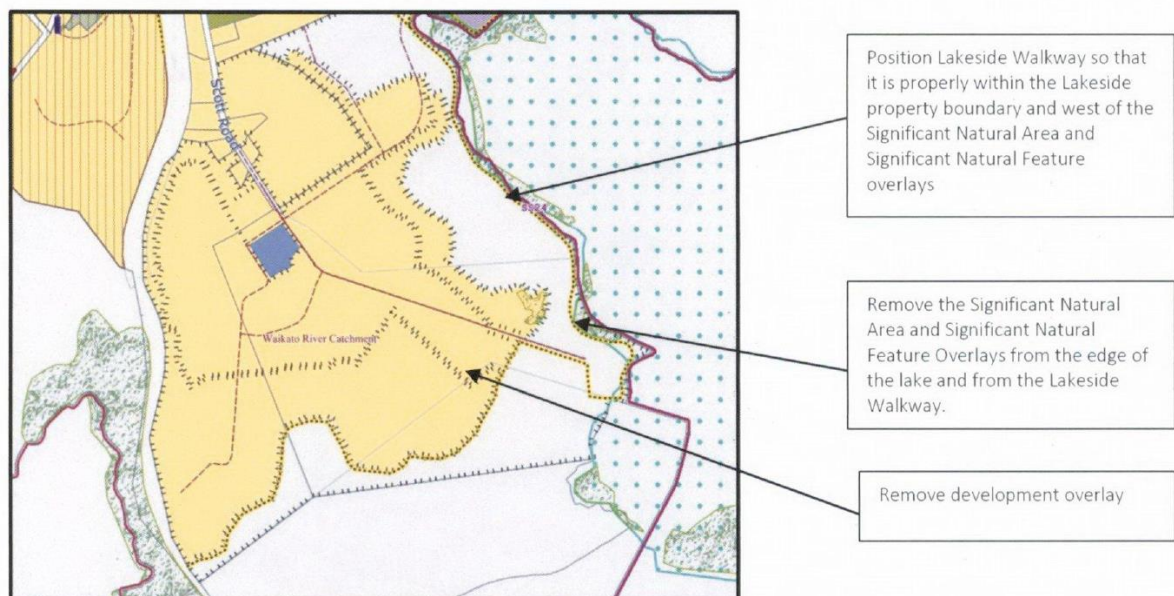
Aerial of Lakeside properties adjacent to Lake Waikare



PWDP planning map showing walkway/cycleway/bridleway adjacent to Lake Waikare



380. Lakeside's submission contains the following map which sets out the amendments sought:



381. I consider the labelling of this walkway/cycleway/bridleway in the map legend as 'under review' misleading because this term does not provide certainty to affected landowners as to whether this route is contemplated in this location or whether it is contemplated at all.
382. That aside, any future route in this location would require a detailed site specific analysis and where encroachments into ONF/SNA might be necessary, those require assessment through a resource consent process. I do not support the removal of the ONF overlay that has been applied to Lake Waikare given its outstanding merits.
383. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

384. The identification of the Outstanding Natural Feature (ONF) of Lake Waikare and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The mapping of the lakes and wetlands in this area has been refined to follow the biophysical extent of the feature, including its margins. It responds to the method of assessment set out in the RPS and in turn in the Landscape Study report.
385. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not, intentionally, consider land tenure, zoning, future recreational use or designations as matters that influence the attributes of that landscape or feature. It is anticipated that future planning for the interface with the lake will be able to take into account of the factors, values and associations identified for Lake Waikare and its margins.

Boffa Miskell's Technical Recommendation

386. Retain the mapped extent of the ONF as identified in the Waikato District Landscape Study and the proposed planning maps.

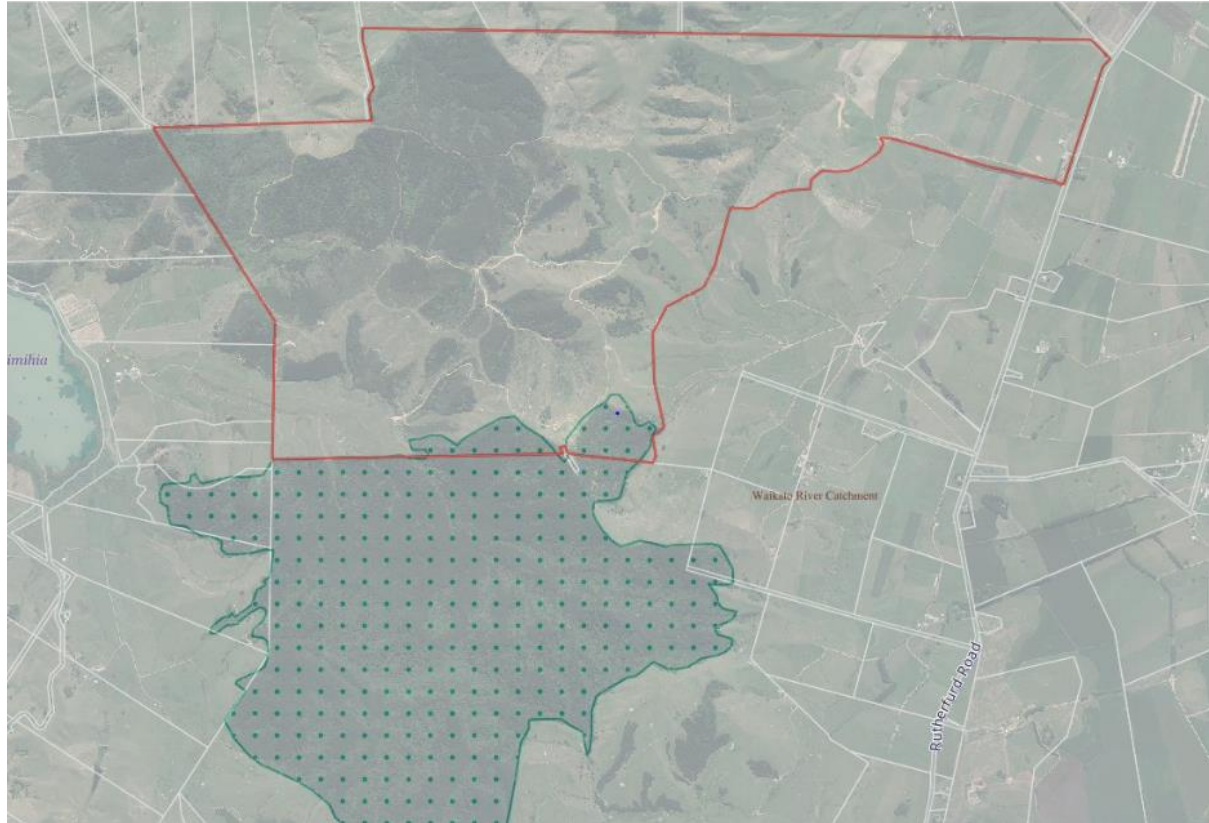
11.1.9 Section 42A Recommendation

387. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Lakeside Developments 2017 Limited [579.67].

Steven and Theresa Stark – 747 Rutherford Road

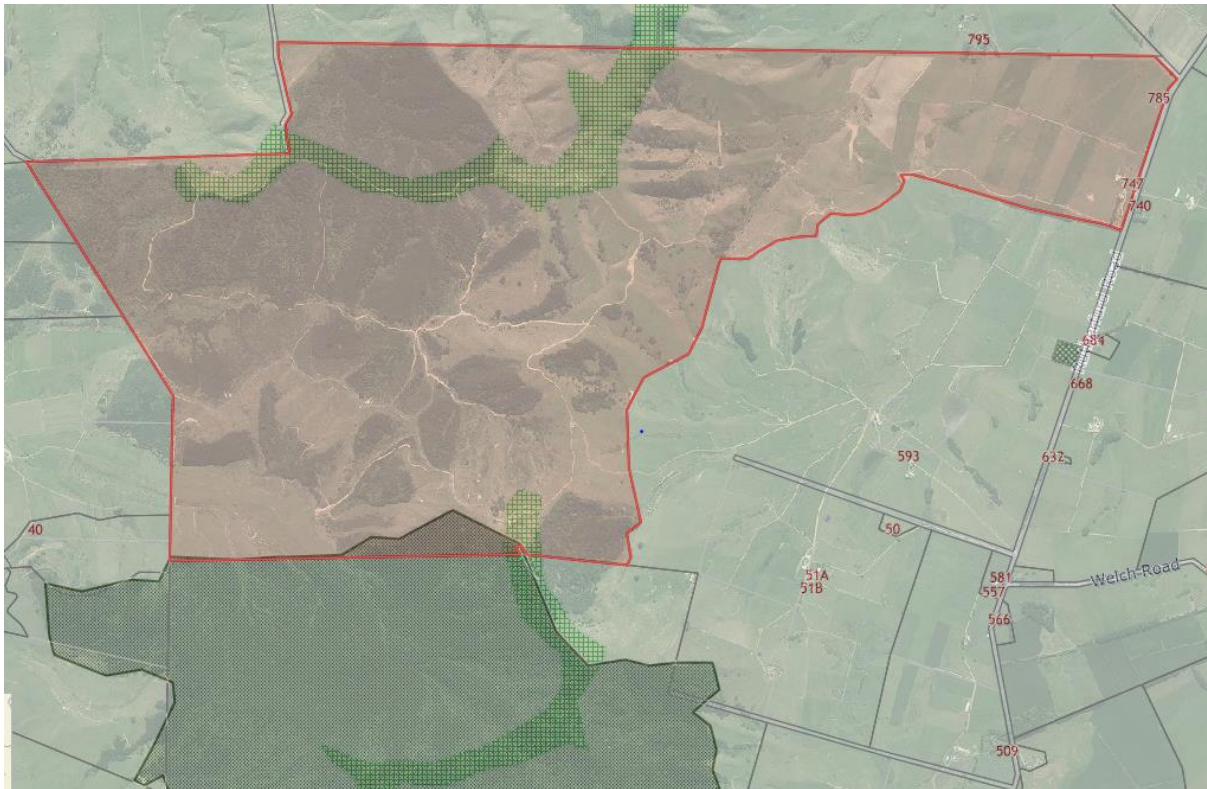
388. Steven and Theresa Stark [701.2] own property at 747 Rutherford Road which contains an ONF that forms the northern part of the Taupiri Range as shown on the map below.

747 Rutherford Road – ONF overlay in PWDP



389. Mr and Mrs Stark are concerned that an ONF places 'further restrictions' on farming activities and other land uses within their property and that an ONF status is not justified. I disagree. Existing farming activities can continue unfettered within an ONF unless new developments, such as buildings and tracks, are proposed in which case a resource consent process is required to test whether the adverse effects would diminish the ONF attributes.
390. The next map reflects the mapping of features in the operative Waikato District Plan and indicates that the Stark property is currently affected by a 'Ridgeline Policy Area' (hatched green) and a 'Landscape Policy Area' (bordered and shaded grey).

747 Rutherford Road – operative Ridgeline Policy Area and Landscape Policy Area



391. Farming is also not restricted in either of these two operative policy areas unless new developments are proposed that have the potential to compromise these identified ridgelines and landscape area, in which case a resource consent process is required.
392. I do not consider that the PWDP introduces further restrictions over and above these operative provisions and it would appear that the ONF mapping within the Stark property appropriately captures a fringe area of indigenous vegetation that is an integral part of the identified Taupiri Range.
393. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

394. The identification of the Outstanding Natural Feature (ONF) of Taupiri Range and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The Operative Plan mapping has been further detailed to both include and exclude areas not considered demonstrating the combination of these attributes that are representative of the range as a whole. The extent of the area has been refined to follow the biophysical extent of the feature, in particular the native bush cover and geomorphology of the hill range. It responds to the method of assessment set out in the RPS and in turn in the Landscape Study report.
395. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not, intentionally, consider land tenure or cadastral mapping.

Boffa Miskell's Technical Recommendation

396. Retain the mapped extent of the ONF, as it pertains to the submission, as identified in the Waikato District Landscape Study and the proposed planning maps.

11.1.10 Section 42A Recommendation

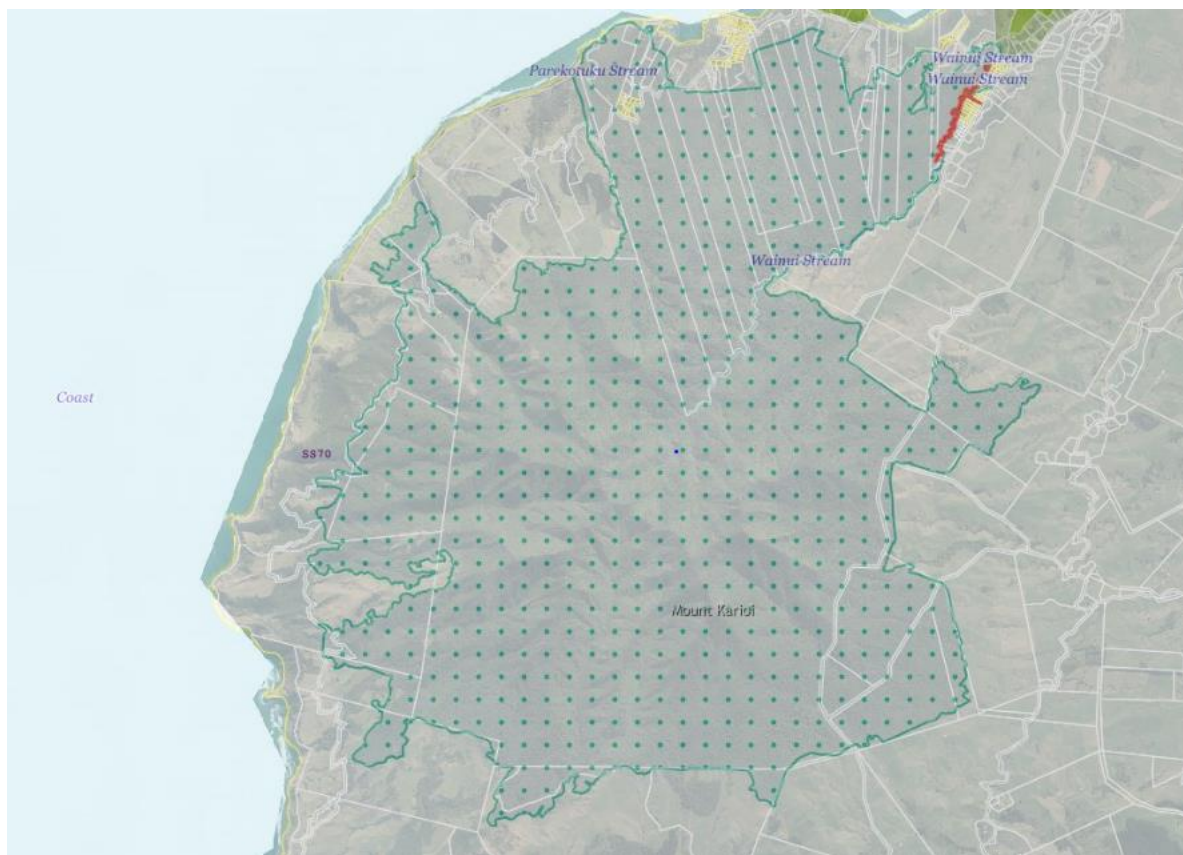
397. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

(a) **Reject** the submission from Steven and Theresa Stark [701.2].

Waikato Regional Council

398. Waikato Regional Council (WRC) [81.183] requests clarification as to the extent of ONF mapping for Mount Karioi as shown on the following map.

Mount Karioi – ONF overlay in PWDP



399. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

400. It is noted that in response to other submissions it has been recommended that the ONF of Karioi is in fact an ONL and that the ONF layer of Karioi should be reclassified to an ONL.
401. With that in mind the following reference to ONL refers to the classification put forward in the Waikato District Landscape Study. The identification of the Outstanding Natural Landscape (ONL) and its mapped extent follows by and large the natural features which contribute to the biophysical, sensory and associative dimensions of the area. The mapping of the Karioi volcanic landscape has been refined to follow the extent of the dominant

biophysical attributes of the feature, in the main the native vegetation cover and its relationship to landform and features within.

402. The recognition of the overall volcanic landscape of Karioi was inherent in the assessment and those areas identified with lower or more modified characteristics, attributes and values have been encompassed in the Significant Amenity Landscape which encircles the ONL. This responds to the overall landscape of Karioi as a whole.
403. As a section 6(b) process, the identification of this feature responds to the factors, values and associations of the feature as it exists and does not intentionally consider land tenure or zones as matters that influence the attributes and evaluation of a landscape or feature.

Boffa Miskell's Technical Recommendation

404. Rename the ONF of Karioi to an ONL as identified in the Waikato District Landscape Study.

11.1.11 Section 42A Recommendation

405. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
 - (a) **Accept** the submission from Waikato Regional Council [81.183]
 - (b) **Amend** the overlay that applies to Mount Karioi by removing the ONF layer so that only an ONL overlay applies as recommended by Boffa Miskell.

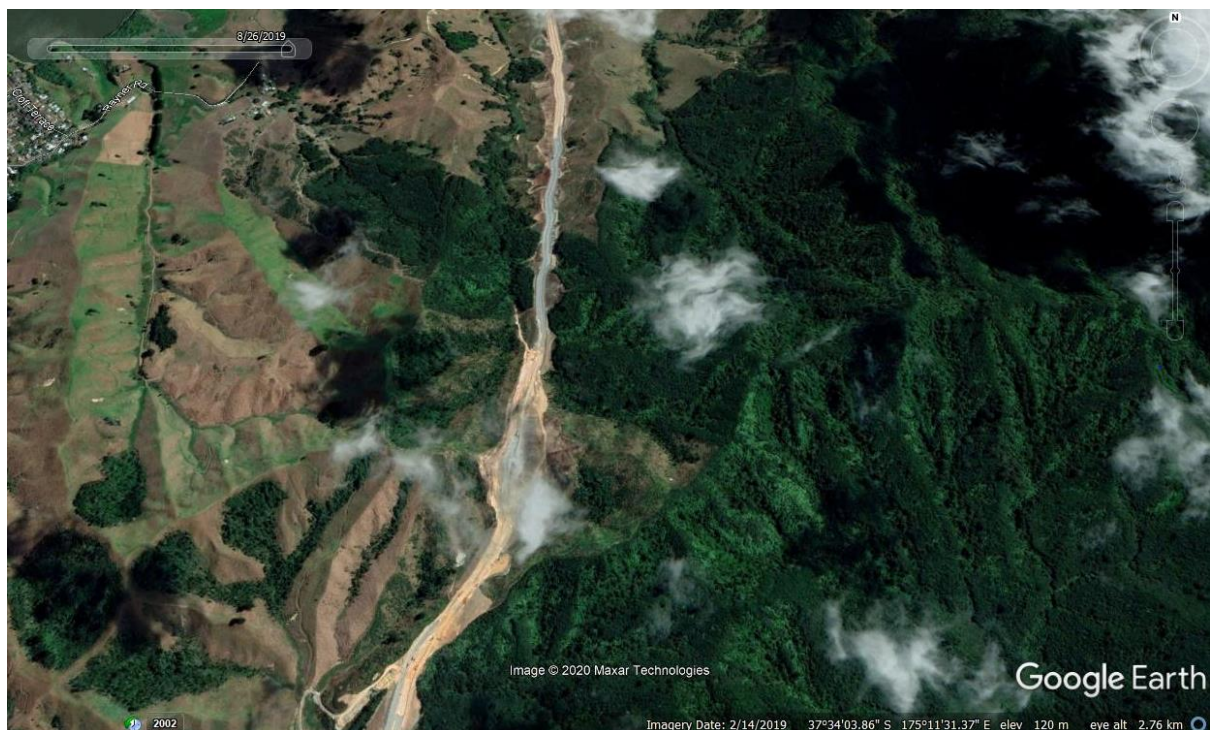
New Zealand Transport Agency (NZTA)

406. NZTA [742.186] requests the removal of ONF from their designated highways. During the preparation of this section 42A report, I contacted NZTA to clarify the specific areas of concern. They have confirmed that it is only the ONF overlays across the Huntly bypass section of the Waikato Expressway that need to be removed. These ONF overlays constitute the Taupiri Range.
407. The following two aerial maps from Council's data system pre-date construction of the Huntly bypass but show the proposed ONF that overlay NZTA's designated area (J19).

Aerials showing designated Waikato Expressway prior to construction of Huntly Bypass and ONF overlays in PWDP



408. NZTA has provided the following three screen shots from Google Earth taken in February 2019 which show either formed carriageway or earthwork cuts in the vicinity of these ONF overlays.





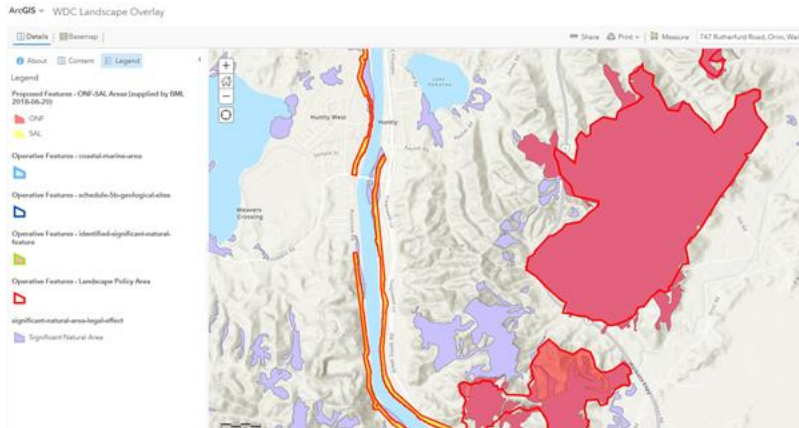
409. When NZTA lodged their Notice of Requirement for the Huntly bypass, these now proposed ONF overlays were operative Landscape Policy Areas.
410. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

411. The identification of the Outstanding Natural Feature (ONF) of Taupiri Range appears to have overlap with the designation and now operative road alignment for the Huntly Bypass. At the time of identification access and extent of modification was not complete. In analysis of the Operative Plan Landscape Policy Area and the PWDP Outstanding Natural Features that are near to or overlap designations and existing State Highways the following areas are considered potentially within the scope of the submission:
- (a) Huntly Bypass where the road intersects with the Operative and Proposed ONF at Taupiri Range.
 - (b) Great South Road alongside Taupiri Range and Rangiriri where the mapping overlaps the road corridor and requires refinement of the proposed Waikato River Significant Amenity Landscape.
412. Recognising the implemented consent for the Huntly Bypass, there is sound reasoning that refinement of the interface between the implemented extent of State Highway One should be removed from the Taupiri Range ONF extent. However, where a designation applies and no modification to the ONF has occurred the qualities of the landscape will likely remain intact. Where unmodified attributes are retained, the extent of the ONF should remain intact. Ground-truthing of the extent of this line and background consent documentation, for the State Highway, should be reviewed to inform the natural extent of the Taupiri Range ONF.

Boffa Miskell's Recommendation

413. It is recommended that detailed ground-truthing for the Taupiri Range be undertaken to remove modified features of the road corridor from the ONF.



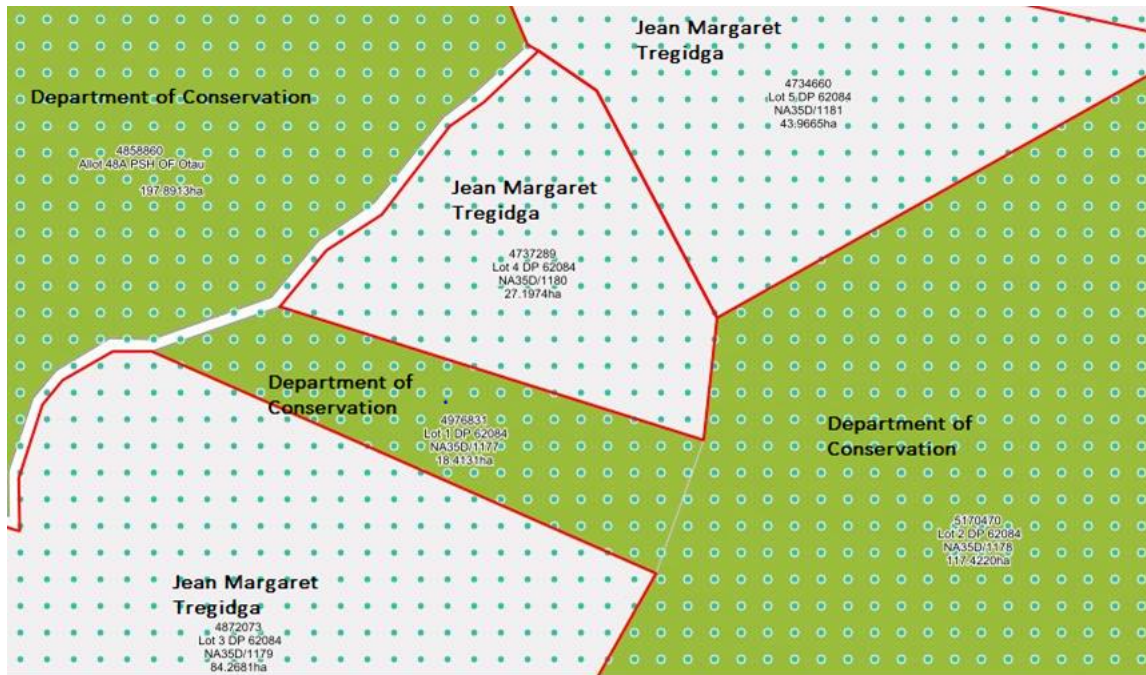
11.1.12 Section 42A Recommendation

414. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from the New Zealand Transport Agency [742.186] and **accept in part** the further submissions from *Waikato Regional Council* [FS1277.149], *Andrew and Christine Gore* [FS1062.100] and the *Department of Conservation* [FS1293.49] to the extent that ground-truthing is required to determine the amount of modified ONF overlay that can be removed from the designated Waikato Expressway.

Jean Tregidga – Lots 3, 4 and 5 DP 62084 Lyons Road, Mangatawhiri

415. Jean Tregidga [731.13] requests the deletion of the mapped ONF (and ONL/SNA overlays) over her three titles legally described as Lots 3, 4 and 5 DP 62084 and shown on the following map. These titles form part of the Hunua Ranges and sit alongside Reserve-zoned land (owned by the Department of Conservation) which is coloured green.
416. Ms Tregidga's concern relating to the ONL overlay will be considered in the next section of Part C. The mapping of SNA over these titles will be addressed in later Hearing 21.
417. Jean Tregidga's extensive submission explains her family connections with this land and, in particular, the original planting of the native timbers on these blocks by her grandfather in the 1920s. She states that there has been no felling of the mature native timber since the 1960s and that the PWDP does not sufficiently provide for native forests. Ms Tregidga considers that the ONF overlay (and ONL/SNA overlays) will restrict the milling of this indigenous timber resource as a source of livelihood.

Tregidga properties – ONF overlay in PWDP



418. My earlier analysis confirmed that the PWDP has incorrectly applied an ONF overlay to Mount Karioi, Mount Pirongia and the Hunua Ranges, in addition to an ONL overlay. As a result of the WDLS, Boffa Miskell has confirmed that only an ONL overlay is to apply to these three locations. It would appear that Council has inadvertently applied both ONF and ONL overlays.
419. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

420. It is noted in the mapping on the Intramaps viewer there are two Outstanding overlays for the Hunua Ranges. The first being the Outstanding Natural Feature (ONF) and the second being the Outstanding Natural Landscape (ONL). The former (ONF) matches the ONL layer mapped in the Landscape Study.
421. The Hunua Ranges demonstrate very high biophysical, sensory and associative attributes that continue to contribute toward it being considered an Outstanding Natural Landscape. The mapping provided has rationalised the extent of the ONL to reflect these attributes on the ground and coincide where logical to do so, with the SNA boundaries.
422. Recognising the submitter's concerns with regard to the planting of native timbers for harvesting, it would be helpful to further understand the historic condition and site covenants that inform this intended productive land use activity.

Boffa Miskell's Technical Recommendation

423. Remove ONF layer on Council's Mapped website
424. Retain ONL for consistency with the Landscape Study

11.1.13 Section 42A Recommendations

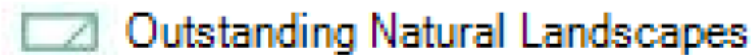
425. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Accept in part** the submission from Jean Tregidga [731.13] to the extent that the ONF overlay is removed from the Hunua Ranges, which includes the submitter's three titles (Lots 3, 4 & 5 DP 62084)
- (b) **Accept in part** the further submission from the *Department of Conservation* [FS1293.135].

12. Mapping of an Outstanding Natural Landscape

12.1.1 Introduction

426. The map legend in the PWDP indicates this symbol for an Outstanding Natural Landscape:



12.1.2 Submissions

427. The 10 original submissions listed in the following table:

- (a) support the identified ONL
- (b) oppose ONL on specific properties
- (c) request deletion of ONL from KiwiRail's designations
- (d) request deletion of ONL from NZTA's designations
- (e) request clarification as to the extent of ONL mapping on Mount Karioi.

Submission Point	Submitter	Summary of Submission
642.8	Waikato River Authority	Retain the identification of Outstanding Natural Features and Outstanding Natural Landscapes.
FS1139.94	Turangawaewae Trust Board	Support
FS1108.107	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1035.52	Pareoranga Te Kata	Support
FS1037.8	Waikato River Authority	Support
FS1223.171	Mercury NZ Limited	Oppose
731.13	Jean Tregidga	Delete the map annotations of Significant Natural Area, Outstanding Natural Landscape and Outstanding Natural Feature affecting the submitter's properties at Lyons Road, Mangatawhiri, being Lots 3, 4 and 5 DP 62084.
FS1293.135	Department of Conservation	Oppose

81.182	Waikato Regional Council	Retain Outstanding Natural Landscapes, as identified in the planning maps.
<i>FSI333.26</i>	<i>Fonterra Limited</i>	<i>Support</i>
<i>FSI062.14</i>	<i>Andrew & Christine Gore</i>	<i>Oppose</i>
81.184	Waikato Regional Council	Clarify the approach taken to the extent of the Outstanding Natural Landscape for Mount Karioi.
669.5	Bernard Brown	Delete the Outstanding Natural Landscape from the property located at 759 Wainui Road, Raglan (Property Number 1013542).
<i>FSI276.147</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose</i>
<i>FSI040.5</i>	<i>Bernard Brown Family Trust</i>	<i>Support</i>
835.4	KiwiRail Holdings Limited	Delete Outstanding Natural Landscape overlays from KiwiRail's designations.
742.187	New Zealand Transport Agency	Retain the Outstanding Natural Landscapes overlay, except for the amendments sought below AND Amend the Outstanding Natural Landscapes overlay by reviewing and removing any such areas from existing New Zealand Transport Agency designations AND Request any consequential changes necessary to give effect to the relief sought in the submission.
<i>FSI293.50</i>	<i>Department of Conservation</i>	<i>Oppose</i>
<i>FSI277.150</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI062.101</i>	<i>Andrew & Christine Gore</i>	<i>Oppose</i>
493.28	Jackie Colliar	Supports efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes, the engagement of experts and with mana whenua.
<i>FSI139.113</i>	<i>Turangawaewae Trust Board</i>	<i>Not stated</i>
<i>FSI108.125</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
<i>FSI223.175</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI035.81</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
286.13	Waikato-Tainui	Supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field and with mana whenua.
<i>FSI223.176</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
984.17	Turangawaewae Trust Board	Supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field with mana whenua.

12.1.3 Analysis

General Mapping of ONL

428. The identification of ONL on the PWDP planning maps is supported by the Waikato River Authority [642.8], Waikato Regional Council [81.182], Waikato-Tainui [286.13], Turangawaewae Trust Board [984.17] and Jackie Colliar [493.28].
429. I agree that the identification of ONL through expert analysis and mapping are important ways of responding to the mandatory requirement in section 6(b) of the RMA to recognise and provide for the protection of outstanding features from inappropriate subdivision, use and development. The identification of ONL on planning maps is also an important way of giving effect to Policy 12.1 and Implementation Method 12.1.1(a) in the WRPS. I recommend that these supportive submissions be accepted in part due to my responses to other submissions.
430. The Turangawaewae Trust Board has lodged a further submission [FS1139.13] in respect to the original submission from Jackie Colliar [493.28] although their position is unstated and they simply state '*no reasons provided*'. This further submitter is invited to clarify their position at the hearing but, in the meantime, I am left to provisionally recommend rejection of this further submission.

12.1.4 Recommendations

431. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Waikato River Authority [642.8] and the further submissions from *Turangawaewae Trust Board* [FS1139.947], *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FS1108.107], *Pareoranga Te Kata* [FS1035.52] and *Waikato River Authority* [FS1037.8] to the extent of the ONL map amendments recommended in response to other submissions
 - (b) **Accept in part** the further submission from *Mercury NZ Limited* [FS1223.171]
 - (c) **Accept in part** the submission from Waikato Regional Council [81.182] and the further submission from *Fonterra Limited* [FS1333.26] and **accept in part** the further submission from *Andrew and Christine Gore* [FS1062.14] to the extent of the ONL map amendments recommended in response to other submissions
 - (d) **Accept in part** the submission from Waikato-Tainui [286.13] and **accept in part** the further submission from *Mercury NZ Limited* [FS1223.176] to the extent of the ONL map amendments recommended in response to other submissions
 - (e) **Accept in part** the submission from Turangawaewae Trust Board [984.17] to the extent of the ONL map amendments recommended in response to other submissions
 - (f) **Accept in part** the submission from Jackie Colliar [493.28] and the further submissions from *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FS1108.125] and *Pareoranga Te Kata* [FS1035.81] and **accept in part** the further submission from *Mercury NZ Limited* [FS1223.175] to the extent of the ONL map amendments recommended in response to other submissions.

ONL overlays for specific properties

432. I now turn to the submissions that request deletion of, or amendments to, specific ONL.

Jean Tregidga – Lots 3, 4 & 5 DP 62084 Lyons Road, Mangatawhiri

433. Jean Tregidga [731.13] requests the deletion of the mapped ONL (and ONF/SNA overlays) over her three titles legally described as Lots 3, 4 and 5 DP 62084 shown on the following map. These titles form part of the Hunua Ranges and sit alongside Reserve-zoned land (owned by the Department of Conservation) which is coloured green.
434. Ms Tregidga's concern relating to the ONF overlay has been considered in the previous section of Part C. The mapping of SNA over these titles will be addressed in later Hearing 21.
435. Jean Tregidga's extensive submission explains her family connections with this land and, in particular, the original planting of the native timbers on these blocks by her grandfather in the 1920s. She states that there has been no felling of the mature native timber since the 1960s and that the PWDP does not sufficiently provide for native forests. Her submission considers that the ONL overlay (and ONF/SNA overlays) will restrict the milling of this indigenous timber resource as a source of livelihood.

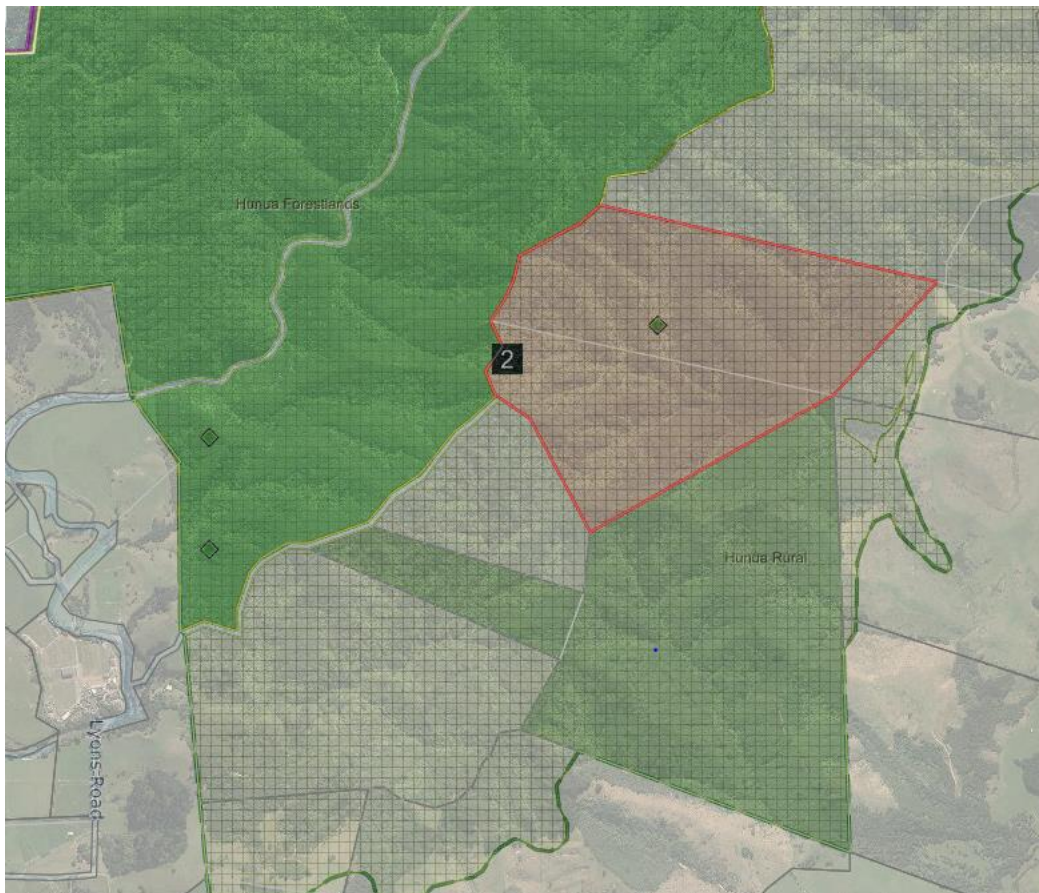
Tregidga properties (Lots 3, 4 and 5 DP 62084) - ONL overlay in PWDP



436. In terms of the operative Franklin Section of the Waikato District Plan, the landscape and ecological significance of the Hunua Ranges is recognised in a number of ways. This includes its listing and mapping as a Schedule 5A ONF (Item Number 2), a Site of Special Wildlife Interest (SSWI) with outstanding wildlife value, an Identified Significant Natural Feature (ISNF), and the marking of Lot 5 DP 62084 with a green diamond symbol to indicate the presence of threatened species that are at risk of serious decline. The second map that follows represents all of these attributes.
437. The operative provisions also list these potential adverse effects associated with this Schedule 5A item – modification, damage or destruction of native bush and wildlife habitats, vegetation clearance and fragmentation, reduction in bush quality through pests and weeds,

reduction in regeneration ability through stock grazing, weed invasion, browsing of wild animals and loss of threatened species.

Tregida properties – operative Schedule 5A, ONF, SSWI and ISNF overlays



438. In my opinion, the proposed ONL overlay does not introduce further restrictions over and above what already exists. Resource consent would be necessary to extract native timber under either the operative or proposed provisions.
439. It is apparent that the landscape and ecological attributes of the Hunua Ranges have been considered outstanding for a considerable period time and any removal of the ONL would not be appropriate given the statutory requirements in section 6(b) of the RMA to recognise and protect them.
440. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

441. It is noted in the mapping on the Intramaps viewer there are two Outstanding overlays for the Hunua Ranges. The first being the Outstanding Natural Feature (ONF) and the second being the Outstanding Natural Landscape (ONL). The former (ONF) matches the ONL layer mapped in the Landscape Study.
442. The Hunua Ranges demonstrate very high biophysical, sensory and associative attributes that continue to contribute toward it being considered an Outstanding Natural Landscape. The mapping provided has rationalised the extent of the ONL to reflect these attributes on the ground and coincide where logical to do so, with the SNA boundaries.

443. Recognising the submitter's concerns with regard to the planting of native timbers for harvesting, it would be helpful to further understand the historic condition and site covenants that inform this intended productive land use activity.

Boffa Miskell's Technical Recommendation

444. Remove ONF layer on Council's Mapped website
445. Retain ONL for consistency with the Landscape Study

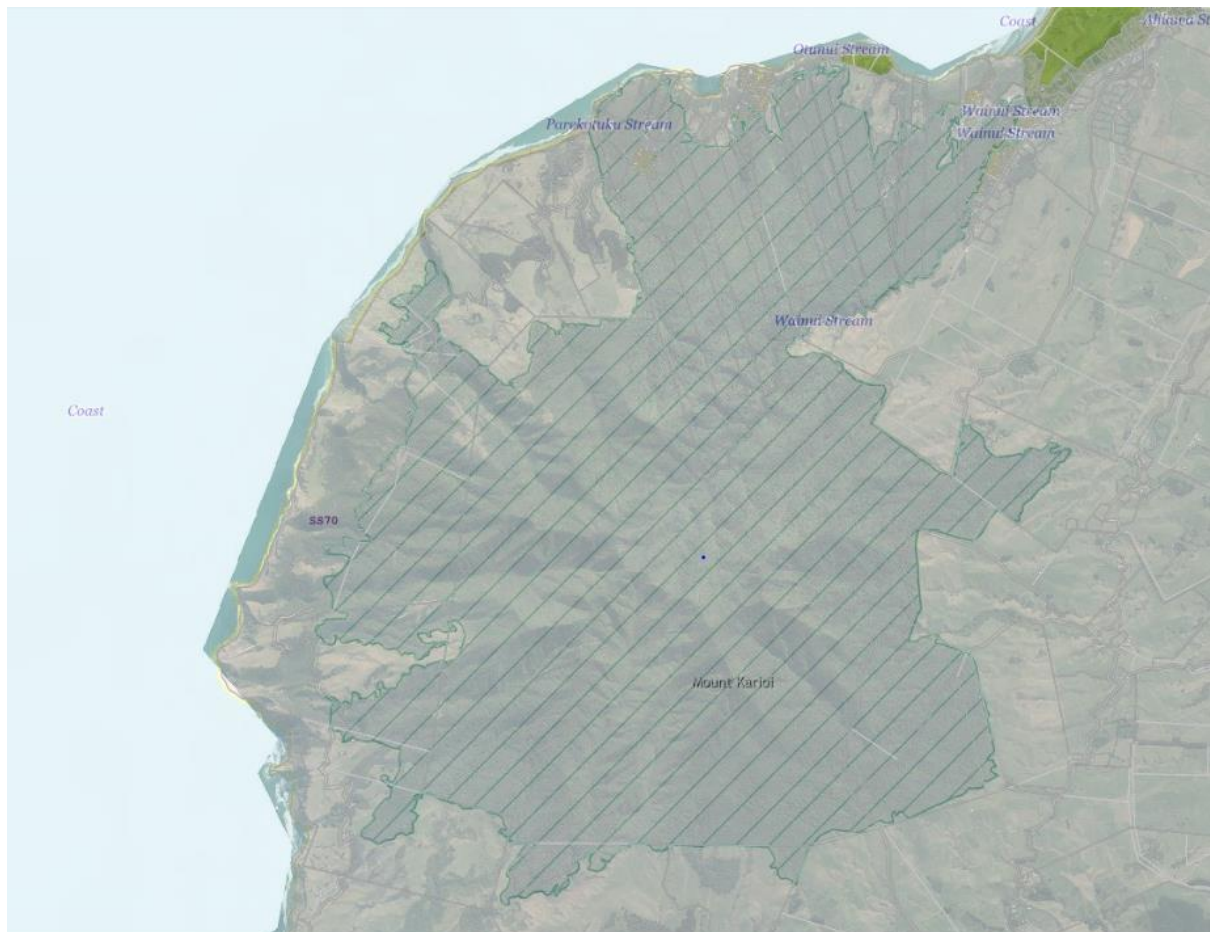
12.1.5 Recommendations

446. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Jean Tregidga [731.13] to the extent that the ONL overlay is to remain for the Hunua Ranges, which includes Lots 3, 4 & 5 DP 62084
 - (b) **Accept in part** the further submission from the *Department of Conservation* [FS1293.135].

Waikato Regional Council

447. Waikato Regional Council (WRC) [81.184] requests clarification as to the extent of the ONL overlay on Mount Karioi shown on the following map.

Mount Karioi – ONL overlay in PWDP



448. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

- 449. Karioi has been identified in the Landscape Study of the Waikato District, June 2018 ('Landscape Study'), as a volcanic landscape that comprises layers of individual features and land uses within it, including reserve land, residential and agricultural land use. The overall volcanic landscape is legible across the District and region.
- 450. The study identifies the landscape as a whole, however distinguishes between the qualities within the landscape resulting in an Outstanding Natural Landscape overlay and a Significant Amenity Landscape (SAL), which together recognise the volcanic landscape as one area.
- 451. The extent of the ONL was mapped within the Landscape Study to follow the layers of geological, biotic and sensory attributes resulting in an extent that follows the native bush line and elevated landform of the feature. The seaward extent of the ONL and SAL meet the MHWS mark/CMA. This extent does not match the Waikato District Council boundary and should be clipped for jurisdictional purposes.
- 452. It is noted in the mapping on the Intramaps viewer there are two Outstanding overlays. The first being the Outstanding Natural Feature (ONF) and the second being the Outstanding Natural Landscape (ONL). The former (ONF) matches the ONL layer mapped in the Landscape Study. The latter (ONL) layer on the Intramaps makes a minor adjustment to the Landscape Study layer and follows, in part, an SNA boundary. This is not consistent with the Landscape Study.

Boffa Miskell's Technical Recommendation

- 453. Remove ONL layer on Council's mapped website
- 454. Retain ONF layer and rename to ONL for consistency with the Landscape Study
- 455. Clip the ONL and SAL seaward boundary to match to the Waikato District Council boundary.

12.1.6 Section 42A Recommendation

- 456. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
 - (a) **Accept** the submission from Waikato Regional Council [81.184] and amends the ONL overlay for Mount Karioi as per the recommendation from Boffa Miskell.

Bernard Brown – 759 Wainui Road

457. Bernard Brown [669.5] requests the deletion of the ONL overlay that affects part of his property at 759 Wainui Road in Raglan, as shown on the following map.

759 Wainui Road – ONL overlay in PWDP

458. The next map indicates the operative Landscape Policy Area annotated by small green dots and bordered by a solid green line. This appears to overlay a small southern portion of the existing dwelling and a driveway/parking area.

759 Wainui Road – operative Landscape Policy Area



459. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

460. It is noted in the mapping on the Intramaps viewer there are two Outstanding overlays. The first being the Outstanding Natural Feature (ONF) and the second being the Outstanding Natural Landscape (ONL). The former (ONF) matches the ONL layer mapped in the Landscape Study. The latter (ONL) layer on the Intramaps makes a minor adjustment to the Landscape Study layer and follows, in part, an SNA boundary. This is not consistent with the Landscape Study.
461. Following the Landscape Study boundary, the actual ONL does not cross onto Mr Brown's property as it follows the ONF layer. It is noted for background purposes that the Operative District Plan shows a greater extent of this property including a Landscape Policy Area overlay.

Boffa Miskell's Technical Recommendation

462. Remove ONL layer on Council's Mapped website and in turn this removes the ONL from Mr Bernard Brown's property.
463. Retain the Intramaps ONF layer and rename to ONL for consistency with the Landscape Study. This ensures the retention of the ONL and consistency between the Landscape Study and the District Plan.

12.1.7 Section 42A Recommendation

464. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept** the submission from Bernard Brown [669.5] and the further submission from Bernard Brown Family Trust [FS1040.5]

- (b) **Reject** the further submission from *Whaingaroa Environmental Defence Incorporated Society* [FS1276.147]
- (c) **Amend** the planning maps in terms of the recommendation from Boffa Miskell.

KiwiRail Holdings Limited (KiwiRail)

465. KiwiRail [835.4] requests the deletion of ONL overlays from their designated rail corridors. However, the PWDP planning maps do not shown any ONL overlay affecting their designated land. Accordingly, I recommend rejection of their submission.

12.1.8 Recommendation

466. For the above reason, it is recommended that the hearings panel:
- (a) **Reject** the submission from KiwiRail Holdings Limited [835.4].

New Zealand Transport Agency (NZTA)

467. NZTA [742.187] requests the removal of ONL overlays from their designated land. In the course of preparing this hearing report, I contacted NZTA to query what parts of their designated state highway network were affected by the proposed ONL mapping. They have confirmed that no ONL exists over their designations. Accordingly, I recommend rejection of their submission.

12.1.9 Recommendation

468. For the above reason, it is recommended that the hearings panel:
- (a) **Reject** the submission from the New Zealand Transport Agency [742.187]
 - (b) **Accept** the further submissions from the *Department of Conservation* [FS1293.50], *Waikato Regional Council* [FS1277.150] and *Andrew and Christine Gore* [FS1062.101].

13. Mapping of the entire Waikato River as an ONF/ONL

13.1.1 Introduction

469. The Waikato River is the longest river in New Zealand. It rises in the eastern slopes of Mount Ruapehu, joining the Tongariro River system and flowing through Lake Taupo. It then drains this lake at the north-eastern edge where it starts its 425km seaward journey, creating the Huka Falls, flowing north-west through the Waikato Plains and then emptying into the Tasman Sea at Te Puuaha o Waikato (Port Waikato).
470. The Waikato River is a tupuna (ancestor), taonga (treasure) and mauri (life force) of Waikato-Tainui, Raukawa, Ngati Tuwharetoa and Te Arawa iwi.
471. The PWDP planning maps identify the Waikato River delta and adjacent margins as an ONF. The remaining upstream section of the river and some river margins are identified as SAL.

13.1.2 Submissions

472. The five original submissions listed in the following table request:
- (a) ONF/ONL status for the whole of the Waikato River within the district

- (b) application of a Waikato River Corridor Zone to recognise the special status and importance of the Waikato River.

Submission Point	Submitter	Summary of Submission
984.18	Turangawaewae Trust Board	Amend the Proposed District Plan to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape AND Amend the Proposed District Plan maps to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape.
FS1345.137	Genesis Energy Limited	Oppose
FS1108.184	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
286.14	Waikato-Tainui	Amend the Proposed District Plan to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape AND Amend the Proposed District Plan maps to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape.
FS1293.18	Department of Conservation	Support
FS1223.177	Mercury NZ Limited	Oppose
FS1271.10	Riverdale Group Limited	Oppose
FS1340.37	Ta Ta Valley Limited	Oppose
FS1345.124	Genesis Energy Limited	Oppose
493.5	Jackie Colliar	Amend the Proposed District Plan and maps to include the Waikato River in its entirety as both an Outstanding Natural Feature and Outstanding Natural Landscape.
FS1139.106	Turangawaewae Trust Board	Support
FS1345.135	Genesis Energy Limited	Oppose
FS1108.118	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1035.58	Pareoranga Te Kata	Support
FS1223.173	Mercury NZ Limited	Oppose
493.6	Jackie Colliar	Amend the Proposed District Plan to include a Waikato River Corridor Zone to recognise the special

		status and importance of the Waikato River.
FSI035.59	Pareoranga Te Kata	Support
FSI345.136	Genesis Energy Limited	Oppose
642.5	Waikato River Authority	Amend the Proposed District Plan, including maps, to include the Waikato River in its entirety as both an Outstanding Natural Feature and an Outstanding Natural Landscape.
FSI037.5	Waikato River Authority	Support
FSI223.169	Mercury NZ Limited	Oppose
FSI035.49	Pareoranga Te Kata	Support
FSI108.104	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI139.91	Turangawaewae Trust Board	Support
FSI340.102	Ta Ta Valley Limited	Oppose
FSI345.97	Genesis Energy Limited	Oppose

13.1.3 Analysis

473. Part A of this report discusses the approach of the OWDP in identifying the Waikato River and its margins.
474. The operative Franklin Section assigns ONF status to the Waikato River and some river margins from the Waikato Section boundary to the river mouth at Port Waikato. This ONF is listed in Schedule 5A in Part 5 and identified on the planning maps as a Site of Special Wildlife Significance.
475. The operative Waikato Section assigns ONF/ONL status to the Waikato River and some river margins and identifies these in Schedule 3A and on the planning maps as a Landscape Policy Area.
476. Waikato-Tainui [286.14], Turangawaewae Trust Board [984.18], Waikato River Authority [642.5] and Jackie Colliar [493.5] request ONF/ONL status for the whole of the Waikato River within the district. The Department of Conservation [FSI293] supports these requests.
477. Jackie Colliar [493.6] also requests application of a Waikato River Corridor Zone to recognise the significance of the river. I note this is an approach taken in the Hamilton City District Plan.
478. The group of opposing further submitters provide various reasons. Genesis Energy [FSI345] says that the implications of ONF/ONL overlays have not been fully assessed which may result in unintended consequences.
479. Ta Ta Valley Limited [FSI340] considers the requests unnecessary given the recognition of the Waikato River in the Vision and Strategy.
480. Riverdale Group [FSI271] acknowledges that the Waikato River has significant cultural value to Waikato-Tainui, but does not consider it 'natural' as it has been significantly modified, and they also state that it is not clear as to the extent of any such notation or the effects of such planning provisions on private property.

481. The identification of the Waikato River and its margins on the PWDP planning maps was informed by Boffa Miskell's WDLS. This study describes the current biophysical, sensory and associative attributes of the Waikato River and its wetlands, summarised as follows:

(a) Biophysical Attributes

- (i) The natural water flows of the river are influenced by the operation of eight dams upstream of the Waikato District.
- (ii) The majority of the river margins are heavily modified from productive land uses, stopbanks, exotic trees and weeds that include willow and alder species.
- (iii) Pockets of native bush are located in the river margins near the river mouth.
- (iv) As the river widens, wetlands and the river delta expand to create small islands which are largely unmodified landforms.
- (v) Some geopreservation sites are located along the river margins and within the delta near the river mouth, and some bluffs and other geopreservation features featuring the Jurassic section are sited near Tuakau.

(b) Sensory Attributes

- (i) The vegetated margins within the modified sections of the Waikato River provide a modified vegetated scenic quality with pockets of native flora.
- (ii) The aesthetic coherence of the river margin is limited to mostly a narrow margin with a heavily modified back edge as a result of urban and rural development.
- (iii) There are open views of the river as a result of road networks and State Highway 1 that run alongside.
- (iv) The river is highly vivid and memorable as a feature of Waikato District, particularly with the visual links from public viewpoints.
- (v) Moderate levels of aesthetic coherence exist for much of the modified river margins and high levels exist for the braided delta and wetlands near the river mouth.
- (vi) The braided delta is expressive of its formative process and the natural path of the river with the wetlands providing an indication of what once occurred upstream. This area is highly legible and comprises tidal and seasonal change of flora and fauna that contributes to its transient values.

(c) Associative Attributes

- (i) As a result of numerous water takes for settlements, including Hamilton and Auckland, the Waikato River is well known for being a source of life to the Waikato District.
- (ii) The Waikato River forms a key connector between settlements throughout the Waikato District.
- (iii) Numerous paa and marae are established along the river banks, including Turangawaewae in Ngaruawahia, as the river was an important transport route.
- (iv) The Waikato River is well used for many recreational activities such as rowing, waka taua, waka ama, fishing and whitebaiting. Walkways and cycleways extend along the river margin providing connections between towns.
- (v) The Waikato River remains of high importance to the community and iwi with its on-going management governed by the Waikato River Authority.

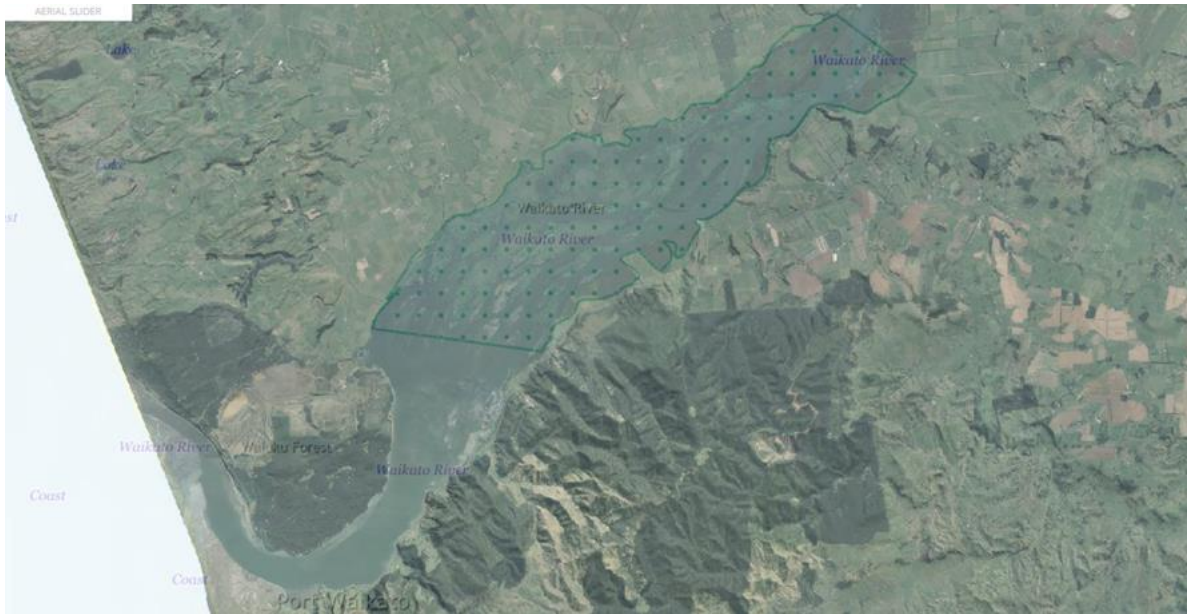
482. The WDLS also contains a cultural narrative developed by members of the Iwi Reference Group. This narrative describes how the Waikato River and lower wetlands are highly significant to iwi for these reasons:

(a) The mauri of the Waikato River that is reflected in this quote:

“The Waikato River is our tupuna and looks over us throughout our lives. The river feeds us, nurtures us and takes care of us, healing our hurts and protecting us from har. The river is our lifeline from which we take our name, our identity and our mana.”

- (b) The wetlands are an integral component within the whakapapa of Waikato-Tainui rivers and lakes as they provide important spawning grounds and habitat for fish and other taonga species and important ecosystems services such as reducing peak flood flows, increasing low flows, and trapping and removing sediments and nutrients.
- (c) The manawhenua that continues to be a cultural resource that binds the relationship, culture and traditions of Maori with their ancestral lands, water, sites, waahi tapu and other taonga.
- (d) The waahi tapu of the Waikato River and the lower Waikato wetlands due to their ability to conceal taonga and and koiwi of Waikato-Tainui tuupuna who lost their lives during the battles of Rangiriri and Meremere in 1863.
- (e) The korero-o-mua of the Waikato River and the physical sustenance for the Waikato-Tainui people, including through rituals which use its waters that mingle with the spirit of ancestors.
- (f) The floodplains and wetlands that provide an important habitat for spawning fish, but that many wetlands are no longer in a suitable state to perform this function and have been worsened through culverts, weirs and/or dams.
- (g) The wetlands and access to them have reduced, and the impacts on wetland remnants have compromised the ability for Waikato-Tainui to exercise kaitiaki responsibilities.
- (h) Many Waikato tribes lived at paa on the banks of the Waikato River and tribal sayings refer to the importance of their chiefs and the taniwha that lived in the river.
- (i) Ngaruawahia was the home of the first Maaori King, Potatau Te Wherowhero, who led the Kiingitanga movement and that it is home to the Maaori dynasty and the current Maaori King, Tuheitia Pahi.

483. The WDLS resulted in only part of the lower reach of the Waikato River being identified as an ONF in the notified PWDP as shown below:



484. For the upstream area outside of this identified ONF, the PWDP applies a SAL overlay to the body of water located within the river banks and particular margins of the Waikato River. Therefore, in applying this SAL overlay, the notified PWDP assigns a landscape status to the Waikato River and its river margins that is lower than the current ONF/ONL status. This is because the WDLS considers that the whole of the Waikato River does not satisfy the criteria for an ONF/ONL.
485. While the WDLS relied on input from the Iwi Reference Group, no part of their cultural narrative explicitly refers to how iwi wish Waikato River and its margins to be identified on the planning maps, despite these being highly significant to iwi in a cultural sense.
486. The statutory processes leading up to the notification of the PWDP also did not explicitly highlight the concerns now raised by the original submitters who request an ONF/ONL for the whole of the Waikato River within the district. This includes the clause 4A feedback received from iwi that Council required before notification which did not request an ONF/ONL status for the entire river.
487. I note that Council's section 32 evaluation for this landscape topic discarded the status quo described as Option 2 (retaining the approach of the operative Franklin and Waikato Sections) in favour of Option 5 (developing provisions for newly defined ONF/ONL). The comparison between these two options is shown as follows:

Table 5 - Assessment of Reasonably Practicable Options for Proposed Objectives 3.3.1 and 3.4.1

Objective(s)					
Objective 3.3.1 a) Outstanding natural features and landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development. Objective 3.4.1 a) The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.					
Options	Description	Relevance	Feasibility	Acceptability	Recommendation
2. Status Quo Retain the existing Waikato and Franklin District Plan landscape provisions.	Waikato and Franklin section policies and provisions include: <ul style="list-style-type: none"> Protection and enhancement of tier one landscapes (outstanding natural features and landscapes) Setback/buffer requirements (Franklin) Earthworks Controls Vegetation clearance controls Subdivision and building controls (building height and location) 	This option would achieve Objective 3.3.1 but would not achieve Objective 3.4.1 given there would no specific provisions addressing the qualities and characteristics of Significant Amenity Landscapes.	This option would not be fully consistent with the RPS direction in regards to identifying, maintaining and enhancing Significant Amenity Landscapes. This option would be based on existing mapped areas. These areas were identified using methodologies which are inconsistent with current best practice and the RPS, particularly in regards to considering associative values of landscapes (i.e. iwi values).	The use of existing provisions may have a degree of community acceptance because these are known to Plan users. However, other community sectors may oppose them as they are not based on current best practice, or consistent with the approaches of other district councils in the region. This option is also unlikely to be acceptable as, in relation to Significant Amenity Landscapes, it does not fully implement RPS and the identified values for the landscape would not be taken into account for the future.	Discard This option would not fully implement RPS, would be based on mapped areas identified in a manner inconsistent with current best practice, would not recognise the iwi values, and would not be consistent with the approach of other councils in the Region.
5. Develop provisions that apply to newly defined ONFs and ONLs, including rules controlling buildings, earthworks and addressing landscape effects of vegetation removal. Also develop provisions for newly defined SALs, including rules controlling buildings, earthworks and addressing landscape effects of vegetation removal.	This option would provide provisions that avoid inappropriate use and development of ONFs and ONLs and maintain and enhance SALs. SALs and ONFs and ONLs would be mapped in the plan. Activities that are considered to have a minor effect on these areas will be permitted with other activities requiring a resource consent, enabling environmental effects to be assessed and resource consent declined if adverse effects are inappropriate.	This option applies to both SALs and ONFs and ONLs, and addresses identified threats to the values of these landscapes. It would therefore achieve both Objective 3.3.1 and 3.4.1. See also comments in regards to higher order documents (RPS).	This option would give effect to RPS policy direction as the provisions would result in the protection of ONFs and ONLs and maintenance and enhancement of SALs values (s 6. and s7. RMA). The option promotes efficiencies for plan interpretation and consenting, as clear policies and rules apply to each type of feature. The option is most consistent with NZCPS in that it would provide provisions that avoid inappropriate use and development of ONFs and ONLs and	Mapping of ONFLs and SALs provides certainty for all parties. Historically there has been limited development within the areas that would be identified as ONFs and ONLs and SALs. Consequently the financial costs are likely to be limited. This approach is most consistent with other approaches in the Region.	Evaluate further. An effective and efficient option. Feasible and acceptable based on existing engagement with landowners and existing technical data. Consistent with approaches elsewhere in the region, and gives effect to higher order policy.

488. This section 32 evaluation discarded the status quo Option 2 approach on the basis that it would not fully implement the WRPS, would map areas in a manner inconsistent with current practice, would not recognise iwi values, and would not be consistent with the approach of other councils in the region.

489. It is unclear how this section 32 evaluation concludes that retaining the approach of the OWDP 'would not fully implement the RPS' and there is no qualification as to what is meant by 'best practice'. While I note that the WRPS does not currently map the Waikato River as an ONF/ONL, it is my opinion that retaining the approach of the OWDP would give effect to Policy 12.1 and Implementation Methods 12.1.1 and 12.1.2 in the WRPS which are shown

below, but only if the Waikato River still meets the threshold for being an outstanding natural feature or landscape.

Policy 12.1 Outstanding natural features and landscapes

Identified values and characteristics of outstanding natural features and landscapes (including seascapes) of regional or district significance are protected from adverse effects, including cumulative effects, arising from inappropriate subdivision, use and development.

Implementation methods

12.1.1 Protect values of outstanding natural features and landscapes

Regional and district plans shall:

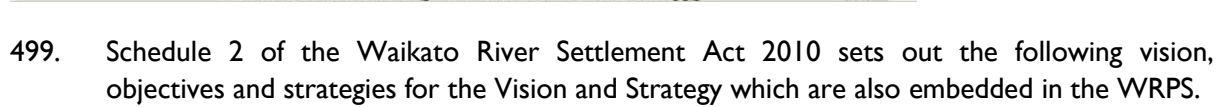
- b) *identify and provide for the protection of the values and characteristics of outstanding natural features and landscapes from inappropriate subdivision, use and development, including those of regional significance identified in section 12A (Table 12-1) by:*
 - iii) *avoiding adverse effects of activities on the values and characteristics of outstanding natural features and landscapes in the coastal environment; and*
 - iv) *outside of the coastal environment, avoiding adverse effects of activities on the values and characteristics of outstanding natural features and landscapes and if avoidance is not possible remedy or mitigate the adverse effects.*

12.1.2 Identify outstanding natural features and landscapes of significance at a district level

Waikato Regional Council will encourage territorial authorities to undertake a district-wide assessment of outstanding natural features and landscapes of district significance. The approach summarised in section 12B (Table 12-2) should be used as the basis of any new assessment.

490. It is also my opinion that retaining the OWDP's approach for ONF/ONL would clearly recognise iwi values and this is what is sought in the original submissions.
491. I also do not consider that the approach of the OWDP is inconsistent with that taken by other councils in the Waikato Region. This is because no single approach is taken in the relevant operative district plans with respect to their identification of the Waikato River as ONF/ONL on planning maps. The following list indicates the varied approaches:
- (a) Taupo District - identifies the full extent of the Waikato River as an ONF/ONL in its district plan, starting at the entrance to Lake Taupo and ending one kilometre upstream of the Maraetai Power Station, not far from the district boundary. Their district plan states that the Waikato River has 'strong cultural significance' and 'very high cultural significance as historical access through the North Island.'
 - (b) South Waikato District identifies the surface of the Waikato River in various ONL overlays in its district plan.
 - (c) Hamilton City manages the Waikato River through a specific Waikato River Corridor Zone.
 - (d) Waipa District identifies the Waikato River within a 'high amenity landscape' policy area.
 - (e) Otorohanga District – the Waikato River is largely restricted to Lake Arapuni and Lake Waipapa. The majority of the river is not affected by any planning map notation but some parts have been identified as having a high amenity value within a landscape policy area.
492. Furthermore, Section 12B of the WRPS indicates that the criteria used for the identification of ONF/ONL is not exhaustive and therefore flexibility is available as a result of best practice continually being refined.

493. Given this analysis, my conclusion is that retaining the approach of the OWDP would give effect to the WRPS if the Waikato River meets the criteria as an outstanding natural feature of landscape, it would recognise iwi values, and it would not be inconsistent with the approach of other councils in the region. I therefore disagree with the section 32 evaluation in that some reasons for discarding Option 2 may actually be reasons for discarding Option 5.
494. While outside the Waikato Region, I consider it useful to compare the approaches of other operative plans throughout the country that identify particular rivers as ONF or ONL. The following list contains some examples:
- (a) Horizons Regional Council – One Plan (2007) lists the Whanganui River, Whakapapa River, Manganui o te Ao River, and their associated river valleys
 - (b) Tararua District – Mangatainoka River, and the Makuri River and gorge
 - (c) Ruapehu District – lists rivers identified in Horizons’ One Plan
 - (d) Rangitikei District – Lower Moawhango River
 - (e) Stratford District – refers to the Manawatu-Whanganui Regional Policy Statement which identifies the Whanganui River and river valley
 - (f) Clutha District – Pomahaka River.
495. Whanganui District Council’s operative district plan identifies the Whanganui River and river valley as a significant natural feature or landscape and it refers to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 which grants legal personhood to the Whanganui River. This council intends to notify Plan Change 48 in 2021 which will consider the status of various landscapes, including the Whanganui River.
496. Manawatu District Council’s current Plan Change 56 may result in outstanding status being assigned to the Rangitikei River and Upper Pohangina River.
497. These examples noted above might suggest an increasing trend where various councils throughout the country are reassessing the landscape attributes of particular rivers (like the Whanganui River and Waikato River) which are addressed with specific legislation.
498. The Vision and Strategy has been specifically referred to by the Turangawaewae Trust Board, Waikato-Tainui and the Waikato River Authority and Jackie Colliar refers more generally to legislative change in respect to the Waikato River. All of these original submitters state that these are reasons for assigning ONF/ONL status to the whole of the Waikato River. The map below is shown in Appendix 2 of the WRPS and indicates the area affected by the Vision and Strategy. I acknowledge the unique place the Vision and Strategy has in legislation and, in turn, the RMA hierarchy of documents.



Schedule 2

Vision and strategy for Waikato River

s 6

1 Vision

- (1) Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri. The river of life, each curve more beautiful than the last.
- (2) Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.
- (3) In order to realise the vision, the following objectives will be pursued:
 - (a) the restoration and protection of the health and wellbeing of the Waikato River:
 - (b) the restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships:
 - (c) the restoration and protection of the relationships of Waikato River iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural, and spiritual relationships:
 - (d) the restoration and protection of the relationships of the Waikato Region's communities with the Waikato River, including their economic, social, cultural, and spiritual relationships:
 - (e) the integrated, holistic, and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River:
 - (f) the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River:
 - (g) the recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River:
 - (h) the recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities:
 - (i) the protection and enhancement of significant sites, fisheries, flora, and fauna:
 - (j) the recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental, and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River:
 - (k) the restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length:
 - (l) the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities:
 - (m) the application to the above of both maatauranga Maaori and the latest available scientific methods.

2 Strategy

To achieve the vision, the following strategies will be followed:

- (a) ensure that the highest level of recognition is given to the restoration and protection of the Waikato River:
 - (b) establish what the current health status of the Waikato River is by utilising maatauranga Maaori and the latest available scientific methods:
 - (c) develop targets for improving the health and wellbeing of the Waikato River by utilising maatauranga Maaori and the latest available scientific methods:
 - (d) develop and implement a programme of action to achieve the targets for improving the health and wellbeing of the Waikato River:
 - (e) develop and share local, national, and international expertise, including indigenous expertise, on rivers and activities within their catchments that may be applied to the restoration and protection of the health and wellbeing of the Waikato River:
 - (f) recognise and protect waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi (where they do decide) to promote their cultural, spiritual, and historic relationship with the Waikato River:
 - (g) recognise and protect appropriate sites associated with the Waikato River that are of significance to the Waikato regional community:
 - (h) actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato regional community:
 - (i) encourage and foster a “whole of river” approach to the restoration and protection of the Waikato River, including the development, recognition, and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River:
 - (j) establish new, and enhance existing, relationships between Waikato-Tainui, other Waikato River iwi (where they so decide), and stakeholders with an interest in advancing, restoring, and protecting the health and wellbeing of the Waikato River:
 - (k) ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review:
-
- (l) ensure appropriate public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

500. To date, the Vision and Strategy has been judicially considered by the Courts in five decisions. The only decision to consider the Vision and Strategy in the context of a plan change concerns *Harvey v WRC* (Variation 6 Water Allocation). While not a judicial decision, the WRC notified its decision on Proposed Plan Change I (Healthy Rivers) on 22 April 2020.

501. Of interest in the hearing panel’s decision for Plan Change I (at paragraph 73) is their statement that the plan change differs from other regional plans under the RMA in (at least) two important respects:

- Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River is unique to the Waikato and Waipa catchments
- The cultural and legislative context that underpins Te Ture Whaimana also needs to be understood.

502. The decision of the hearing panel supports the judicial decision which states that a holistic view of the Vision and Strategy is required. The hearing panel’s decision discussed the proper approach to interpretation of the Vision and Strategy in these two paragraphs:

[232] ... We must accordingly interpret it in a way which fulfils the statutory intention set out in section 5 of the Waikato-Tainui Act, namely that **it operates as the primary direction-setting document for the Waikato River.**

[my emphasis]

[234] We consider, however, the vision of a healthy Waikato River sustaining abundant life and prosperous communities describes the ultimate outcome Te Ture Whaimana seeks to facilitate. It might be considered by some to be aspirational, but the Environment Court has told us that a regional policy statement can have aspirational objectives.

503. In relation to the remaining four decisions that did not involve a Schedule 1 process, the Environment Court's interim decision for a resource consent involving Puke Coal Limited & ORS v Waikato Regional Council [2014 NZEnvC 223] contains this paragraph which specifically addressed the relationship between Part 2 of the RMA and the Vision and Strategy in light of the approach in King Salmon:

[143] It seems to us that EDS v King Salmon has established the principle that it is possible for national documents, and we would suggest by analogy both regional and district plans, to promulgate particular approaches within their area of influence which are not in conflict with superior documents. Lower order documents must give effect to that approach if sufficiently clear.

504. However, the more recent Court of Appeal decision in Man O'War Station Limited v Auckland Council [2017 NZCA 24] held the identification (including mapping) of an ONL in a planning instrument prepared under the RMA for the purpose of section 6(b) is not informed by (or dependent upon) the protection afforded under the Act or planning instrument.
505. Therefore, a factual assessment must be undertaken, applying the criteria set out in Table 12B of the WRPS (which is based on criteria developed by case law). Table 12B expressly notes that *'in applying the approach, continuing refinements in best practice, for instance as a result of future research of professional guides, should be taken into consideration.'*
506. As a result of the submissions and recent case law, I requested Ms Ryder to consider whether the entire Waikato River and wetlands could be assigned ONF/ONL status as a result of any refinements in best practice that may have occurred since the WRPS was made operative in May 2016.
507. My section 42A recommendations below have relied on Ms Ryder's technical response and recommendation set out in Attachment 7 to this hearing report.
508. In summary, Ms Ryder recommends that the Waikato River delta ONF be extended so that it incorporates the area in between the Coastal Marine Area and the unmodified part of the Port Waikato sandspit (Okariha sandspit). Ms Ryder's review of the status of the Waikato River was based on a 'compartmentalised approach' for the whole of the Waikato River within the Waikato District, whilst also considering the whole river in the wider landscape and the district and region. I understand that such an approach is entirely consistent with both the WRPS criteria and current best practice for the determination of ONF/ONL and for this reason, she does not consider that the whole of the Waikato River meets the criteria for an ONF/ONL within the Waikato District. I note that in arriving at this view, Ms Ryder considered the Maaori relationship with landscapes and features and the cultural and heritage values provided by the Iwi Reference Group.
509. Accordingly, I recommend that the submissions that request ONF/ONL status for the entire Waikato River be accepted in part.

13.1.4 Section 42A Recommendation

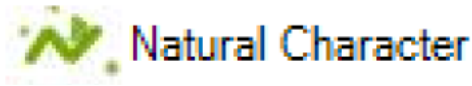
510. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Turangawaewae Trust Board [984.18] to the extent of the recommended amendment to the mapping of the Waikato River Delta ONF
 - (b) **Accept in part** the further submission from Genesis Energy Limited [FS1345.137]

- (c) **Accept in part** the further submission from *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FSI 108.184]
- (d) **Accept in part** the submission from *Waikato-Tainui* [286.14]
- (e) **Accept in part** the further submission from the *Department of Conservation* [FSI 293.18]
- (f) **Accept in part** the further submission from *Mercury Energy Limited* [FSI 223.177]
- (g) **Accept in part** the further submission from *Riverdale Group Limited* [FSI 271.10]
- (h) **Accept in part** the further submission from *Ta Ta Valley Limited* [FSI 340.37]
- (i) **Accept in part** the further submission from *Genesis Energy Limited* [FSI 345.124]
- (j) **Accept in part** the submission from Jackie Colliar [493.5]
- (k) **Accept in part** the further submission from *Turangawaewae Trust Board* [FSI 139.106]
- (l) **Accept in part** the further submission from *Genesis Energy Limited* [FSI 345.135]
- (m) **Accept in part** the further submission from *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FSI 108.118]
- (n) **Accept in part** the further submission from *Pareoranga Te Kata* [FSI 035.58]
- (o) **Accept in part** the further submission from *Mercury Energy Limited* [FSI 223.173]
- (p) **Reject** the submission from Jackie Colliar [493.6]
- (q) **Reject** the further submission from *Pareoranga Te Kata* [FSI 035.59]
- (r) **Accept** the further submission from *Genesis Energy Limited* [FSI 345.136]
- (s) **Accept in part** the submission from *Waikato River Authority* [642.5]
- (t) **Accept in part** the further submission from *Waikato River Authority* [FSI 037.5]
- (u) **Accept in part** the further submission from *Mercury Energy Limited* [FSI 223.169]
- (v) **Accept in part** the further submission from *Pareoranga Te Kata* [FSI 035.49]
- (w) **Accept in part** the further submission from *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FSI 108.104]
- (x) **Accept in part** the further submission from *Turangawaewae Trust Board* [FSI 139.91]
- (y) **Accept in part** the further submission from *Ta Ta Valley Limited* [FSI 340.102]
- (z) **Accept in part** the further submission from *Genesis Energy Limited* [FSI 345.97]

14. Mapping of a Natural Character Area

14.1.1 Introduction

511. The map legend in the PWDP indicates this symbol for land identified as having a natural character:



14.1.2 Submissions

512. The 14 original submissions listed in the following table:
- (a) support the identified NCA
 - (b) request deletion of NCA overlays from KiwiRail's designations
 - (c) request deletion of NCA overlays from NZTA's designations
 - (d) request an amendment to an NCA to align with an existing fenceline that protects a Maaori Site of Significance
 - (e) oppose NCA overlays if they affect existing use rights regarding a height-to-boundary building infringement
 - (f) request a NCA assessment for the entire district's wetlands, lakes, rivers and their margins
 - (g) request a natural character assessment for the Waikato River to consider whether there are any areas of high NCA or outstanding NCA.

Submission Point	Submitter	Summary of Submission
81.185	Waikato Regional Council	Retain Natural Character on the planning maps.
827.9	New Zealand Steel Holdings Limited	Retain the Natural Character overlay mapping in relation to the Waikato North Head mine site.
642.7	Waikato River Authority	Retain the identification of areas of High and Outstanding Natural Character.
FSI 223.170	Mercury NZ Limited	Oppose
FSI 037.7	Waikato River Authority	Support
FSI 035.51	Pareoranga Te Kata	Support
FSI 108.106	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI 139.93	Turangawaewae Trust Board	Support
835.3	KiwiRail Holdings Limited	Delete Outstanding Natural Character overlay from KiwiRail's designations.
FSI 293.63	Department of Conservation	Oppose
742.188	New Zealand Transport Agency	Retain the Outstanding Natural Character overlay, except for the amendments sought below

		<p>AND</p> <p>Amend the Outstanding Natural Character overlay by reviewing and removing any such areas from existing New Zealand Transport Agency designations</p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
FSI277.151	Waikato Regional Council	Oppose
FSI293.51	Department of Conservation	Oppose
495.2	Norris Peart	Amend the boundary of the Natural Character overlay at 274 Okete Road, Raglan so that the southern boundary is aligned with the existing fence put in place over 40 years ago in consultation with Council to protect these areas, included Maaori Site of Significance RI4/51.
774.1	Surrey Chambers	Opposes the adoption of the identification of landscapes and natural character if that means that existing use rights regarding height and boundary are affected.
FSI387.1171	Mercury NZ Limited	Oppose
81.24	Waikato Regional Council	Undertake a natural character assessment for wetlands, lakes, rivers and their margins.
FSI293.11	Department of Conservation	Support
FSI342.47	Federated Farmers of New Zealand	Support
FSI330.9	Middlemiss Farm Holdings Limited	Oppose
FSI107.2	Simon Upton	Support
493.28	Jackie Colliar	Supports efforts to identify areas of high and outstanding natural character and outstanding natural features and landscapes, the engagement of experts and with mana whenua.
FSI139.113	Turangawaewae Trust Board	Not stated
FSI108.125	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI223.175	Mercury NZ Limited	Oppose
FSI035.81	Pareoranga Te Kata	Support
286.13	Waikato-Tainui	Supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field and with mana whenua.
FSI223.176	Mercury NZ Limited	Oppose
984.17	Turangawaewae Trust Board	Supports the identification of areas of high and outstanding natural character and outstanding natural features and landscapes, and the engagement of experts in this field with mana whenua.

984.19	Turangawaewae Trust Board	Amend the Proposed District Plan after undertaking a natural character assessment for the Waikato River to determine if there are any areas of high or outstanding natural character.
<i>FSI340.196</i>	<i>Ta Ta Valley Limited</i>	<i>Oppose</i>
286.15	Waikato-Tainui	Amend the Proposed District Plan after undertaking a natural character assessment for the Waikato River to determine if there are any areas of high or outstanding natural character.
<i>FSI223.178</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI035.21</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
<i>FSI271.11</i>	<i>Riverdale Group Limited</i>	<i>Support</i>
<i>FSI345.126</i>	<i>Genesis Energy Limited</i>	<i>Support</i>
<i>FSI340.38</i>	<i>Ta Ta Valley Limited</i>	<i>Oppose</i>
<i>FSI345.125</i>	<i>Genesis Energy Limited</i>	<i>Oppose</i>
<i>FSI293.19</i>	<i>Department of Conservation</i>	<i>Support</i>
<i>FSI333.4</i>	<i>Fonterra Limited</i>	<i>Support</i>
493.22	Jackie Colliar	Undertake a natural character assessment of the Waikato River to determine if there are any areas of High or Outstanding Natural Character.
<i>FSI035.75</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
<i>FSI223.174</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

14.1.3 Analysis

General Mapping of NCA

513. Waikato Regional Council (WRC) [81.185] and Waikato River Authority [642.7] request that the NCA on the notified planning maps be retained. I recommend that these submissions be accepted in part as a result of my responses to other submissions.
514. Waikato-Tainui [286.13], Turangawaewae Trust Board [984.17] and Jackie Colliar [493.28] support the identification of high and outstanding NCA on the PWDP planning maps. I agree that these two 'grades' of natural character need to be distinguished in order to give effect to Policy 13(1)(c) of the NZCPS and Implementation Method 12.2.1(b) in the WRPS. I therefore recommend that these submissions be accepted.
515. The Turangawaewae Trust Board has lodged a further submission [FSI139.13] in respect to the original submission from Jackie Colliar [493.28] although their position is unstated and they simply state 'no reasons provided'. This further submitter is invited to clarify their position at the hearing but, in the meantime, I am left to provisionally recommend rejection of this further submission.

District-wide study of the natural character of wetlands, rivers, lakes and their margins

516. WRC [81.24] further requests a study of the natural character of the wetlands, rivers, lakes and their margins within the entire district.

517. The Turangawaewae Trust Board [984.19], Waikato-Tainui [286.15] and Jackie Colliar [493.22] request a natural character assessment for the whole of the Waikato River to determine whether there are any high or outstanding NCA.
518. I acknowledge the requirement in section 6(a) of the RMA for Council to recognise and provide for the preservation of the natural character of these features and protect them from inappropriate subdivision, use and development as a matter of national importance. However, leaving aside my recommendations to introduce a schedule for NCA in the PWDP and identify high and outstanding NCA on the planning maps, I consider that the PWDP otherwise preserves the natural character of wetlands, rivers, lakes and their margins in respect to the framework of objectives, policies and rules that manage activities and built development in proximity to them. For example, there are rules that address building setbacks and the clearance of SNA. I consider that WRC's request for such an exercise is not required to ensure that the PWDP gives effect to the WRPS.
519. In my opinion, the scheduling of NCA and mapping the high and outstanding NCA will result in the PWDP giving effect to Policy 13(1)(c) in the NZCPS and Implementation Method 12.2.1(c) in the WRPS which requires district plans within the region to ensure that activities are appropriate with respect to the level of natural character. Any breach of a permitted activity condition would trigger a resource consent process which would entail consideration of section 6(a) regardless.
520. I do accept that there would be value in a district wide analysis of natural character, however this would be an enormous and costly exercise that I do not consider justified in the context of the current review process.
521. Further, in order for such natural character detail to be recognised in a statutory sense, affected parties should be allowed to provide input through a Schedule 1 process that involves either a plan change or variation. In my opinion, this might be a project that WDC could investigate collaboratively with WRC on a cost-share basis. However, this investigation is best placed outside this district plan review for the reasons noted. Accordingly, I recommend rejection of these submissions.

14.1.4 Recommendations

522. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept in part** the submissions from Waikato Regional Council [81.185] and Waikato River Authority [642.7] and the further submissions from *Waikato River Authority* [FS1037.7], *Pareoranga Te Kata* [FS1035.51], *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FS1108.106] and *Turangawaewae Trust Board* [FS1139.93] to the extent that high and outstanding natural character areas are required to be identified on the planning maps and in a schedule
 - (b) **Accept in part** the further submission from Mercury NZ Limited [FS1223.170]
 - (c) **Accept** the submission from Waikato-Tainui [286.13]
 - (d) **Reject** the further submission from *Mercury NZ Limited* [FS1223.176]
 - (e) **Accept** the submission from Jackie Colliar [493.28]
 - (f) **Reject** the further submission from *Turangawaewae Trust Board* [FS1139.113]
 - (g) **Accept** the further submissions from *Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)* [FS1108.125] and *Pareoranga Te Kata* [FS1035.81]
 - (h) **Reject** the further submission from *Mercury NZ Limited* [FS1223.175]
 - (i) **Reject** the submission from Waikato Regional Council [81.24]

- (j) **Reject** the further submissions from the *Department of Conservation* [FSI293.11], *Federated Farmers of NZ* [FSI342.47] and *Simon Upton* [FSI107.2]
- (k) **Accept** the further submission from *Middlemiss Farm Holdings Limited* [FSI330.9].
- (l) **Reject** the submission from *Turangawaewae Trust Board* [984.19]
- (m) **Accept** the further submission from *Ta Ta Valley Limited* [FSI340.196]
- (n) **Reject** the submission from *Waikato-Tainui* [286.15]
- (o) **Accept** the further submission from *Mercury Energy Limited* [FSI223.178]
- (p) **Reject** the further submission from *Pareoranga Te Kata* [FSI035.21]
- (q) **Reject** the further submission from *Riverdale Group Limited* [FSI271.11]
- (r) **Reject** the further submission from *Genesis Energy Limited* [FSI345.126]
- (s) **Accept** the further submission from *Ta Ta Valley Limited* [FSI340.38]
- (t) **Accept** the further submission from *Genesis Energy Limited* [FSI345.125]
- (u) **Reject** the further submission from the *Department of Conservation* [FSI293.19]
- (v) **Reject** the further submission from *Fonterra Limited* [FSI333.4]
- (w) **Reject** the submission from *Jackie Colliar* [493.22]
- (x) **Reject** the further submission from *Pareoranga Te Kata* [FSI035.75]
- (y) **Accept** the further submission from *Mercury Energy Limited* [FSI223.174]
- (z) **Accept** the submission from *Turangawaewae Trust Board* [984.17]

NCA overlays for specific properties

523. I now turn to the submissions that request deletion of, or amendments to, specific NCA.

KiwiRail Holdings Limited (KiwiRail)

524. KiwiRail [835.3] requests the deletion of NCA from their designated rail corridors. However, the NCA overlay is only mapped in the coastal environment which does not contain these transport routes. During the course of preparing this s42A hearing report, KiwiRail has confirmed that no part of their designated rail corridors is affected by any NCA overlay. For this reason, I recommend this submission be rejected.

14.1.5 Recommendation

525. For the reason given above, it is recommended that the hearing panel:

- (a) **Reject** the submission from *KiwiRail Holdings Limited* [835.3]
- (b) **Accept** the further submission from the *Department of Conservation* [FSI293.63].

New Zealand Transport Agency (NZTA)

526. NZTA [742.188] requests the deletion of NCA from their designated state highways. However, the NCA overlay is only mapped in the coastal environment which does not contain these transport routes. NZTA has also confirmed that this is the case during the preparation of this section 42A hearing report. For this reason, I recommend this submission be rejected.

14.1.6 Recommendation

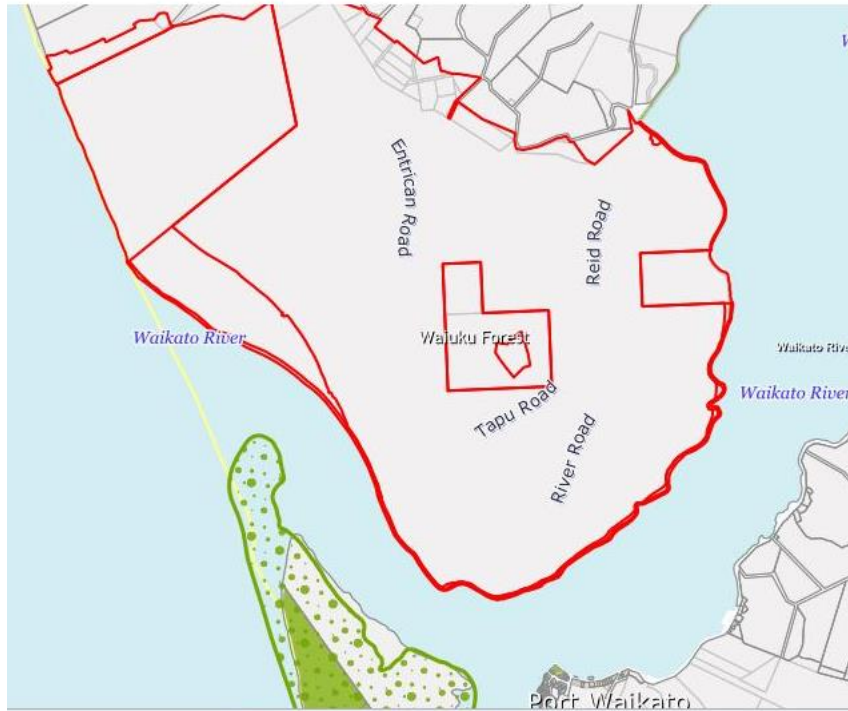
527. For the reason given above, it is recommended that the hearing panel:

- (a) **Reject** the submission from the *New Zealand Transport Agency* [742.188]

- (b) **Accept** the further submissions from the *Department of Conservation [FS1293.51]* and *Waikato Regional Council [FS1277.151]*.

New Zealand Steel Holdings (NZ Steel) – Maioro Sand Mine

528. NZ Steel [827.9] requests that the natural character area mapping in relation to their mine site at Maioro be retained. Their reason given is that there is no natural character area identified for this site. The map shown below confirms that no NCA overlay applies to this property which is shown in red outline. Accordingly, I recommend that this submission be accepted.



14.1.7 Recommendation

529. For the reason given above, it is recommended that the hearings panel:

- (a) **Accept** the submission from New Zealand Steel Holdings Limited [827.9].

Norris Peart – 274 Okete Road

530. Norris Peart [495.2] requests an amendment to the NCA mapped on his property at 274 Okete Road in Raglan so that it aligns with an existing fenceline that protects a Maaori Site of Significance (RI4/51) shown on the following map. This significant peninsula site is Puke-au-tumu Paa which contains numerous house pits.

274 Okete Road – NCA overlay and Maaori Site of Significance RI4/51 in PWDP



531. I do not support this request. This NCA has been identified on its merits, irrespective of it containing a significant paa site. Retaining this NCA as notified also does not materially change how this location could be developed given the restrictions that already exist in respect to this paa site.
532. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

533. Natural Character comprises the consideration of the natural condition of an environment. The evaluation approach at the district and regional scale considered the biotic, abiotic and experiential attributes of this condition. Natural character exists on a continuum and can change over periods of time. The inclusion of regenerating native bush cover upon the natural landform and interface with the harbour margin contribute to a high degree of natural character within that area. The overall Whaingaroa harbour area is considered moderate due to modifications to the natural patterns, processes and elements, however this site, alongside other peninsula sites throughout the harbour demonstrate high degrees of natural character. Demarcation of natural character areas, much like landscape areas, follow the natural patterns, elements and processes that occur within a landscape and do not reflect other cadastral mapping that does not follow a similar approach.

Boffa Miskell's Technical Recommendation

534. Retain the Natural Character Area for this property as shown within the Waikato District Landscape Study.

14.1.8 Section 42A Recommendation

535. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Reject** the submission from Norris Peart [495.2].

Stuart Cummings – 539A Wainui Road

536. Stuart Cummings from Surrey Chambers opposes the mapping of NCA if it means the loss of existing use rights in respect to building height-to-boundary.
537. Mr Cummings is an owner of 593A Wainui Road at Raglan which is located within the coastal environment, but does not contain any NCA. Notwithstanding this, if any map overlay were to render an existing building non-complying, it is protected in terms of section 10B of the RMA provided it was legally established. Accordingly, I recommend rejection of this submission.

14.1.9 Recommendation


538. For the reasons given above, it is recommended that the hearings panel:

- (a) **Reject** the submission from Stuart Cummings [774.1]
- (b) **Accept** the further submission from *Mercury NZ Limited* [FS1387.1171].

15. Mapping of a Significant Amenity Landscape

15.1.1 Introduction

539. The map legend in the PWDP indicates this symbol for a Significant Amenity Landscape (SAL):

 Significant Amenity Landscapes

15.1.2 Submissions

540. The 26 original submissions listed in the following table:
- (a) support the mapping of SAL
 - (b) oppose the mapping of SAL
 - (c) oppose the mapping of SAL unless these features are listed in a schedule
 - (d) oppose the mapping of SAL unless criteria for identifying them are disclosed, followed by ground-truthing and landowner approval
 - (e) request amendments to the mapped extent of SAL
 - (f) request clearer identification of SAL on the planning maps
 - (g) request clarification as to the impact of mapped SAL

Submission Point	Submitter	Summary of Submission
706.1	Francis & Susan	Oppose Significant Natural Areas and Significant Amenity

	Turton	Landscapes being identified on private land.
FSI 387.786	Mercury NZ Limited	Oppose
FSI 007.14	Phillip John Swann	Support
68.2	William Smeed	Delete the overlays placed over the island in the Waikato River, such as the Significant Amenity Landscape or the Significant Natural Area.
482.5	Hill Country Farmers Group	Amend the approach to identifying Significant Natural Areas and Significant Amenity Landscapes for private land so that identification is provisional based on owner's acceptance and therefore contestable. Submission seeks that Council discloses the criteria and significance levels for each of these areas, followed by ground-truthing and acceptance by the landowner.
FSI 340.84	Ta Ta Valley Limited	Support
862.37	Havelock Village Limited	Delete the Significant Amenity Landscape from the properties at 242 and 278 Bluff Road, Pokeno AND Any consequential amendments and alternative relief to give effect to the matters raised in the submission.
FSI 090.5	Jenny Forsyth	Oppose
FSI 086.37	Yashili Dairy Company Limited	Support
FSI 186.37	Pokeno Nutritional Park Limited	Support
FSI 281.53	Pokeno Village Holdings Limited	Oppose
FSI 301.37	New Zealand Health Food Park Limited	Support
FSI 303.37	Charlie Harris	Support
FSI 340.184	Ta Ta Valley Limited	Support
301.3	Lizbeth Hughes	Delete the Significant Amenity Landscape from the property at 17 Calvert Road, Raglan
FSI 276.4	Whaingaroa Environmental Defence Inc. Society	Oppose
574.6	Ta Ta Valley Limited	Delete the Significant Amenity Landscape from the property at 242 Bluff Road, Pokeno AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI 090.9	Jenny Forsyth	Oppose
FSI 301.48	New Zealand Health Food Park Limited	Support
FSI 303.48	Charlie Harris	Support
FSI 108.85	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI 139.76	Turangawaewae Trust	Oppose

	<i>Board</i>	
FSI377.140	<i>Havelock Village Limited</i>	<i>Support</i>
FSI369.12	<i>Ngati Tamaoho Trust</i>	<i>Oppose</i>
669.2	Bernard Brown	Opposes the Amenity Landscape overlay for property number 10113511 (16 Whaanga Road, Whale Bay, Raglan)
FSI040.2	<i>Bernard Brown Family Trust</i>	<i>Support</i>
FSI276.145	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose</i>
510.3	Bob Carter	Amend District Plan to clarify what impact Significant Amenity Landscapes has on a property
443.1	Graham Wallace Ray	Amend the planning map by reducing the extent of the Significant Amenity Landscape on the property at 286D Newell Road, Tamahere so that this annotation only applies to the area within the riparian setback from the river.
827.8	New Zealand Steel Holdings Limited	Retain the Significant Amenity Landscape overlay mapping in relation to the Waikato North Head mine site.
273.10	Russell Luders	Opposes Significant Amenity Landscapes being identified on private land.
924.11	Genesis Energy Limited	Delete the Significant Amenity Landscape (SAL) overlay from the Huntly Power Station on the planning maps.
924.12	Genesis Energy Limited	Amend planning maps by removing the Significant Amenity Landscape (SAL) from 'Scott Farm', Te Ohaki Road, Huntly as identified on the submission map.
506.1	Hansen Farms Limited	Clarify why an area of 83 Paulsen Road, Waerenga is identified as a Significant Amenity Landscape AND Amend the District Plan to provide for track maintenance in the Significant Amenity Landscape
494.3	D & J Tate	Delete the Significant Amenity Landscape from the property at 185B Hakarimata Road, Ngaruawahia
268.5	Warwick Cheyne	Delete the Significant Amenity Landscape from property number 1003679. The submitter suggests leasing the amenity landscapes.
575.26	Fulton Hogan Limited	Delete the Significant Amenity Landscape on the Tuakau quarry land (Friedlander Road, Tuakau – property 301603). A map of the respective area sought for deletion is attached to the original submission as Appendix B OR Amend the Significant Amenity Landscape on the Tuakau quarry land (Friedlander Road, Tuakau – property 301603) to reduce the extent as shown on Appendix B of the submission to only cover farm land AND Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.

669.6	Bernard Brown	Delete the Significant Amenity Landscape from the property located at 759 Wainui Road, Raglan (Property Number 1013542)
<i>FSI 040.6</i>	<i>Bernard Brown Family Trust</i>	<i>Support</i>
<i>FSI 276.148</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose</i>
257.1	Estate of Alwynne McDonald Chisnall	Delete the Significant Amenity Landscape from 275 Parker Lane, Buckland
235.1	P.M. Luders Family Trust	Delete the Significant Amenity Landscape on the planning maps from the property at 758 Mangapiko Valley Road, Ohinewai
<i>FSI 145.10 and FSI 207.1</i>	<i>Ohinewai Area Committee</i>	<i>Support</i>
760.1	P & B Day	Retain Significant Amenity Landscape overlay on the property at 656 Wainui Road, Raglan as notified
640.1	Timothy Bodle	Amend the boundary of the Significant Amenity Landscape area on the property at 316 Hooker Road, Tamahere (Property No. 1008619) to align with the Significant Natural Area (i.e. from river to bush line, but not including the farm/pasture land); or any other relief which would address the reasons for this submission
481.1	Culverden Farm	Amend the approach to identifying Significant Natural Areas and Significant Amenity Landscapes for private land so that identification is provisional based on owner's acceptance and therefore contestable submission seeks that Council has disclosed the specific criteria and significance levels for each of these areas followed by ground-truthing and acceptance by the landowner.
574.11	Ta Ta Valley Limited	Amend the Proposed District Plan to include a schedule that reflects the outcomes of the Waikato District Landscape Study, which notes the attributes and features that lend itself to the Significant Amenity Landscape status OR Delete all Significant Amenity Landscapes from the Proposed District Plan including associated objectives, policies in Section 3.4 and rules that reference Significant Amenity Landscapes AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
<i>FSI 108.89</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FSI 223.168</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI 303.53</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI 301.53</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI 139.80</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>

567.32	Ngati Tamaoho Trust	Supports the landscape inclusions.
278.1	Simpson Farms Limited	Delete the Outstanding Natural Features on the properties owned by Simpson Farms Limited.
944.1	Janet Evans on behalf of Brodick Farms Ltd	Amend the planning maps by deleting the identified areas (Significant Natural Area and Significant Amenity Landscape) from the property at 849 Matahuru Road, Matahuru.

15.1.3 Analysis

General Mapping of SAL

541. Ngati Tamaoho Trust [567.32] supports the SAL identified on the planning maps of the notified PWDP. I recommend this submission be accepted in part given my responses to other submissions.
542. Ta Ta Valley Limited [574.6] requests the deletion of all SAL in the PWDP, including associated objectives, policies in Section 3.4 and rules. I do not support the wholesale deletion of SAL provisions from the PWDP as I consider these to be an appropriate way of having regard to the maintenance and enhancement of amenity values, this being a requirement of section 7(c) in the RMA.
543. However, the alternative relief sought by Ta Ta Valley Limited is for a new schedule to be introduced for SAL that reflects the outcomes of the WDLS and notes the attributes and features that support SAL status. I have earlier recommended a new schedule for SAL, a draft of which is included in an attachment to this report and invite the submitter to comment on whether they consider this approach acceptable.
544. I recommend their submission [5764.6] be accepted in part to the extent that I support the introduction of a new SAL schedule. I have also addressed this submitter's more specific concern about the extent of SAL on their property in a later section of Part C.
545. Hill Country Farmers Group [482.5] and Culverden Farm [481.1] both request an amendment to the approach for SAL so that their identification is conditional on the disclosure of criteria that are used in the identification process, following by ground-truthing and landowner acceptance.
546. The identification and mapping of SAF on PWDP planning maps has been informed by the WDLS which was made publicly available on Council's website and this study sets out the criteria that must be met.
547. Prior to notification of the PWDP, multiple informal consultation meetings were held around the district and public feedback was invited on all topics. The submission process also afforded an opportunity for affected parties to support or challenge the mapping of proposed SAL. In my opinion, these opportunities for feedback and submissions were generous and helpful in that they have enabled a more detailed consideration for specific properties by Council's landscape experts. I agree with these submissions in part, but only insofar as ground-truthing for some properties affected by SAL overlays has been recommended by Boffa Miskell. Landowner acceptance is not an appropriate way to meet the objectives of the PWDP and, in turn, the purpose of the RMA as landowner acceptance is unlikely to be forthcoming in all cases. As a result, section 7(c) would not be met.

15.1.4 Recommendations

548. For the reasons given above, it is recommended that the hearing panel:

- (a) **Accept in part** the submission from Ngati Tamaoho Trust [567.32] to the extent that the extent of SAL on various submitter properties are recommended for amendment as a result of other submissions
- (b) **Accept in part** the submission from Ta Ta Valley Limited [574.11] and further submissions from *Charlie Harris* [FS1303.53] and *New Zealand Health Food Park Limited* [FS1301.53] and **accept in part** the further submissions from *Te Whakakitenga o Waikato Incorporated Society (Waikato-Tainui)* [FS1108.89], *Mercury NZ Limited* [FS1223.168] and *Turangawaewae Trust Board* [FS1139.80] to the extent that a new schedule for SAL is recommended
- (c) **Accept in part** the submissions from Hill Country Farmers Group [482.5] and Culverden Farm [481.1] and the further submission from *Ta Ta Valley Limited* [FS1340.84] to the extent that ground-truthing is recommended by Boffa Miskell to confirm the extent of SAL overlays on some submitter properties.

16. SAL overlays for specific properties

549. I now turn to the submissions that request deletion of, or amendments to, specific SAL.

550. To assist the analysis of these submissions on SAL, I have divided them into three separate groups.

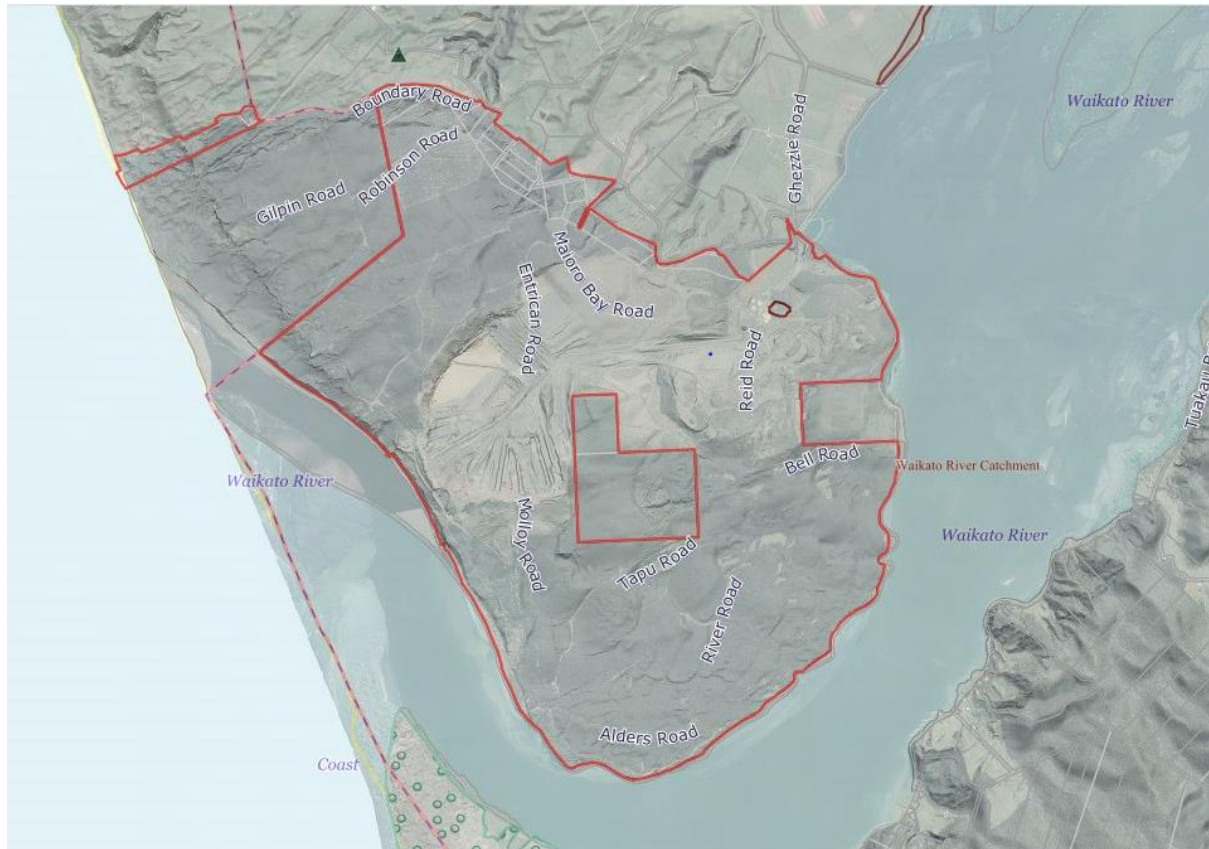
- (a) **Group 1** contains the submissions that support the notified PWDP planning maps or require clarification on the identification of SAL for specific properties.
- (b) **Group 2** contains the submissions that relate to SAL on properties that are immediately adjacent the Waikato River. The mapped SAL in this group mirrors the operative Schedule 5A footprint (Item 5 - Sites of Special Wildlife Interest/ONF) for properties located in the existing Franklin Section, and the footprint of the operative Landscape Policy Area for properties in the existing Waikato Section.
- (c) **Group 3** contains the submissions that oppose SAL overlays on properties that are not immediately adjacent the Waikato River.

Group I – Submissions that support the notified PWDP planning maps or require clarification on the identification of SAL for specific properties

New Zealand Steel Holdings Limited (NZ Steel) – Maioro Sand Mine

551. NZ Steel [827.8] supports the notified PWDP planning map for their Maioro sand mine site at North Head (shown in red outline). They correctly state that this site does not contain any SAL.

Maioro Sand Mine Site – absence of SAL overlay in PWDP



552. Accordingly, I recommend that this submission be accepted.

16.1.1 Recommendation

553. For the reason given above, it is recommended that the hearings panel:

- (a) **Accept** the submission from NZ Steel Holdings Limited [827.8]

P and B Day – 656 Wainui Road, Raglan

554. P and B Day [760.1] support the SAL overlay that affects 656 Wainui Road. I agree that this overlay should be retained as it is consistent with the WDLS and is a way of having regard to the maintenance and enhancement of amenity values as required by section 7(c) of the RMA.

16.1.2 Recommendation

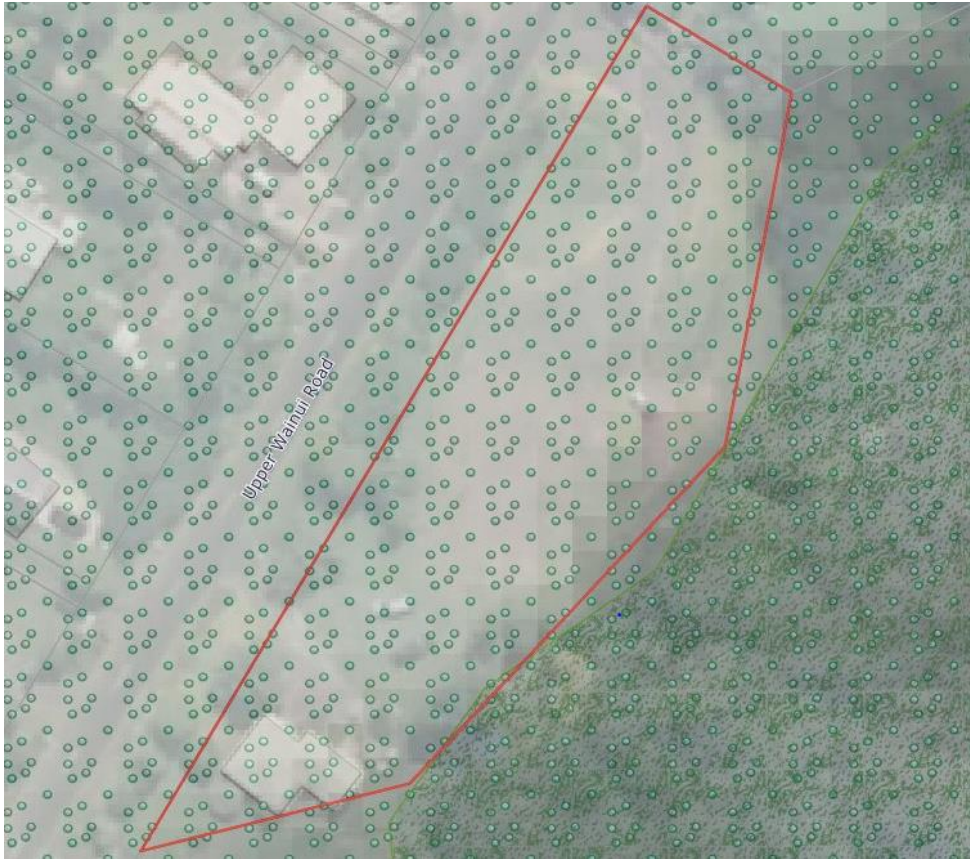
555. For the reason given above, it is recommended that the hearings panel:

- (a) **Accept** the submission from P and B Day [760.1]

Bob Carter – 57 Upper Wainui Road

556. Bob Carter [510.3] is the owner of the property at 57 Upper Wainui Road. The map below indicates that the SAL applies over the whole of this property together with a small sliver of SNA just inside the south-eastern boundary.

57 Upper Wainui Road – SAL and SNA overlay in PWDP



557. Mr Carter expresses concern that the map overlays are difficult to interpret, particularly when multiple overlays apply. I agree. The map legend symbols under the 'Natural Environment' category need to be more clearly distinguished. In my opinion, this is the probable reason for a significant number of submitters for this hearing topic and the later Hearing 21 for SNA misinterpreting the overlays for their properties.
558. In the next section of Part C, I have recommended various amendments to the map legend and symbols in the decision version of the PWDP to avoid future confusion and I invite Mr Carter to comment as to whether these would satisfy the relief sought.
559. Mr Carter also requests clarification on the effect of any SAL applying to a property. A wide range of activities are permitted in the extensive areas of SAL within the district. Existing uses can continue unless there is a proposal to undertake earthworks that exceed the permitted area and volume thresholds, or a new building or structure is to be established in which case a resource consent process is required to test whether the adverse effects can be appropriately managed.

16.1.3 Recommendation

560. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept** the submission from Bob Carter [510.3]

Group 2 Submissions – SAL on properties adjacent to the Waikato River

William Smeed – Kaiwaka Island

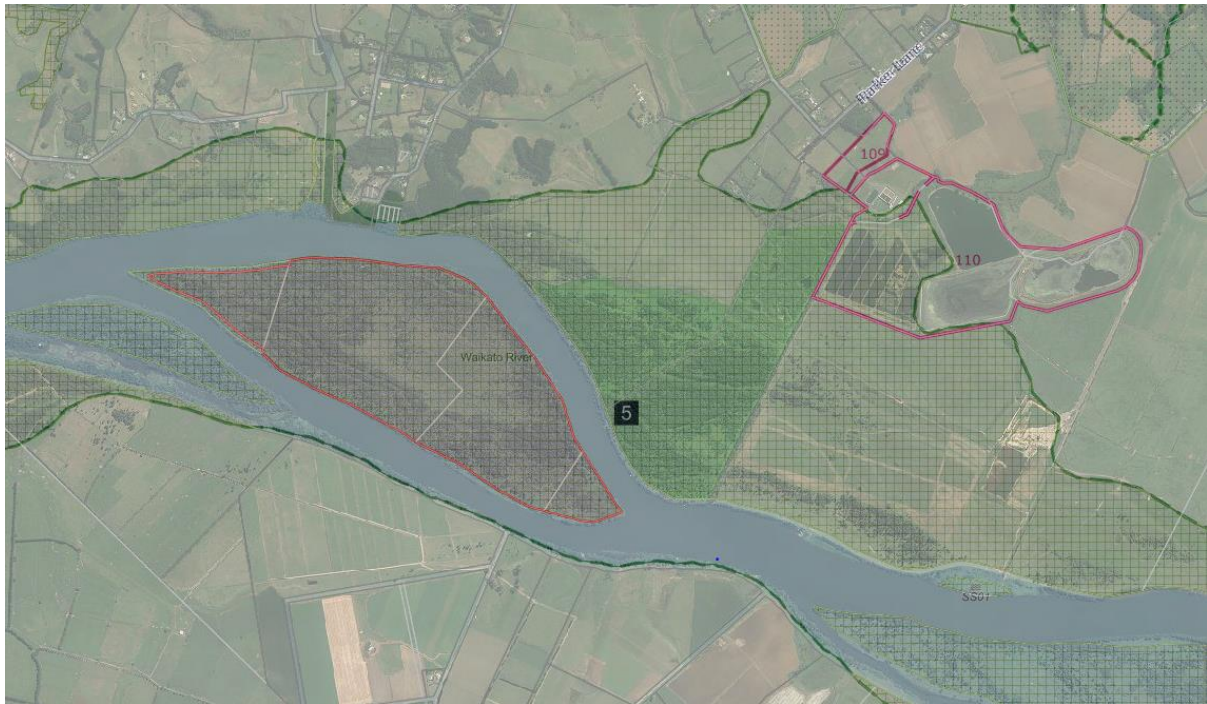
561. William Smeed [68.2] owns Kaiwaka Island which is located within the Waikato River. He opposes the proposed SAL over this island shown in red outline on the following map because he considers that consultation with affected landowners has been insufficient and that this overlay will result in this island losing the ability to be used for any productive activities. He says that if an SAL is to apply, Council should compensate for this loss and consider purchasing the island.
562. This map also shows that the SAL along this part of the Waikato River overlays some of Watercare's designated treatment ponds (Designation 01) and Fulton Hogan's sand quarry (within orange rectangle).

Kaiwaka Island – SAL overlay in PWDP



563. The next map indicates the footprint of the operative Schedule 5A ONF which is a Site of Special Wildlife Interest (Item Number 5 – Waikato River and Wetlands) in the Franklin Section. This footprint is bordered with a bold dashed green line. The light green cross-hatching represents an Identified Significant Natural Feature (ISNF). The mapping of this ONF/ISNF is based on historic data. Most, but not all, of this ONF/ISNF area is located within the Wetland Conservation Zone which also contains Kaiwaka Island.
564. Schedule 5A lists these adverse effects that need to be managed within the identified Waikato River and wetland area – vegetation clearance, loss of threatened species, weed invasion, reclamation, siltation, degradation in water quality, and the modification, damage or destruction of wildlife habitats.

Kaiwaka Island – Schedule 5A and ISNF overlays in operative Franklin Section



565. In response to the submitter's concern that a proposed SAL would detrimentally affect the productive capacity of Kaiwaka Island, it is my opinion that this capacity is already clearly limited given its physical characteristics and any development in terms of the operative requirements would require a resource consent assessment to test whether adverse effects would compromise the preservation of this existing ONF.
566. Whatever overlay the PWDP applies to this island would not change the requirement for resource consent if any new development were intended. I am also aware that the type of overlay (SAL/ONF/ONL) may depend on the outcome of other submissions that request an ONF/ONL status for the entire Waikato River. I consider this is important as, in my view, Kaiwaka Island is an integral part of the Waikato River which is supported by the fact that the operative Franklin Section schedules the whole of the Waikato River, its islands, and some river margins.
567. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

568. Kaiwaka Island forms an integral part of the riverscape of the lower reaches of the Waikato River ('the River'). The Waikato District Landscape Study considered the Waikato River both as a whole system and recognised it as having varying degrees of biophysical condition and sensory values. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stopbanks and the retention of the river delta system. The landscape values of the modified lower reaches of the river retain important biophysical attributes including the geomorphology and hydrology, however the biotic values of the island itself have been modified from the land use activities. The sensory values remain high and with the aesthetic coherence of the island and its composition within the river network contributing to a high degree of vividness.

569. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

570. Kaiwaka Island should remain as identified as a Significant Amenity Landscape. Noting this may be subject to decisions on broader submissions on the Waikato River.

16.1.4 Section 42A Recommendation

571. For the reasons given above, and as a result of the technical response and recommendations from Boffa Miskell, it is recommended that the hearing panel:

- (a) **Reject** the submission from William Smeed [68.2]

Havelock Village Limited (Havelock) and Ta Ta Valley Limited – 242 and 278 Bluff Road, Pokeno

572. I have assessed the submissions from Havelock [862.37] and Ta Ta Valley Limited [574.6] together as they both request the removal of SAL from the properties at 242 and 278 Bluff Road that are shown in red outline on the following maps, with supporting evidence from the same landscape architect.

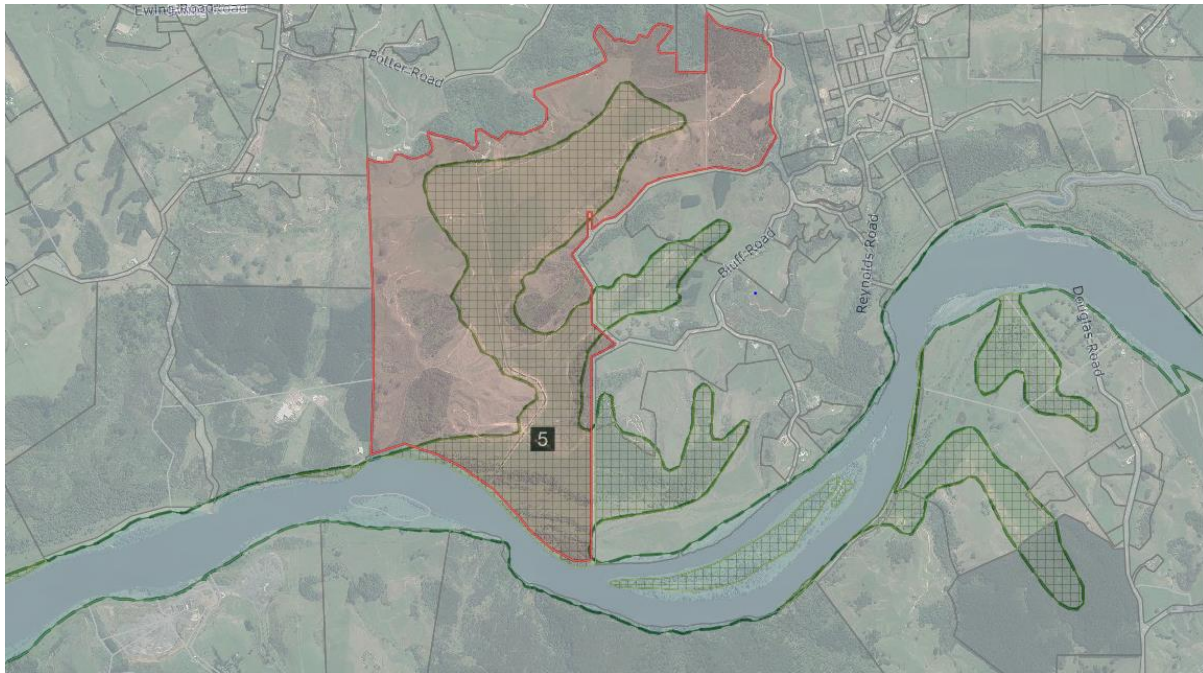
242 Bluff Road - SAL overlay in PWDP



278 Bluff Road – SAL overlay in PWDP

573. Mr Rob Pryor from LA4 Landscape Architects Limited considers that the SAL overlays affecting both these properties are not appropriate from a visual and landscape perspective. He states that the SAL covers lower river flats which have been degraded and extensively modified through pastoral activities involving grazing and the construction of drainage channels. His opinion, therefore, is that these areas do not reflect a moderate level of aesthetic coherence and that the SAL should be removed completely.
574. Mr Pryor has correctly identified that the SAL footprint mirrors the operative Schedule 5A ONF which is a Site of Special Wildlife Interest (Item Number 5 – Waikato River and Wetlands) in the Franklin Section. This footprint is bordered with a bold dashed green line as shown on the map that follows. The light green cross-hatching within the Schedule 5A area represents an Identified Significant Natural Feature.

Operative Schedule 5A/ISNF footprint in operative Franklin Section



575. The mapping of this operative ONF/Special Site of Wildlife Interest is based on data provided by the former New Zealand Wildlife Service when the former Franklin District Council was preparing its district plan for notification in 1994. This data is now some 33 years old and significant modifications have occurred in various river margin areas in that time as land has been drained and used for pastoral purposes, rather than as an intended wildlife refuge.
576. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

577. The river plains run alongside and into upper gully reaches of the lower Waikato River system. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. Flood plains form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function.
578. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stopbanks and the retention of the river plains system. The landscape values of the modified lower reaches of the river plains retain important biophysical attributes including the geomorphology and hydrology, however the biotic values of the river plains vary in degrees of modification. The sensory values remain high and with the aesthetic coherence of the river plains and its composition remaining moderate to high.
579. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

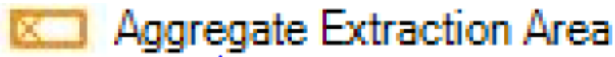
580. Amend the extent of the SAL to retain the river plains as part of the River corridor but exclude reaches that extend into upper modified gully arms where the sensory values and relationship to the River are lower.

16.1.5 Section 42A Recommendations

581. For the reasons given above, and as a result of the technical response and recommendations from Boffa Miskell, it is recommended that the hearing panel:
- (a) **Accept in part** the submission from Havelock Village [862.37] to the extent that the SAL overlay on 242 and 278 Bluff Road is to be reduced as recommended by Boffa Miskell
 - (b) **Accept in part** the further submissions from *Yashili Dairy Company Limited* [FS1086.37], *Pokeno Nutritional Park Limited* [FS1186.37], *NZ Health Food Park Limited* [FS1301.37], *Charlie Harris* [FS1303.37] and *Ta Ta Valley Limited* [FS1340.184]
 - (c) **Accept in part** the further submissions from *Jenny Forsyth* [FS1090.5] and *Pokeno Village Holdings Limited* [FS1281.53]
 - (d) **Accept in part** the submission from *Ta Ta Valley Limited* [574.6] to the extent that the SAL overlay on 242 and 278 Bluff Road is to be reduced as recommended by Boffa Miskell
 - (e) **Accept in part** the further submissions from *NZ Health Food Park Limited* [FS1301.48], *Charlie Harris* [FS1303.48] and *Havelock Village Limited* [FS1377.140]
 - (f) **Accept in part** the further submissions from *Jenny Forsyth* [FS1090.9], *Te Whakakitenga o Waikato Inc. Society (Waikato-Tainui)* [FS1108.85], *Turangawaewae Trust Board* [FS1139.76] and *Ngati Tamaoho Trust* [FS1369.12].

Fulton Hogan Limited – 86 Friedlander Road, Buckland

582. Fulton Hogan [575.26] requests the deletion of the SAL overlay from its sand quarry located on property at 86 Friedlander Road, in between Tuakau township and Buckland village. The subject property (Pt Lot 1 DP 2628 Pt Lot 4 DP 21399) is shown in red outline below and the sand quarry within it is annotated with the following symbol for the Aggregate Extraction Area:



Fulton Hogan sand quarry at 86 Friedlander Road – SAL overlay in PWDP



583. The SAL footprint mirrors the operative Schedule 5A ONF which is a Site of Special Wildlife Interest (Item Number 5 – Waikato River and Wetlands) in the Franklin Section. This footprint is bordered with a bold dashed green line as shown on the map that follows. The light green cross-hatching within the Schedule 5A area represents an Identified Significant Natural Feature.

86 Friedlander Road - Schedule 5A/ISNF footprint in operative Franklin Section



584. The mapping of this operative ONF/Special Site of Wildlife Interest is based on data provided by the former New Zealand Wildlife Service when the former Franklin District Council was preparing its district plan for notification in 1994. This data is now some 33 years old and significant modifications have occurred in various river margin areas in that time as land has been drained and used for pastoral purposes, rather than as an intended wildlife refuge.
585. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

586. The river plains run alongside and into upper gully reaches of the lower Waikato River system. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. Flood plains form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function.
587. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stopbanks and the retention of the river plains system. The landscape values of the modified lower reaches of the river plains retain important biophysical attributes including the geomorphology and hydrology, however the biotic values of the river plains vary in degrees of modification. The sensory values remain high and with the aesthetic coherence of the river plains and its composition remaining moderate to high.
588. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

589. Amend the extent of the SAL to retain the river plains as part of the River corridor but exclude the modified areas of the Fulton Hogan Quarry from the SAL.

16.1.6 Section 42A Recommendation

590. For the reasons above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Accept in part** the submission from Fulton Hogan [575.26] to the extent that the SAL overlay on 86 Friedlander Road is reduced as recommended by Boffa Miskell.

Estate of Alwynne McDonald Chisnall – 275 Parker Lane, Buckland

591. Stuart Chisnall [257.1] has submitted on behalf of the Estate of Alwynne McDonald Chisnall and requests the deletion of the SAL overlay from the property at 275 Parker Lane shown in red outline on the map below. Mr Chisnall states that the area outside of the SNA is in rough pasture and that it has no significant landscape features.

275 Parker Lane – SAL overlay in PWDP



592. The SAL footprint mirrors the operative Schedule 5A ONF which is a Site of Special Wildlife Interest (Item Number 5 – Waikato River and Wetlands) in the Franklin Section. This footprint is bordered with a bold dashed green line as shown on the map that follows. The light green cross-hatching within the Schedule 5A area represents an Identified Significant Natural Feature.

Operative Schedule 5A/ISNF footprint in operative Franklin Section



593. The mapping of this operative ONF/Special Site of Wildlife Interest is based on data provided by the former New Zealand Wildlife Service when the former Franklin District Council was preparing its district plan for notification in 1994. This data is now some 33 years old and significant modifications have occurred in various river margin areas in that time as land has been drained and used for pastoral purposes, rather than as an intended wildlife refuge.
594. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

595. The river plains run alongside and into upper gully reaches of the lower Waikato River system. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. Flood plains form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function.
596. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stopbanks and the retention of the river plains system. The landscape values of the modified lower reaches of the river plains retain important biophysical attributes including the geomorphology and hydrology, however the biotic values of the river plains vary in degrees of modification. The sensory values remain high and with the aesthetic coherence of the river plains and its composition remaining moderate to high.
597. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

598. Amend the extent of the SAL to retain the river plains as part of the River corridor but exclude reaches that extend into upper modified gully arms where the sensory values and relationship to the River are lower.

16.1.7 Section 42A Recommendation

599. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from the Estate of A.M. Chisnall [257.1] to the extent that the SAL overlay on 275 Parker Lane is reduced as recommended by Boffa Miskell.

Graham Wallace Ray – 286D Newell Road, Tamahere

600. Graham Ray [443.1] requests an amendment to the extent of SAL overlay affecting his property at 286D Newell Road shown in red outline on the following map, so that it coincides with the setback from the Waikato River.
601. Mr Ray considers that the SAL on his property is not significant as it contains an area that was formerly gorse but now contains lawn and exotic plantings.
602. This property is located in the Country Living Zone where Rule 23.3.7.5 requires a building setback of 37 metres from the banks of the Waikato River. While building setbacks are being addressed specifically with each zone topic via separate hearings, I wish to note my opinion here that there is no rationale for imposing a 37 metre setback for the Country Living Zone which is more restrictive than the 28 metre setback specified for the Rural Zone.

286D Newell Road – SAL overlay in PWDP



603. As shown on the next map, the SAL coincides with the footprint of the operative Landscape Policy Area, the symbol for which is shown as follows:

 Landscape Policy Area

286D Newell Road - Operative Landscape Policy Area overlay



604. From both these maps, I am unclear as to how the boundary of the operative Landscape Policy Area and the boundary of the proposed SAL, nearest the Waikato River, have been determined. I also note that the widths of both these overlays are variable.
605. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

606. The river margins in this reach of the Waikato River system have, retains the geological and formative processes of the river, the biotic values are lower as a result of modifications and weed infestation along the river bank. The river is more incised with vegetated slopes with a range of native and exotic vegetation cover. Built development along the river corridor also contributes to a decrease in the sensory attributes of the natural elements, ie naturalness. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. Flood plains form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

607. The mapping of the landscape area for this area of the SAL primarily includes the vegetated embankments of the Waikato River. The upper extent of the identified area aligns with natural escarpment along the river margin.

Boffa Miskell's Technical Recommendation

608. Retain the Significant Amenity Landscape as mapped for this property, noting that the river margin will require mapping to the river boundary.

16.1.8 Section 42A Recommendation

609. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Reject** the submission from Graham Wallace Ray [443.1]
- (b) **Amend** the mapping of the SAL so that it aligns with the boundary of the Waikato River.

Genesis – Huntly Power Station and Scott Farm

610. Genesis [924.11 and 924.12] requests the deletion of the SAL from their property on Te Ohaaki Road which contains the Huntly Power Station. They say that the SAL is inappropriate because it overlays an area of the intake forebay and cooling water discharge where public access is restricted for health and safety reasons and also because this overlay is inappropriate in a Heavy Industrial Zone.
611. Genesis also opposes the SAL overlay relating to a productive dairy farm known as 'Scott Farm' as they state this property forms part of their ash management regime.
612. The submission from Genesis contains the following map which identifies their operational and ancillary properties.

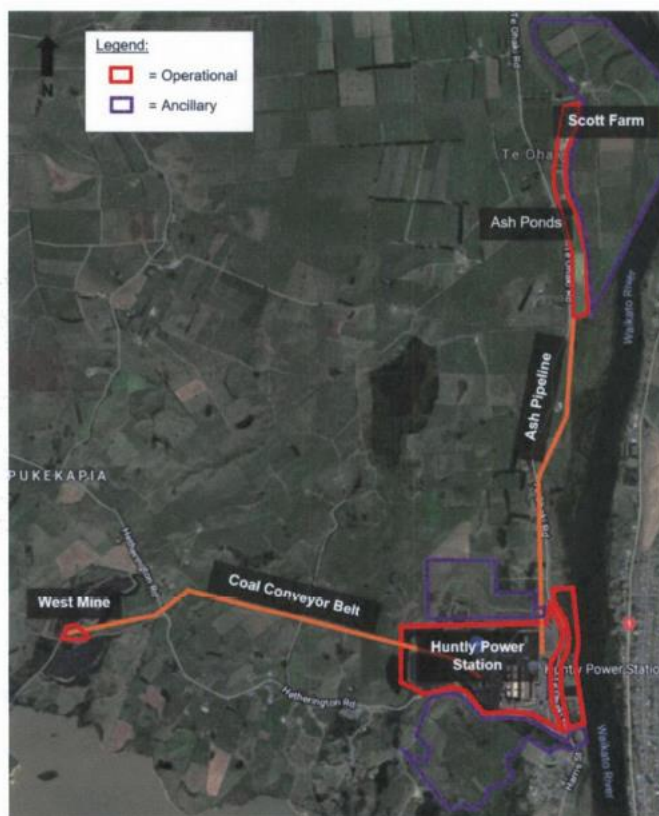


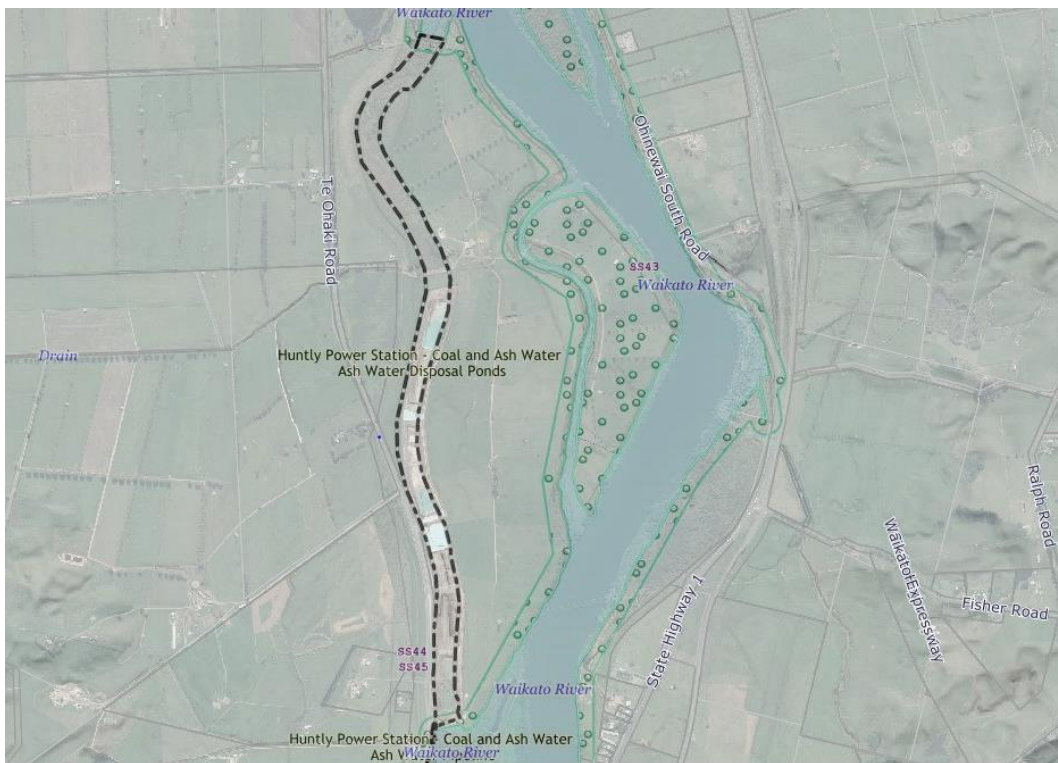
Figure 1. Location of Huntly Power Station site and ancillary sites (outlined in orange) (Scale 1:36,000).

613. The extent of proposed SAL over these locations is shown on the following two maps.


Huntly Power Station site - SAL overlay in PWDP



Scott Farm – SAL overlay and coal/ash water pipeline route in PWDP



614. The next two maps indicate that the SAL on these properties mirror the footprint of the operative Landscape Policy Area along the Waikato River margin, the symbol for which is shown as follows:

 Landscape Policy Area

Huntly Power Station site – operative Landscape Policy Area in Waikato Section



Scott Farm – operative Landscape Policy Area and coal/ash water pipeline route in Waikato Section



615. I do not consider health and safety matters to be reasons for removing any overlay. However, my section 42A recommendation relies on the following technical response and recommendation provided by Boffa Miskell.

Boffa Miskell's Technical Response

616. The river plains running alongside the lower reaches of the Waikato River system include stop banks where modifications have been undertaken for adjoining land uses, including agricultural, industrial and the settlement of Huntly. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. The modified river margins, whilst modified, form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function.
617. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stop banks and the retention of the river plains system. In modified reaches of the river system, particularly where there is heavy industrial use at the river edges where structures interface with the waterbody. In these areas, when compared to less modified margins of the river, the sensory values are low to moderate, when considering the river body and the adjoining land uses together.
618. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values remain high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

619. Amend the extent of the SAL to exclude the heavily modified structures, including intakes and outlets from the SAL mapping at the Huntly Power Station and Scott Farm Coal Ash interface points with the river body. The SAL mapping, in this vicinity, should also remove Te Ohaaki Road extent, but retain the mapped width to recognise the broader characteristics of the river margin and their contribution toward the landscape attributes of the Waikato River.

16.1.9 Section 42A Recommendation

620. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submissions from Genesis [924.11 and 924.12] to the extent that the SAL overlay is amended as per the recommendation from Boffa Miskell.


D and J Tate – 185B Hakarimata Road

621. Derek Tate [494.3] requests the deletion of the SAL from his property at 185B Hakarimata Road as shown on the map below. Mr Tate states that this is a small area separated from the Waikato River by Hakarimata Road and that the SAL overlay on his property incorporates flat land and the existing dwelling.

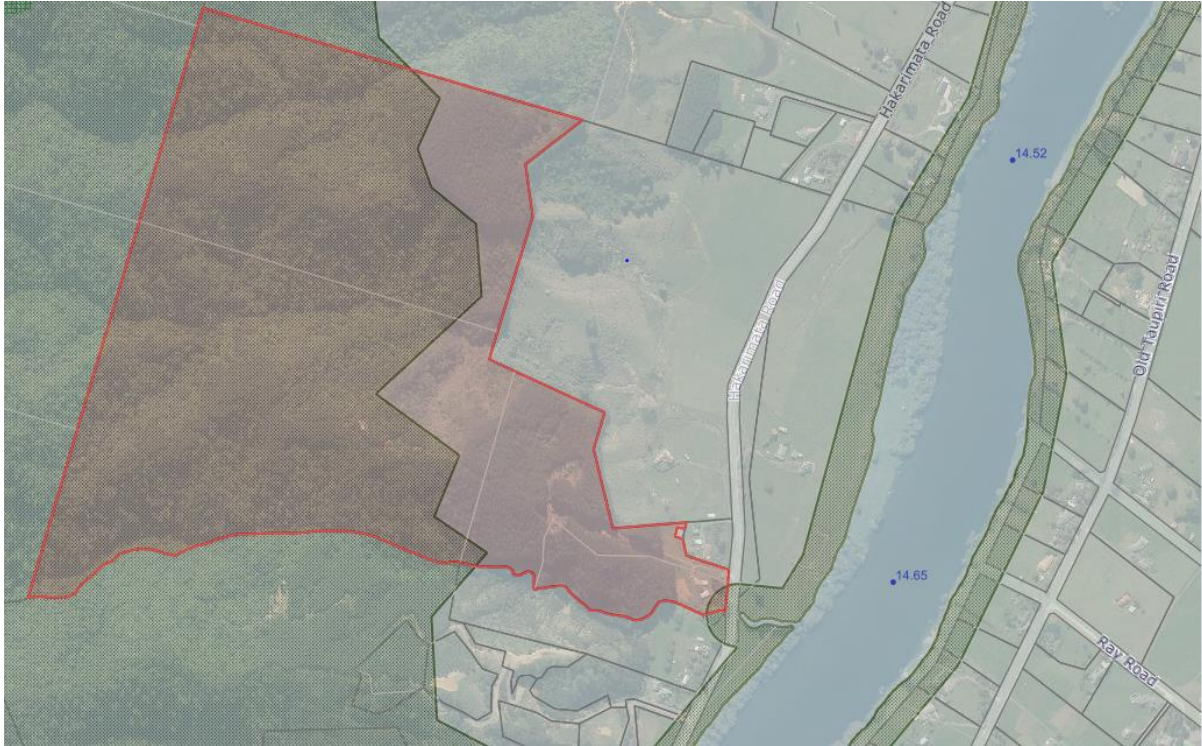
185B Hakarimata Road – SAL overlay in PWDP



622. As shown by the next map, the SAL on this property mirrors the footprint of the operative Landscape Policy Area along the Waikato River margin, the symbol for which is shown as follows:

 Landscape Policy Area

185B Hakarimata Road – operative Landscape Policy Area



623. I note that this SAL does not include Mr Tate's dwelling.
624. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

625. The river plains running alongside the lower reaches of the Waikato River system include stop banks where modifications have been undertaken for adjoining land uses, including agricultural, industrial and the settlement of Huntly. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. The modified river margins, whilst modified, form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function.
626. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stop banks and the retention of the river plains system. In these areas, when compared to less modified margins of the river, the sensory values are low to moderate, when considering the river body and the adjoining land uses together.
627. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values remain high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

628. Amend the SAL to remove 'bulge' point where it interfaces with the Tate property and retain width of the SAL along the river margin. This recommendation results in the removal of the SAL from the submitter's property.

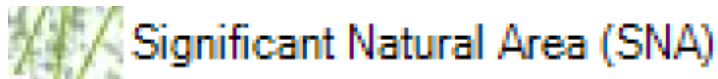
16.1.10 Section 42A Recommendation

629. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept** the submission from D and J Tate [494.3]
 - (b) **Amend** the planning maps so that the SAL overlay is removed from 185B Hakarimata Road and retain the width of SAL along the margin of the Waikato River as per the recommendation from Boffa Miskell.

Timothy Bodle – 316 Hooker Road, Tamahere

630. Timothy Bodle [640.1] does not oppose any SAL overlay on his property at 316 Hooker Road, but requests an amendment so that it aligns with the proposed SNA and does not include farm pasture. He considers that, unless this amendment occurs, unnecessary resource consents will be triggered.

631. The PWDP map legend indicates this symbol for an SNA:



632. The map below indicates the extent of SAL over this property. It would appear that the proposed SNA falls outside of the submitter's property which is outlined in red.

316 Hooker Road – SAL overlay in PWDP



633. As shown by the next map, the SAL on this property mirrors the footprint of the operative Landscape Policy Area along the Waikato River margin, the symbol for which is shown as follows:

 Landscape Policy Area

316 Hooker Road – operative Landscape Policy Area



634. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

635. The river margins in this reach of the Waikato River system have, retains the geological and formative processes of the river, the biotic values are lower as a result of modifications and weed infestation along the river bank. The river is more incised and includes river terraces with vegetated slopes including a range of native and exotic vegetation cover. Built development along the river corridor also contributes to a decrease in the sensory attributes of the natural elements, ie naturalness. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.
636. The mapping of the landscape area for this area of the SAL primarily includes the vegetated embankments of the Waikato River. The upper extent of the identified area aligns with natural escarpment along the river margin.

Boffa Miskell's Technical Recommendation

637. Retain the Significant Amenity Landscape as mapped for this property, noting that the river margin will require mapping to the river boundary.

16.1.11 Section 42A Recommendations

638. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Timothy Bodle [640.1]
 - (b) **Amend** the planning maps so that the SAL overlay aligns with the boundary of the Waikato River as recommended by Boffa Miskell.


Simpson Farms Limited – 184A Glen Murray Road

639. Simpson Farms Limited [278.1] owns three properties within Waikato District – 225 Putawa Road, 184A Glen Murray Road and 1675 Ohautira Road. Their submission requests the removal of a number of overlays from these properties. This includes the removal of ONF from their properties, although the PWDP planning maps do not indicate any ONF on any of these.
640. The following map, 184A Glen Murray Road contains SNA and a strip of SAL running along the Waikato River margin. The property at 1675 Ohautira Road only contains SNA. It would therefore appear that the submitter has misinterpreted the maps. The SNA matter will be addressed in later Hearing 21.
641. I therefore address the SAL matter concerning 184A Glen Murray Road.

184A Glen Murray Road – SAL overlay in PWDP



642. As shown by the next map, the SAL on this property mirrors the footprint of the operative Landscape Policy Area along the Waikato River margin, the symbol for which is shown as follows:

 Landscape Policy Area

184A Glen Murray Road – operative Landscape Policy Area



643. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

644. The river plains running alongside have been modified with clearly defined stop banked margins of the Waikato River system. The Waikato District Landscape Study considered the Waikato River both as a whole river system and recognised it as having varying degrees of biophysical condition and sensory values. Flood plains form part of the amenity and sensory values that extend along the river margin and are reflective of the natural processes that are both formative and ongoing in terms of the river function.
645. As a result the River has varying degrees of identification which recognise the upper reaches of the river (in the Waikato District) where the river is more deeply incised and river islands are not apparent, and the lower reaches of the river which include stopbanks and the retention of the river plains system. The landscape values of the modified lower reaches of the river margins retain important biophysical attributes including the geomorphology and hydrology, however the biotic values of the river plains vary in degrees of modification. The sensory values remain high and with the aesthetic coherence of the river plains and its composition remaining moderate to high.
646. The associative values, including shared and recognised, tangata whenua values and heritage and cultural values are also high, and are also reflected in the cultural narrative of the Waikato River within the Landscape Study.

Boffa Miskell's Technical Recommendation

647. Retain the Significant Amenity Landscape as mapped for this property, noting that the river margin will require mapping to the river boundary.

16.1.12 Section 42A Recommendation

648. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Simpson Farms Limited [278.1]

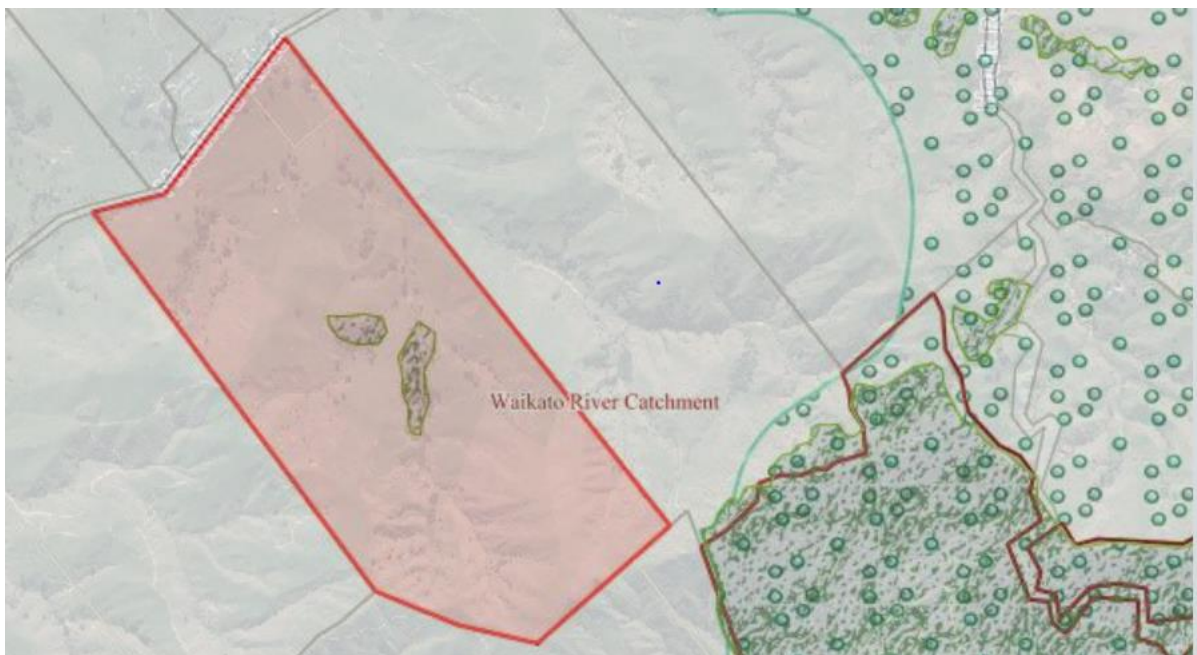
- (b) **Amend** the planning maps so that the SAL overlay aligns with the boundary of the Waikato River as recommended by Boffa Miskell.

Group 3 Submissions – oppose SAL on properties that are not immediately adjacent to the Waikato River

Francis and Susan Turton – 616 Matahuru Road

649. Francis and Susan Turton [706.1] express concern that no consultation has occurred in respect to the mapping of SAL (and SNA) on their property at 616 Matahuru Road, Waiterimu.
650. As shown on the map below, this property contains SNA, but it does not contain any SAL. The matter concerning the proposed SNA will be addressed in Hearing 21. Accordingly, I recommend rejection of their submission insofar that it relates to the SAL matter.

SNA overlay on 616 Matahuru Road and SAL overlay in PWDP



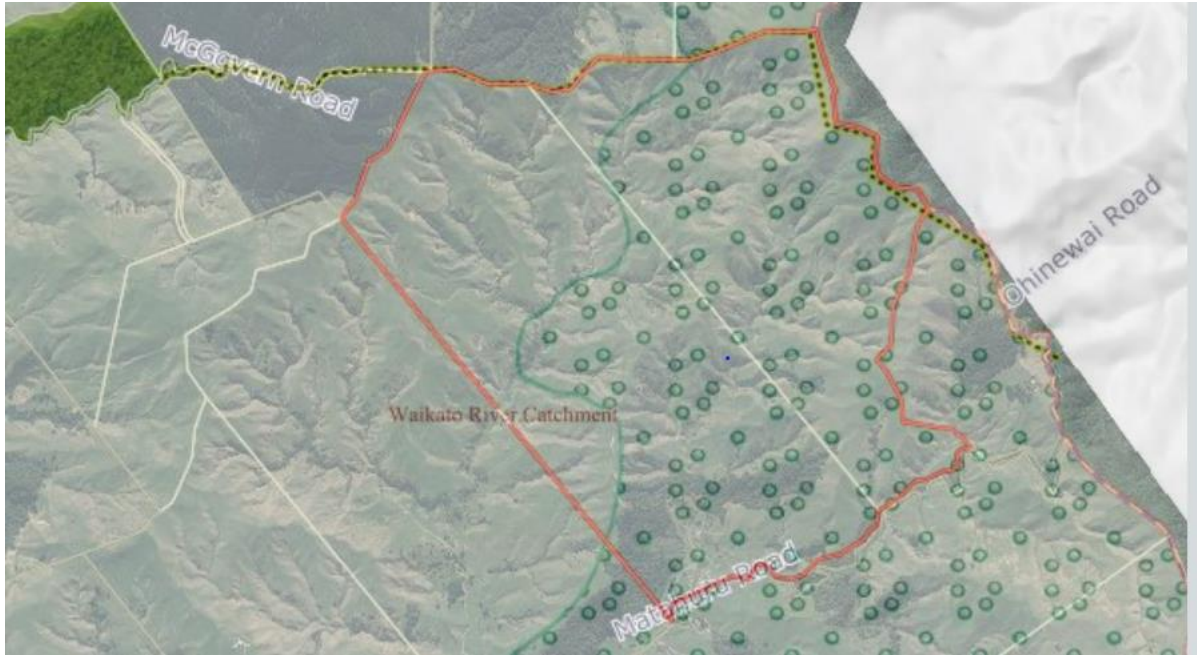
16.1.13 Recommendations

651. For the reason given above, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Francis and Susan Turton [706.1] and the further submission from *Phillip John Swan* [FS1007.14] insofar as these submissions relates to SAL
 - (b) **Accept in part** the further submission from *Mercury NZ Limited* [FS1387.786].

Brodict Farms – 849 Matahuru Road

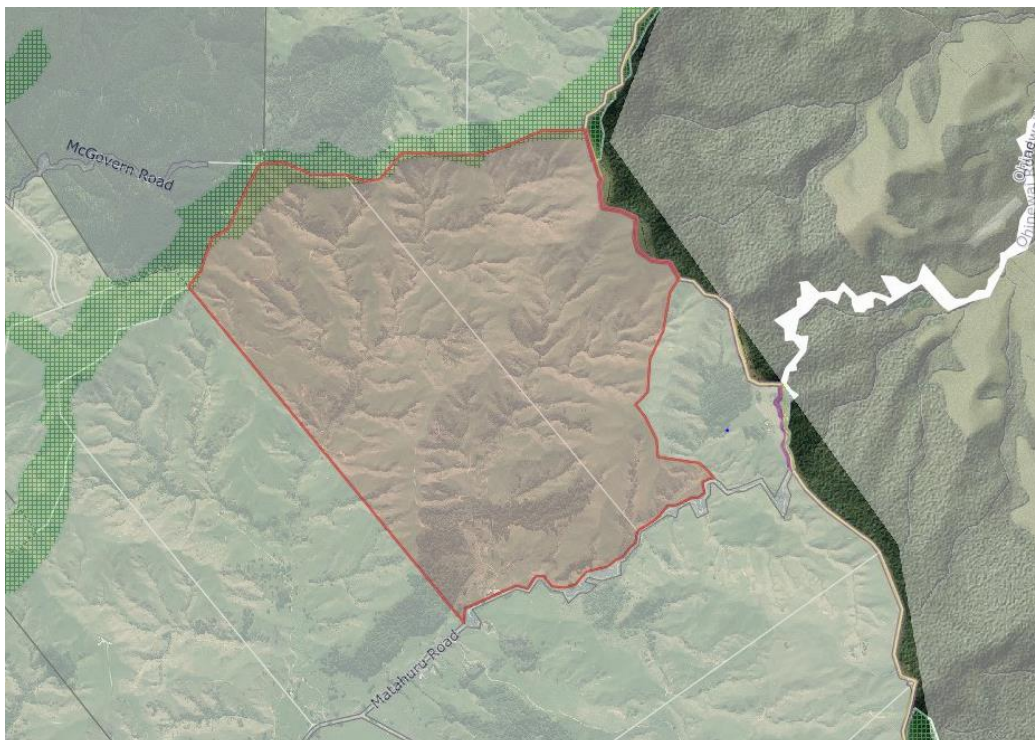
652. Janet Evans, on behalf of Brodict Farms [944.I], expresses concern that there has been no ground-truthing in respect to the mapping of SAL (and SNA) on the property at 849 Matahuru Road, Waiterimu and that these areas do not warrant identification.
653. The map below shows the extent of proposed SAL within this property, although I note there is no SNA.

849 Matahuru Road – SAL overlay in PWDP



654. The next map below indicates the extent of the operative Ridgeline Policy Area on the submitter's property (shown in green cross-hatching).

849 Matahuru Road – operative Ridgeline Policy Area



655. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

656. The Te Hoe hill range are identified as comprising attributes that demonstrate Outstanding Natural Feature qualities and broader characteristics of the hill range that whilst that are primarily focused to the biophysical and sensory attributes. Te Hoe and its supporting hill range is a memorable and vivid feature within the district with the SAL of Te Hoe comprising moderate degrees of vividness and aesthetic coherence.
657. The range is considered at broad scale with the ridgeline forming an important skyline for the Waikato Plains interface with the Hauraki Plains landscape areas. It is recognised the 'line' or extent of the SAL has not been ground-truthed and focuses to the broader biophysical patterns along this landscape which support the moderate degree of sensory qualities.

Boffa Miskell's Technical Recommendation

658. Retain the Significant Amenity Landscape as mapped for this property, however provide opportunity to ground-truth the extent of the SAL taking into account the wider context of the overall SAL. Equally the attributes table will provide an understanding of the broad scale values, factors and associations and will discuss the potential threats to this landscape area.

16.1.14 Section 42A Recommendation

659. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Brodick Farms Limited [944.1] to the extent that the SAL overlay shall apply to 849 Matahuru Road, but the actual extent is subject to ground-truthing as recommended by Boffa Miskell.

P.M. Luders Family Trust – 758 Mangapiko Valley Road

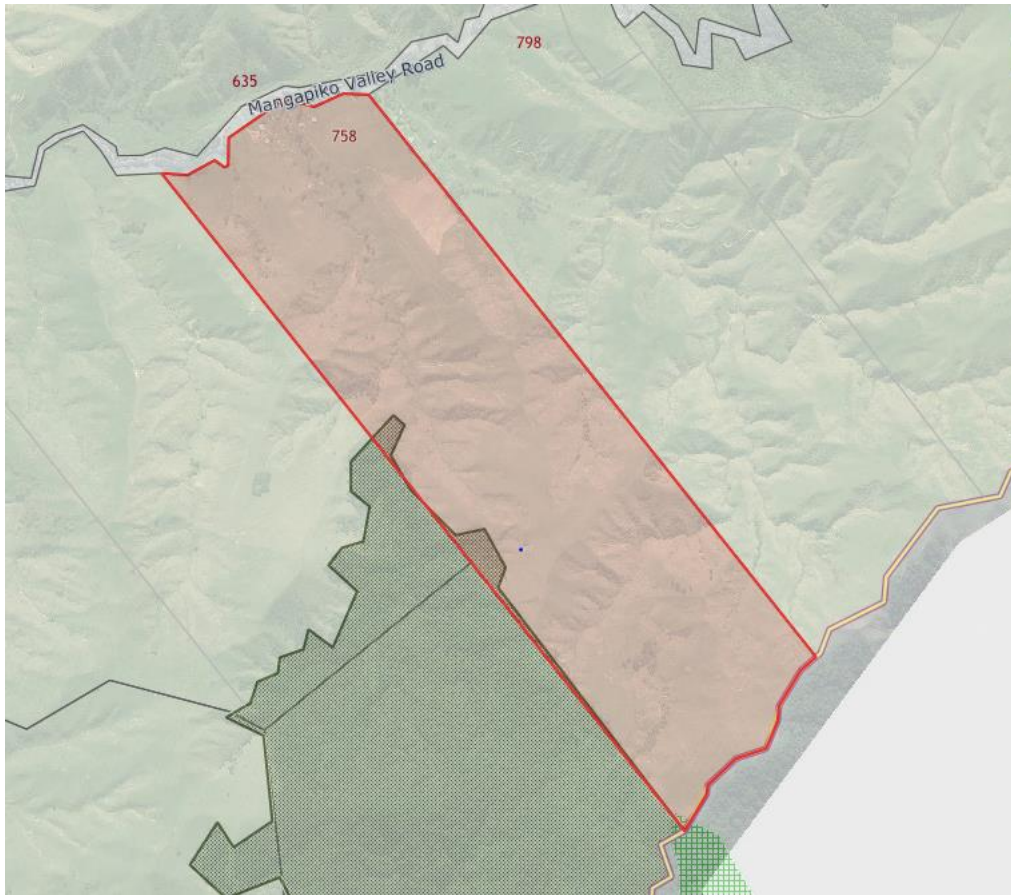
660. Phyllis Luders, on behalf of the P.M. Luders Trust [235.1], expresses concern with the mapping of SAL over the property at 758 Mangapiko Valley Road, Waiterimu. Ms Luders' prime concern is that the rules for earthworks within SAL are too restrictive, especially given the substantial length of existing tracks within this property.
661. Rules for earthworks within landscape areas have been addressed separately in Part B of this report. The submitter may therefore find relief in the amendments that I have recommended for the rule that manages earthworks in identified landscape areas.

758 Mangapiko Valley Road – SAL overlay in PWDP



662. The next map indicates the extent of the operative Landscape Policy Area (green dots bordered by solid green line) and Ridgeline Policy Area (green cross-hatching).

758 Mangapiko Valley Road – operative Ridgeline Policy Area and Landscape Policy Area



663. My s42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

664. The Te Hoe hill range are identified as comprising attributes that demonstrate Outstanding Natural Feature qualities and broader characteristics of the hill range that whilst that are primarily focused to the biophysical and sensory attributes. Te Hoe and its supporting hill range is a memorable and vivid feature within the district with the SAL of Te Hoe comprising moderate degrees of vividness and aesthetic coherence.
665. The range is considered at broad scale with the ridgeline forming an important skyline for the Waikato Plains interface with the Hauraki Plains landscape areas. It is recognised the 'line' or extent of the SAL has not been ground-truthed and focuses to the broader biophysical patterns along this landscape which support the moderate degree of sensory qualities.

Boffa Miskell's Technical Recommendation

666. Retain the Significant Amenity Landscape as mapped for this property, however provide opportunity to ground truth the extent of the SAL taking into account the wider context of the overall SAL. Equally the attributes table will provide an understanding of the broad scale values, factors and associations and will discuss the potential threats to this landscape area.

16.1.15 Section 42A Recommendation

667. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Accept in part** the submission from P.M. Luders Family Trust [235.1] and the further submissions from the *Ohinewai Area Committee* [FS1145.10 and FS1207.1] to the extent to the SAL overlay shall apply to 758 Mangapiko Valley Road, but the actual extent is subject to ground-truthing as recommended by Boffa Miskell.

Russell Luders – 635 Mangapiko Valley Road

668. Russell Luders' submission [273.1] refers to two properties located at 280 and 635 Mangapiko Valley Road in Waiterimu. Mr Luders is concerned that there is no practical plan for managing SAL regarding fencing, stock exclusion, pest control and public access, and that this mapping will potentially result in lost income and farm asset value.

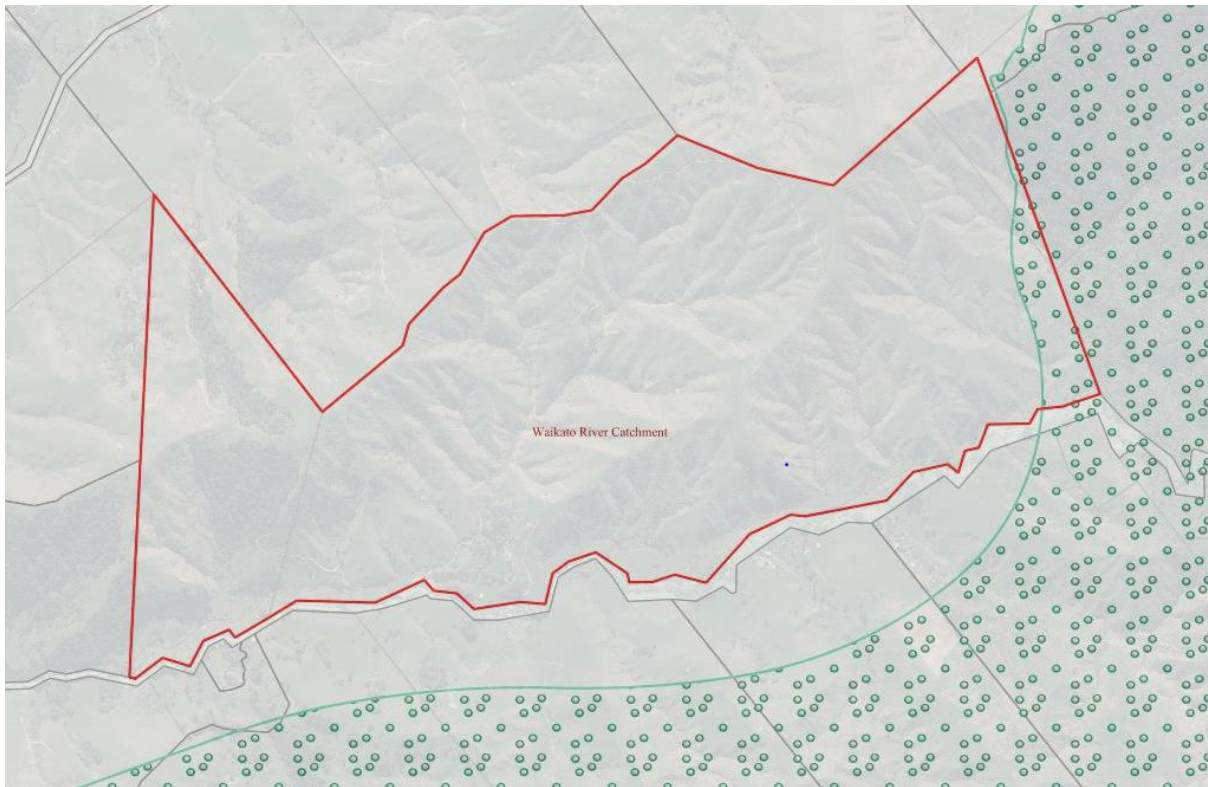
669. The map below indicates that there is no proposal to impose any SAL over 280 Mangapiko Valley Road.

SAL overlay in PWDP in vicinity of 280 Mangapiko Valley Road



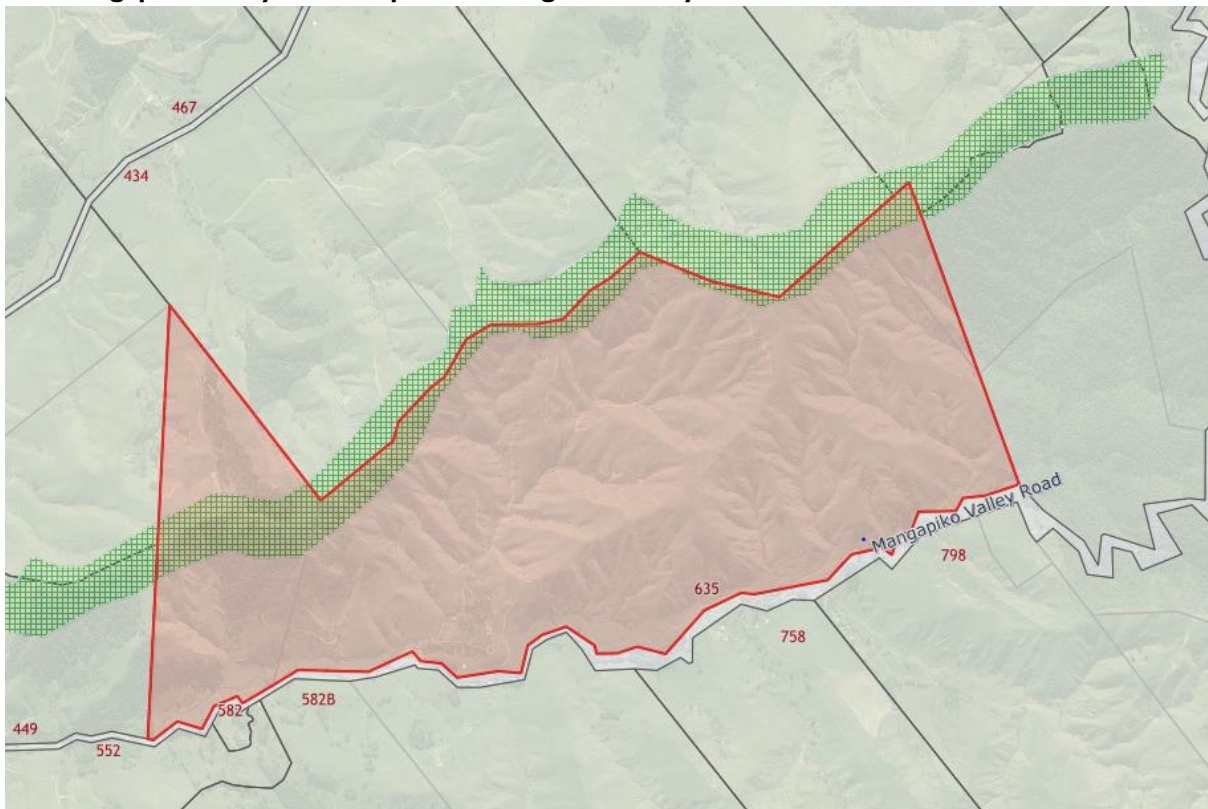
670. The map below indicates the extent of SAL within 635 Mangapiko Valley Road.

635 Mangapiko Valley Road – SAL overlay in PWDP



671. The next map reflects the extent of the operative Ridgeline Policy Area within 635 Mangapiko Valley Road.

635 Mangapiko Valley Road – operative Ridgeline Policy Area



672. My s42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

673. The Te Hoe hill range are identified as comprising attributes that demonstrate Outstanding Natural Feature qualities and broader characteristics of the hill range that whilst that are primarily focused to the biophysical and sensory attributes. Te Hoe and its supporting hill range is a memorable and vivid feature within the district with the SAL of Te Hoe comprising moderate degrees of vividness and aesthetic coherence.
674. The range is considered at broad scale with the ridgeline forming an important skyline for the Waikato Plains interface with the Hauraki Plains landscape areas. It is recognised the 'line' or extent of the SAL has not been ground-truthed and focuses to the broader biophysical patterns along this landscape which support the moderate degree of sensory qualities.

Boffa Miskell's Technical Recommendation

675. Retain the Significant Amenity Landscape as mapped for this property, however provide opportunity to ground-truth the extent of the SAL taking into account the wider context of the overall SAL. Equally the attributes table will provide an understanding of the broad scale values, factors and associations and will discuss the potential threats to this landscape area.

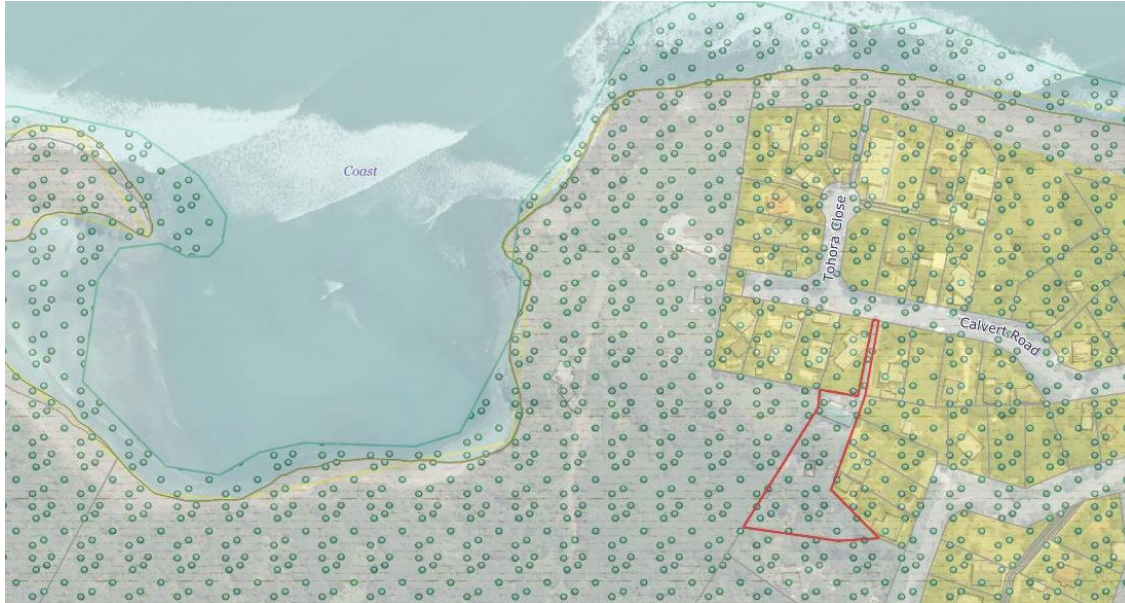
16.1.16 Section 42A Recommendation

676. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Russell Luders [273.10] to the extent that the SAL overlay shall apply to 635 Mangapiko Valley Road, but the actual extent is subject to ground-truthing as recommended by Boffa Miskell.

Lizbeth Hughes – 17 Calvert Road, Raglan

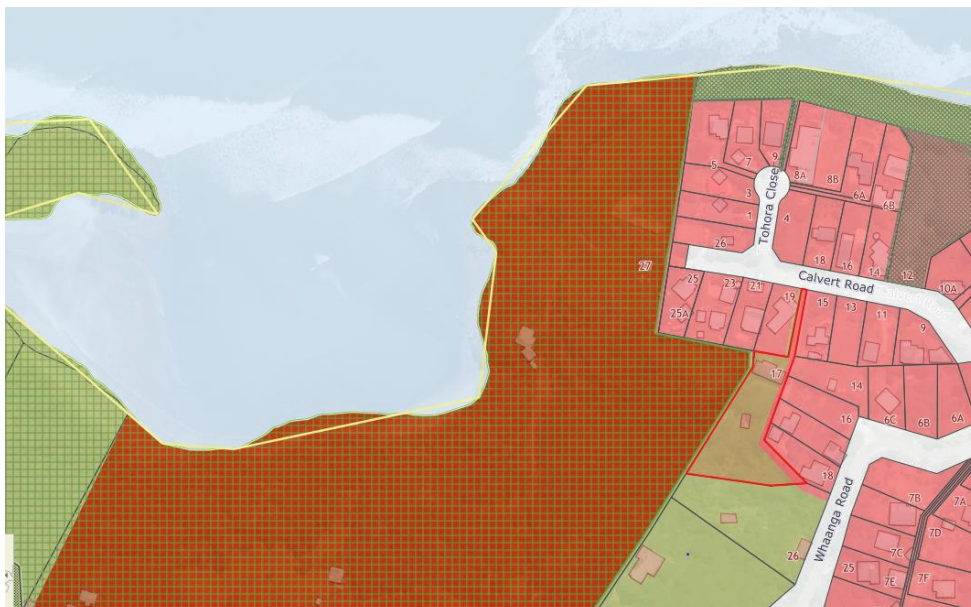
677. Lizbeth Hughes [301.3] owns property at 17 Calvert Road shown in red outline on the map below. This submitter opposes the proposed SAL overlay for the reason that this property is discretely positioned and not visible from the coastal marine area.

17 Calvert Road – SAL overlay in PWDP



678. I also note that the map above indicates SAL that fall outside Waikato District Council's jurisdictional boundary into coastal areas which are the responsibility of the Waikato Regional Council. This overlay will need to be amended so that it aligns with this jurisdictional boundary in the decision version of the PWDP maps.
679. The next map reflects the operative requirements and shows that 17 Calvert Road is located in the operative Coastal Zone but is not affected by any overlay. The adjacent Pa Zone is coloured brown and the Whaanga Coast Policy Area overlay is shown with green cross-hatching.

17 Calvert Road – operative Coastal Zone



680. My section 42A recommendation relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

681. The identified Significant Amenity Landscape encompasses the overall volcanic landscape of Karioi and considers the existing modified landscape as forming 'part' of the values. The values vary throughout the SAL area including variances between rural and urban land use and coastal escarpments and shoreline. Primarily the biotic values at the broader landscape scale have been degraded however the primary attributes relate to the biophysical formations and the sensory attributes at broader scale.
682. The landscape factors, values and associations of lower slopes of Karioi remain important at a regional and district scale.
683. The extent of mapping at the coastal margin does require clipping to match to the jurisdictional boundary.

Boffa Miskell's Technical Recommendation

684. The SAL extent should remain unchanged to ensure the broader values of the lower slopes and coastal margins of Karioi are recognised and managed.
685. The boundary with the coastal margin should be trimmed to the District Council boundary.

16.1.17 Section 42A Recommendation

686. For the reasons given above, and as a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Lizbeth Hughes [301.3]
 - (b) **Accept** the further submission from *Whaingaroa Environmental Defence Society* [FSI 276.4]
 - (c) **Amend** the planning maps so that the coastal margin of the SAL aligns with the Waikato District Council boundary.

Bernard Brown – 16 Whaanga Road

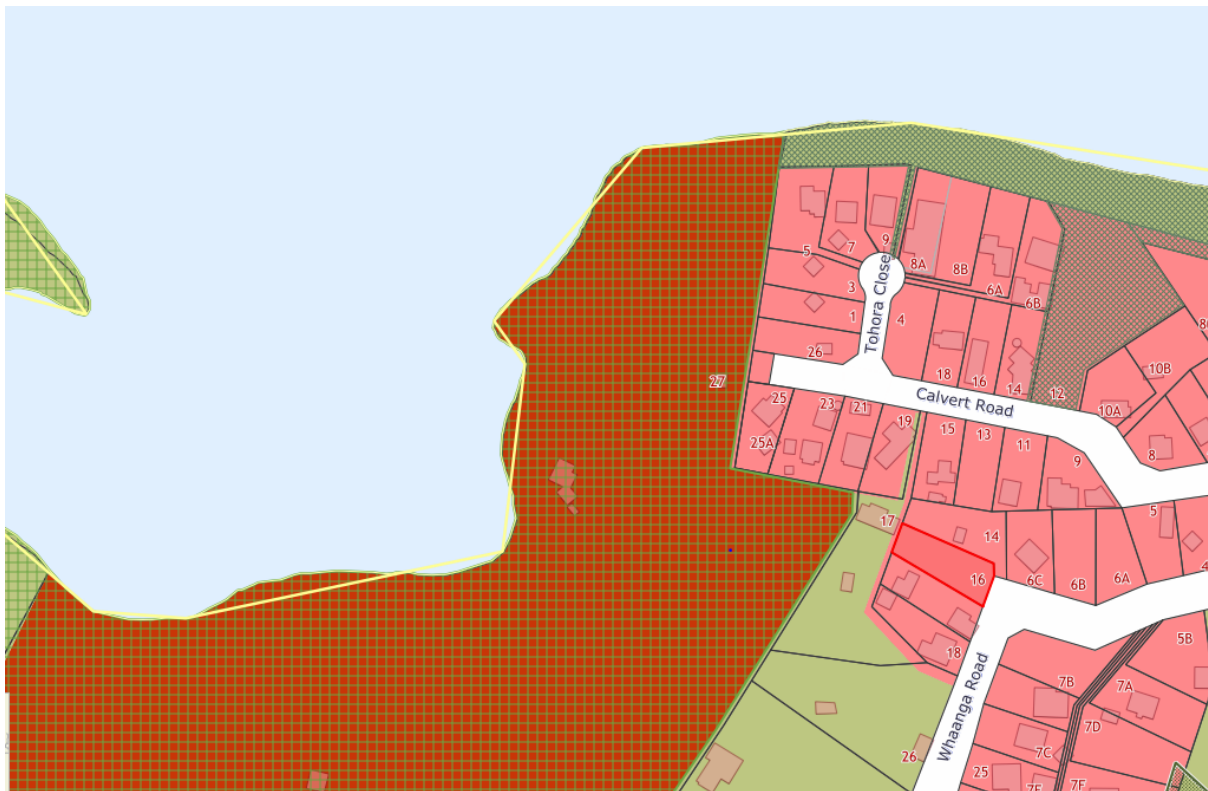
687. Bernard Brown [669.2] opposes the mapping of SAL on his property located at 16 Whaanga Road shown in red outline on the map below. This submission also opposes the imposition of ONL and SNA overlays, although these do not apply to this property. Mr Brown is primarily concerned that the SAL (and other overlays), would impinge on private property rights.

16 Whaanga Road – SAL overlay in PWDP



688. I also note that the map above indicates SAL that fall outside Waikato District Council's jurisdictional boundary into coastal areas which are the responsibility of the Waikato Regional Council. This overlay will need to be amended so that it aligns with this jurisdictional boundary in the decision version of the PWDP maps.
689. The next map reflects the operative requirements and shows that 16 Whaanga Road is located in the operative Living Zone but is not affected by any overlay. The adjacent Coastal Zone is coloured light green, the nearby Pa Zone is coloured brown and the Whaanga Coast Policy Area overlay is shown with green cross-hatching.

16 Whaanga Road – operative Living Zone



690. In relation to the submission point that the SAL mapping interferes with private property rights, the Environment Court has held that the concept of sustainable management takes priority over private property rights. The Court in *New Zealand Suncern Construction Limited v Auckland City* [1996] NZRMA stated at page 25:

'It is inherent in the nature of district plans that they impose some constraint, without compensation, on the freedom to use and develop land as the owners and occupiers of land might prefer'.

Accordingly, the RMA enables restrictions to be placed on the rights of private landowners where a feature on a property warrants protection or recognition in accordance with Part 2 of the RMA.

691. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

692. The identified Significant Amenity Landscape encompasses the overall volcanic landscape of Karioi and considers the existing modified landscape as forming 'part' of the values. The values vary throughout the SAL area including variances between rural and urban land use and coastal escarpments and shoreline. Primarily the biotic values at the broader landscape scale have been degraded however the primary attributes relate to the biophysical formations and the sensory attributes at broader scale.
693. The landscape factors, values and associations of lower slopes of Karioi remain important at a regional and district scale.
694. The extent of mapping at the coastal margin does require clipping to match to the jurisdictional boundary.

Boffa Miskell's Technical Recommendation

- 695. The SAL extent should remain unchanged to ensure the broader values of the lower slopes and coastal margins of Karioi are recognised and managed.
- 696. The boundary with the coastal margin should be trimmed to the District Council boundary.

16.1.18 Section 42A Recommendation

- 697. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
 - (a) **Reject** the submission from Bernard Brown [669.2] and further submission from the *Bernard Brown Family Trust* [FS1040.2]
 - (b) **Accept** the further submission from *Whaingaroa Environmental Defence Society* [FS1276.145]
 - (c) **Amend** the planning maps so that the coastal margin of the SAL aligns with the Waikato District boundary.

Bernard Brown – 759 Wainui Road

698. Bernard Brown [669.6] opposes the mapping of SAL on his property at 759 Wainui Road shown in red outline on the map below. His submission also opposes the imposition of ONL and SNA overlays, although these do not apply to this property. Mr Brown is primarily concerned that the SAL (and other overlays), would impinge on private property rights.



699. I also note that the map above indicates SAL that fall outside Waikato District Council's jurisdictional boundary into coastal areas which are the responsibility of the Waikato Regional Council. I recommend that this outlay be amended so it aligns with this jurisdictional boundary in the decision version of the PWDP maps.
700. The next map indicates Mr Brown's property in the operative Coastal Zone which is also partly affected by the Landscape Policy Area.

759 Wainui Road – operative Coastal Zone and Landscape Policy Area



701. In relation to the submission point that the SAL mapping interferes with private property rights, the Environment Court has held that the concept of sustainable management takes priority over private property rights. The Court in *New Zealand Suncern Construction Limited v Auckland City* [1996] NZRMA stated at page 25:

'It is inherent in the nature of district plans that they impose some constraint, without compensation, on the freedom to use and develop land as the owners and occupiers of land might prefer'.

Accordingly, the RMA enables restrictions to be placed on the rights of private landowners where a feature on a property warrants protection or recognition in accordance with Part 2 of the RMA.

702. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

703. The identified Significant Amenity Landscape encompasses the overall volcanic landscape of Karioi and considers the existing modified landscape as forming 'part' of the values. The values vary throughout the SAL area including variances between rural and urban land use and coastal escarpments and shoreline. Primarily the biotic values at the broader landscape scale have been degraded however the primary attributes relate to the biophysical formations and the sensory attributes at broader scale.
704. The landscape factors, values and associations of lower slopes of Karioi remain important at a regional and district scale.
705. The extent of mapping at the coastal margin does require clipping to match to the jurisdictional boundary.

Boffa Miskell's Technical Recommendation

706. The SAL extent should remain unchanged to ensure the broader values of the lower slopes and coastal margins of Karioi are recognised and managed.
707. The boundary with the coastal margin should be trimmed to the District Council boundary.

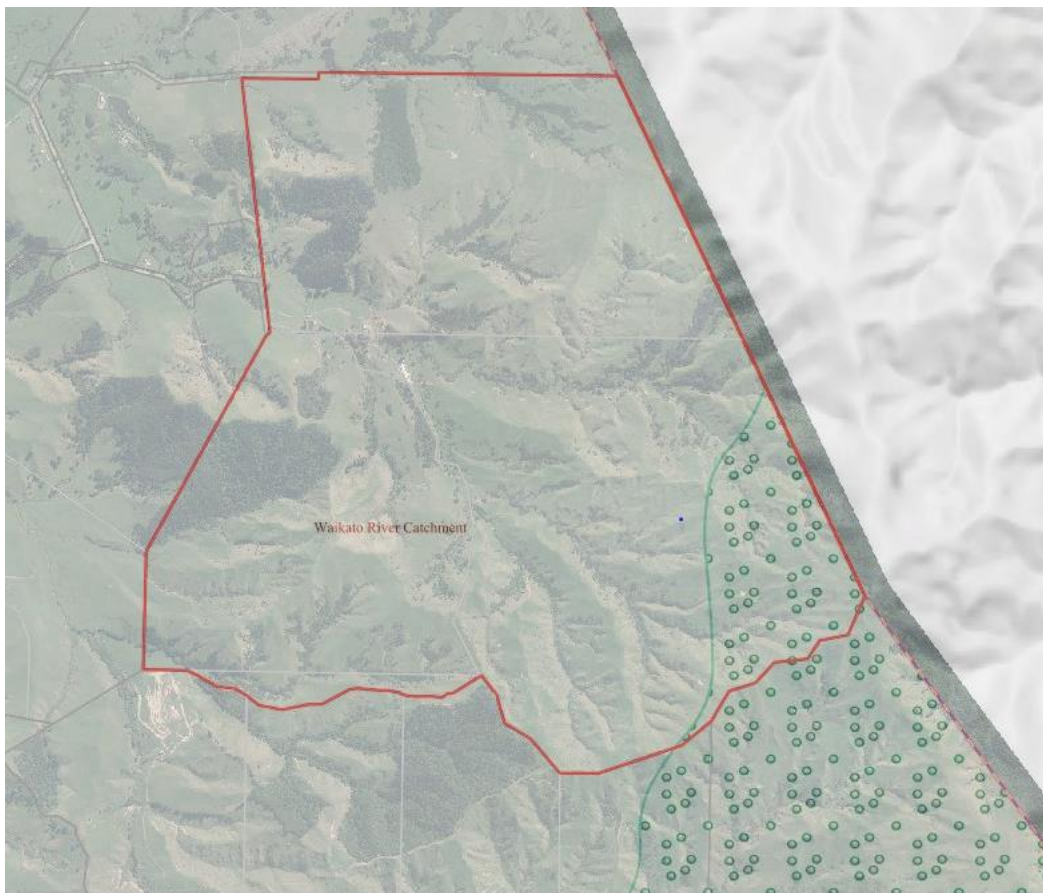
16.1.19 Section 42A Recommendation

708. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Reject** the submission from Bernard Brown [669.6] and further submission from the *Bernard Brown Family Trust* [FS1040.6]
 - (b) **Accept** the further submission from *Whaingaroa Environmental Defence Society* [FS1276.148]
 - (c) **Amend** the planning maps so that the coastal margin of the SAL aligns with the Waikato District boundary.

Hansen Farms Limited – 83A Paulsen Road, Waerenga

709. Dean Hansen, on behalf of Hansen Farms Limited [506.1], expresses concern that the SAL overlay on 83A Paulsen Road is not justified and that it may restrict their intention to develop a musterer's hut in this location. They are also concerned with any fencing requirement and restriction on the maintenance of tracks. No landscape overlay applies to this property in terms of the operative provisions.
710. The mapping of any SAL does not require any fencing, and farming activities can continue within any SAL, provided that new developments (such as new buildings and farming infrastructure) do not compromise the SAL attributes, in which case an assessment of adverse effects is required through a resource consent process. However, I support the maintenance of existing tracks as a permitted activity and this is a matter that I have addressed earlier in Part B of this report.

83A Paulsen Road – SAL overlay in PWDP



711. My section 42A recommendation relies on the technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

712. The Te Hoe hill range are identified as comprising attributes that demonstrate Outstanding Natural Feature qualities and broader characteristics of the hill range that whilst that are primarily focused to the biophysical and sensory attributes. Te Hoe and its supporting hill range is a memorable and vivid feature within the district with the SAL of Te Hoe comprising moderate degrees of vividness and aesthetic coherence.
713. The range is considered at broad scale with the ridgeline forming an important skyline for the Waikato Plains interface with the Hauraki Plains landscape areas. It is recognised the

'line' or extent of the SAL has not been ground-truthed and focuses to the broader biophysical patterns along this landscape which support the moderate degree of sensory qualities.

Boffa Miskell's Technical Recommendation

714. Retain the Significant Amenity Landscape as mapped for this property, however provide opportunity to ground-truth the extent of the SAL taking into account the wider context of the overall SAL. Equally the attributes table will provide an understanding of the broad scale values, factors and associations and will discuss the potential threats to this landscape area.

16.1.20 Section 42A Recommendation

715. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:

- (a) **Accept in part** the submission from Hansen Farms Limited [506.1] to the extent that the SAL overlay shall apply to 83A Paulsen Road, but the actual extent is subject to ground-truthing as recommended by Boffa Miskell.

Warwick Cheyne – 648 Waipuna Road

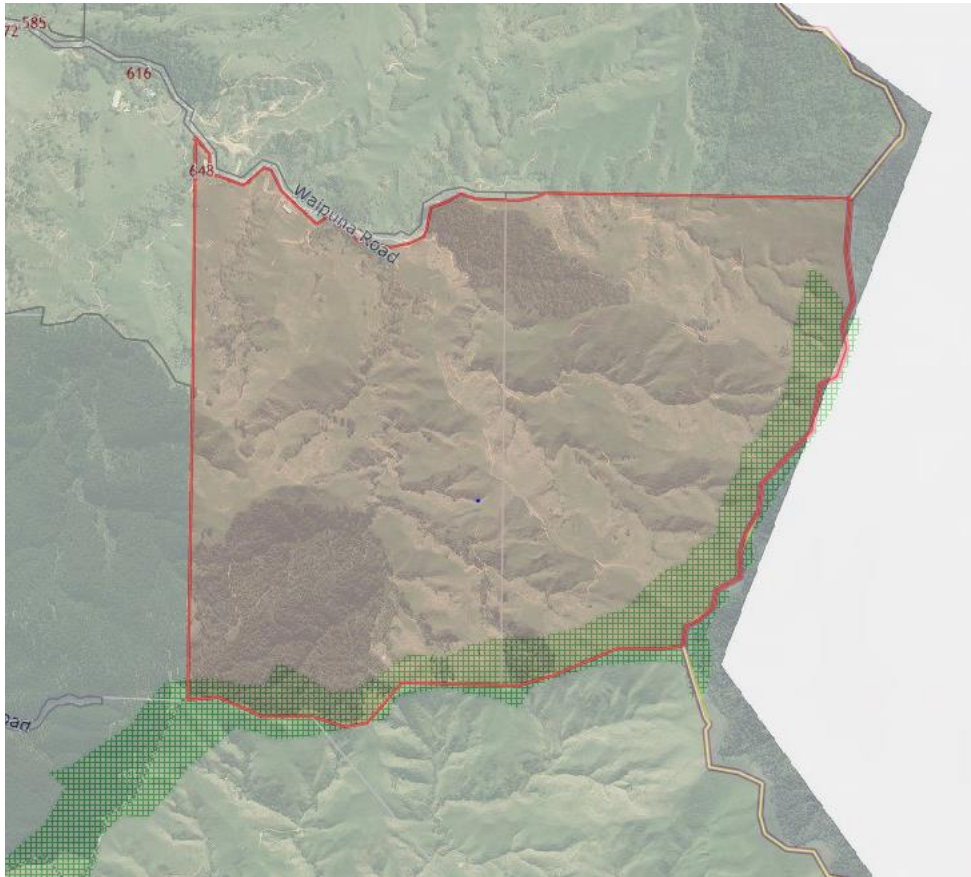
716. Warwick Cheyne [268.5] requests the deletion of the SAL overlay applying to the property at 648 Waipuna Road as shown on the map below. He also expresses concern with the SNA overlay on this property which is a matter to be considered in Hearing 21.
717. Mr Cheyne considers that such overlays would impinge on private property rights and that if any overlay remains, then leases should be put in place to protect the affected area.

648 Waipuna Road – SAL overlay in PWDP



718. The next map reflects the operative Ridgeline Policy Area which overlays part of this property and is shown in green cross-hatching.

648 Waipuna Road – operative Ridgeline Policy Area



719. In relation to the submission point that the SAL mapping interferes with private property rights, the Environment Court has held that the concept of sustainable management takes priority over private property rights. The Court in *New Zealand Suncorn Construction Limited v Auckland City* [1996] NZRMA stated at page 25:

'It is inherent in the nature of district plans that they impose some constraint, without compensation, on the freedom to use and develop land as the owners and occupiers of land might prefer'.

Accordingly, the RMA enables restrictions to be placed on the rights of private landowners where a feature on a property warrants protection or recognition in accordance with Part 2 of the RMA.

720. My section 42A recommendation also relies on the following technical response and recommendation from Boffa Miskell.

Boffa Miskell's Technical Response

721. The Te Hoe hill range are identified as comprising attributes that demonstrate Outstanding Natural Feature qualities and broader characteristics of the hill range that whilst that are primarily focused to the biophysical and sensory attributes. Te Hoe and its supporting hill range is a memorable and vivid feature within the district with the SAL of Te Hoe comprising moderate degrees of vividness and aesthetic coherence.
722. The range is considered at broad scale with the ridgeline forming an important skyline for the Waikato Plains interface with the Hauraki Plains landscape areas. It is recognised the 'line' or extent of the SAL has not been ground-truthed and focuses to the broader

biophysical patterns along this landscape which support the moderate degree of sensory qualities.

Boffa Miskell's Technical Recommendation

723. Retain the Significant Amenity Landscape as mapped for this property, however provide opportunity to ground-truth the extent of the SAL taking into account the wider context of the overall SAL. Equally the attributes table will provide an understanding of the broad scale values, factors and associations and will discuss the potential threats to this landscape area.

16.1.21 Recommendation

724. As a result of the technical response and recommendation from Boffa Miskell, it is recommended that the hearings panel:
- (a) **Accept in part** the submission from Warwick Cheyne [268.5] to the extent that the SAL overlay shall apply to 648 Waipuna Road, but the actual extent is subject to ground-truthing as recommended by Boffa Miskell.

17 Mapping of the coastal environment

17.1.1 Introduction

725. The map legend in the PWDP indicates the following symbol for the coastal environment:



726. The coastal environment indicated on the PWDP planning maps reflects the identification of this same area in the WRPS.

17.1.2 Submissions

727. The five original submissions listed in the following table:
- (a) support the mapping of the coastal environment
- (b) request replacement of the coastal environment with a 'conservation area', within which particular developments are to be publicly notified
- (c) request the incorporation of the coastal marine area at Port Waikato as shown in the Waikato Regional Coastal Plan
- (d) request an explanation as to how the mapping of the coastal environment impacts properties within this identified area.

Submission Point	Submitter	Summary of Submission
785.71	'Oil Companies'	Retain the mapping of the Coastal Environment, insofar the only relevant provisions are Objective 3.5.1(a) and maximum permitted earthworks thresholds within mapped High or Outstanding Natural Character areas of the coastal environment AND Retain Objective 3.5.1(a) Natural Character, as notified AND

		Retain the maximum permitted earthwork thresholds of 50m ² and 250m ³ volume within mapped High or Outstanding Natural Character areas of the coastal environment, noting these earthworks provisions apply to all zones with the exception of the Business Zone.
788.1	Susan Hall	Amend the Coastal Environment Overlay to become a conservation area (including Raglan), where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified.
FSI381.6	Counties Power Limited	Oppose
FSI276.34	Whaingaroa Environmental Defence Inc. Society	Support
FSI329.15	Koning Family Trust and Martin Koning	Oppose
FSI276.197	Whaingaroa Environmental Defence Inc. Society	Support
831.18	Raglan Naturally	Amend the Coastal Environment Overlay to become a conservation area that includes Raglan and require all major developments that infringe the District Plan rules or exceed one storey to be publicly notified.
FSI276.141 and FSI276.246	Whaingaroa Environmental Defence Inc. Society	Support
FSI381.7	Counties Power Limited	Oppose
FSI329.23	Koning Family Trust and Martin Koning	Oppose
585.34	Department of Conservation	Retain the mapping of the Coastal Environment line, except for the amendments below AND Amend the coastal environment line at Port Waikato to take into account the position of the boundary for the coastal marine area as shown in the Waikato Regional Coastal Plan and make any consequential amendments.
FSI381.3	Counties Power Limited	Support
FSI277.137	Waikato Regional Council	Support
510.2	Bob Carter	Amend District Plan to detail all impacts of the Coastal Environment overlay.
FSI381.2	Counties Power Limited	Support

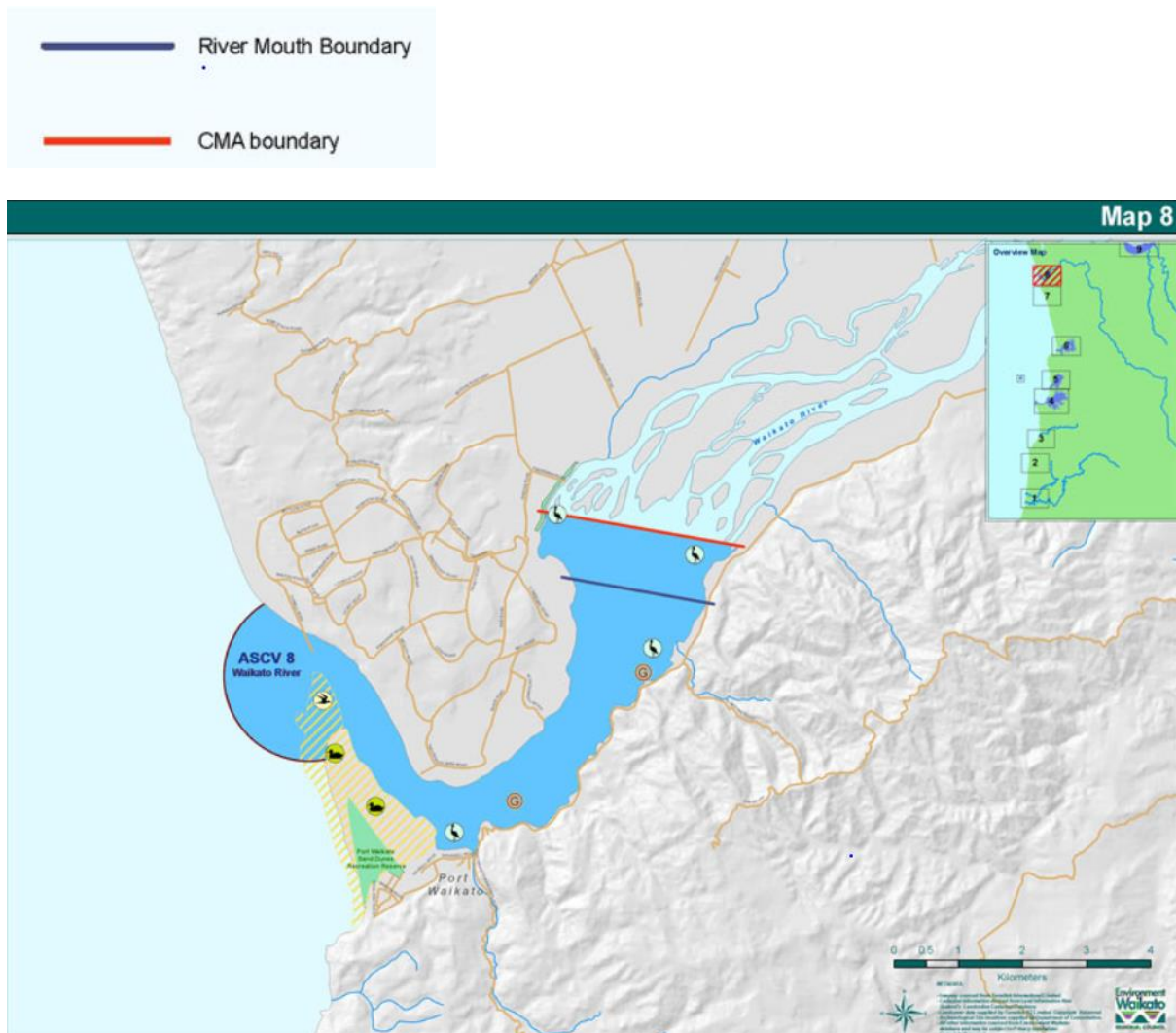
17.1.3 Analysis

728. The submission from the Oil Companies [785.71] appears to support the mapping of the coastal environment provided that the only relevant provisions to them are Objective 3.5.1 and the maximum thresholds for earthworks in the NCA.
729. The mapping of the coastal environment provides a useful context to the district plan user. I recommend acceptance of their submission, but note that the mapping of the coastal environment is a separate matter from the rules for NCA which specify what activities are

permitted and when an application for resource consent and assessment of objectives are policies is required.

730. I do not support the conversion of the 'coastal environment' to a 'conservation area' as requested by Susan Hall [788.1] and Raglan Naturally [831.18]. This is a separate matter from the landscapes topic and I am aware that these submitters requested these particular development controls in the earlier Hearing 16 for Raglan. The mapping of the coastal environment is appropriate to assist with interpretation of the district plan.
731. The submission from the Department of Conservation [585.34] requests that the Coastal Environment Line in the PWDP planning maps be amended to take into account the coastal marine area (CMA) as shown in the Waikato Regional Coastal Plan (WRCP). Two further submissions from Counties Power [FS1381.3] and the WRC [FS1277.137] support this request.
732. I have shown below this detail from Map 8 in the WRCP.

Map 8 in Waikato Regional Coastal Plan

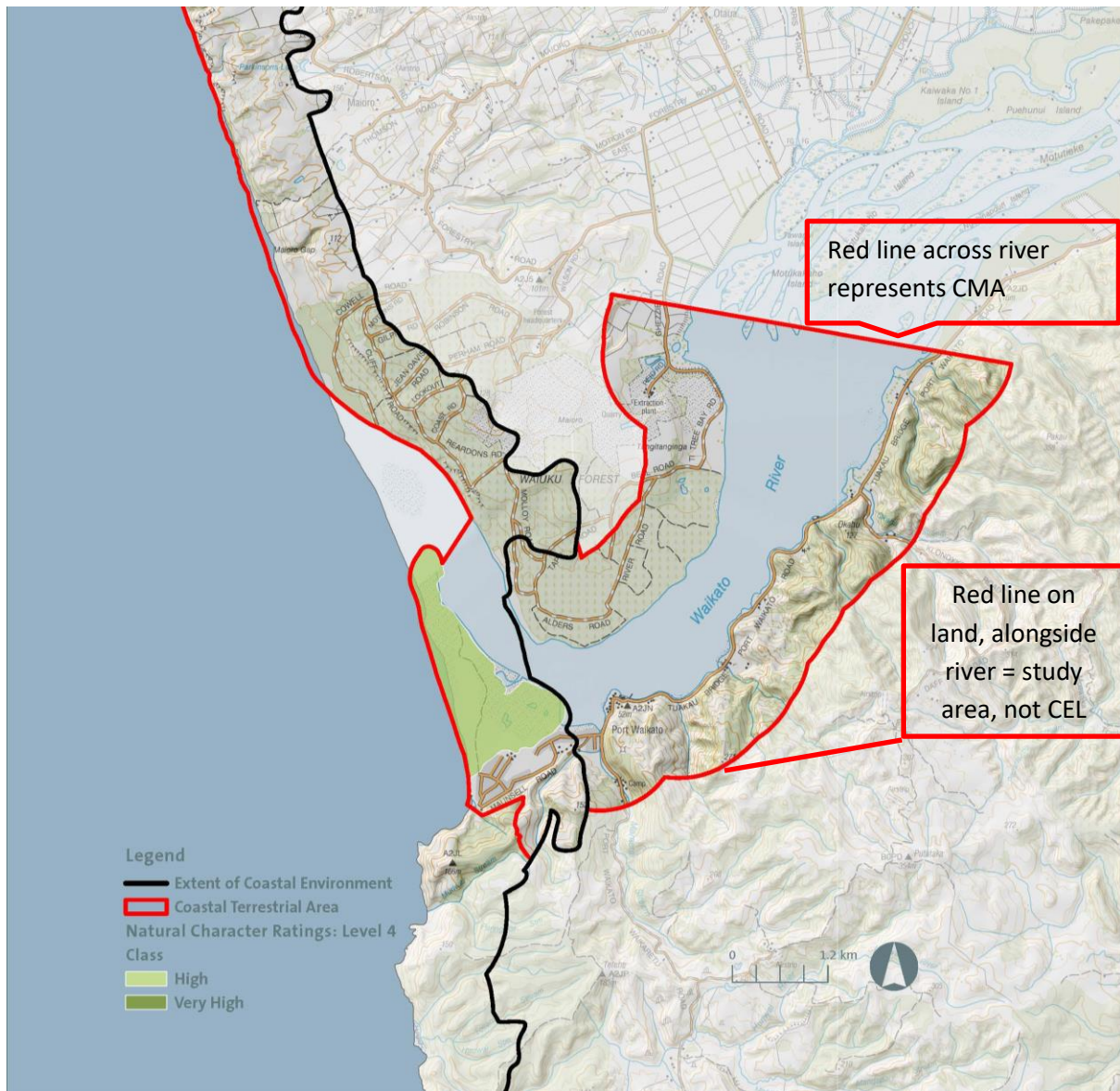


733. My communications with the Department of Conservation and Ms Ryder have revealed that the position of the CMA is incorrectly shown in the WRPS. This error was identified in the

Waikato Region's Natural Character Study² which was applied in the identification of natural character areas within the Waikato District Landscape Study³. Neither study was required to redefine the Coastal Environment Line, however in the former (regional) study, the error was acknowledged by extension of the study area for the Port Waikato Coastal Terrestrial Area⁴.

734. A new Coastal Environment Line was not mapped and the extent of the study area for both studies is not representative of the landward upriver extent of the CEL (Refer Figure I below - extract from Waikato District Landscape Study, page 136).

Figure I - Landward upriver extent of the Coastal Environment Line

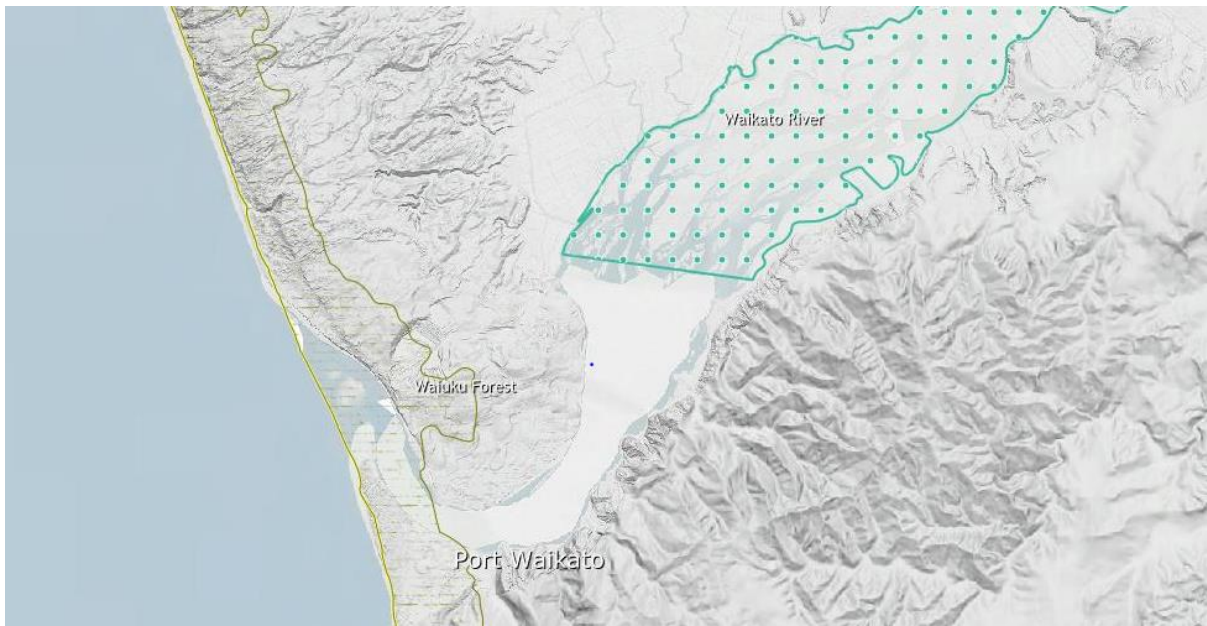


² [Natural Character Study of the Waikato Coastal Environment, TR2016/05, Boffa Miskell Ltd](#)

³ Landscape Study of the Waikato District, Boffa Miskell Ltd, June 2018

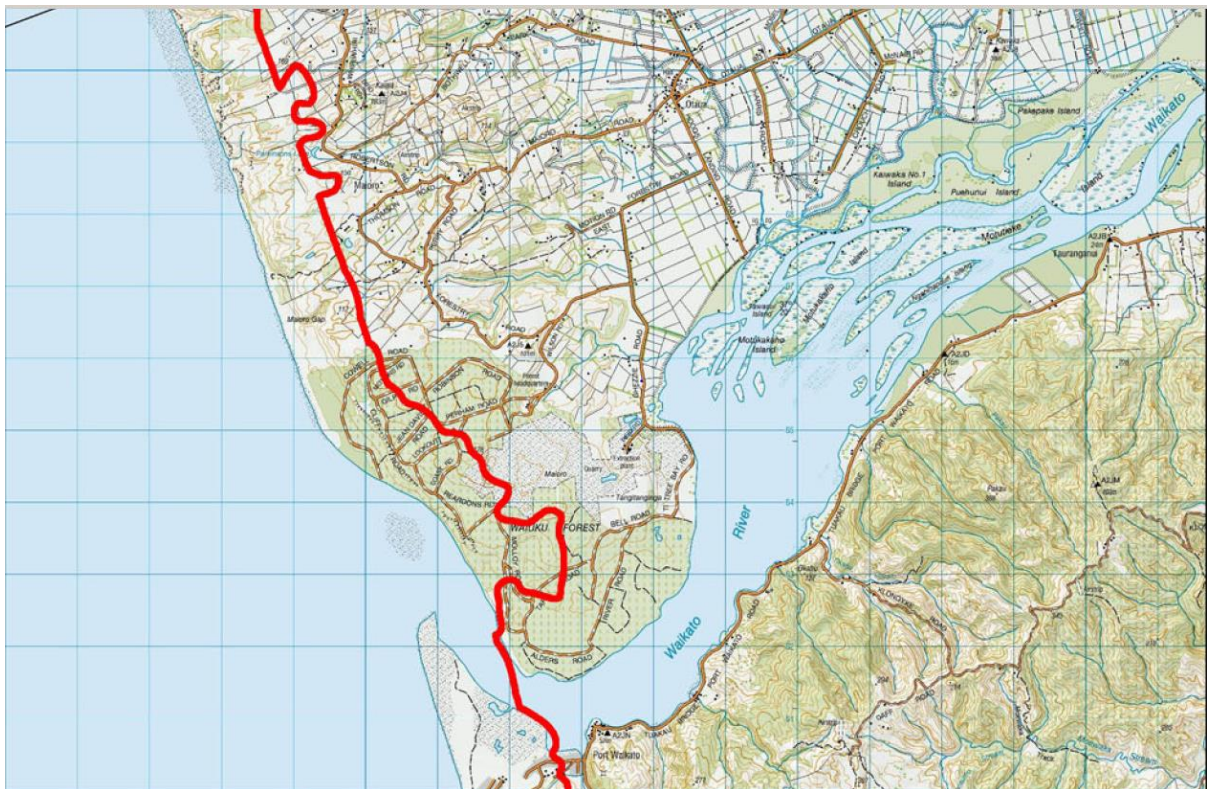
⁴ Refer Page 136 of Landscape Study of Waikato District, June 2018

Map I - Coastal Environment and ONF (Waikato River delta and wetland) overlays in PWDP



735. In my opinion, the coastal environment overlay in the PWDP does require amendment, as requested by the Department of Conservation. Whilst the current overlay mirrors the indicative landward extent of the coastal environment (which is annotated with a red line on Map 4-9 in the WRPS and shown below), this is a known error in the mapping whereby the CMA is not included. In order to give effect to Policy 1.2.a of the NZCPS 2010, the coastal environment includes the Coastal Marine Area.

Map 4-9 in WRPS showing indicative landward extent of coastal environment



736. It is my recommendation that the Department of Conservation's submission can be resolved by extending the CMA in the decision version of the PWDP planning maps, to extend upriver, within the water body, to the CMA boundary. However this would not include the landward extent of the river margins, as a specific study has not addressed the mapping of this extent.
737. Policy 4.1.8(b) and (c) in the WRPS shown below sets out the steps for how a district council can adjust the extent of the coastal environment. I consider that Waikato District Council can rely on this policy so that the planning maps can be amended in this way.
- 4.1.8 Identifying extent of the coastal environment In relation to the coastal environment:*
- a) the Regional Policy Statement shall map the landward extent of the coastal environment at an indicative level;*
 - b) regional and district plans shall map or otherwise identify the landward extent of the coastal environment as the area:*
 - i) identified in the indicative maps provided in Section 4A; or*
 - ii) determined by further detailed investigation;*
 - c) any detailed investigation undertaken under b) above shall:*
 - i) recognise and include assessment and consideration of all of the elements of the coastal environment (as defined in the Glossary);*
 - ii) be undertaken by the relevant local authority using a collaborative approach under Policy 4.2 in recognition of the need to manage the coastal environment as an integrated unit;*
 - d) where a detailed investigation has been undertaken and the results of this investigation have been made operative through inclusion in the relevant regional and district plans, this area should take precedence over the relevant indicative area provided in Section 4A.*
 - e) regional and district plans shall contain provisions that:*
 - i) address adverse effects of activities on the coastal environment, including cross-boundary and cumulative effects; and*
 - ii) recognise the particular values and issues present in the coastal environment; and iii) provide for integrated management and consistent provisions to give effect to the policy direction of the Regional Policy Statement for the coastal marine area and the adjoining land in the coastal environment.*
738. Bob Carter [510.2] requests amendments to the PWDP that detail the impacts of mapping the coastal environment. While no amendments have been offered, the coastal environment overlay provides context for the specific landscapes that have been mapped within it. It is the rules for identified landscapes (such as ONL/NCA/SAL) that set out permitted activities and those that require resource consent. I consider that navigation of the rules is clear in this respect. Accordingly, I recommend that this submission be rejected.
739. I have noted that there are inconsistencies in the expression of some rules that refer to the coastal environment. There are no submissions in this hearing topic that enable me to make any recommendation, however I wish to highlight these inconsistencies for consideration by the hearings panel.
740. As an example, if the phrase 'of the coastal environment' is removed from clauses PI(b)(iii) and (iv) in Rule 23.3.I shown below, there is no change to the requirement for resource consent if a dwelling were to be developed in an NCA. Rule 23.3.3 that follows also highlights an inconsistency in that it does not refer to the coastal environment.

23.3.1 Dwelling

PI	(a) One <u>dwelling</u> within a <u>site</u> ; (b) The <u>dwelling</u> must not be located within any: (i) <u>Outstanding Natural Feature</u> ; (ii) <u>Outstanding Natural Landscape</u> ; (iii) <u>Outstanding Natural Character Area</u> of the coastal environment; (iv) <u>High Natural Character Area</u> of the coastal environment.
DI	A <u>dwelling</u> that does not comply with Rule 23.3.1 PI.

23.3.3 Buildings and structures in Landscape and Natural Character Areas

DI	(a) Any <u>building</u> or structure that is located within any: (i) <u>Outstanding Natural Feature</u> ; (ii) <u>Outstanding Natural Landscape</u> ; (iii) <u>Outstanding Natural Character Area</u> ; (iv) <u>High Natural Character Area</u> .
----	---

17.1.4 Recommendations

741. For the above reasons, it is recommended that the hearings panel:

- (a) **Reject** the submission from the 'Oil Companies' [785.71]
- (b) **Reject** the submission from Susan Hall [788.1]
- (c) **Accept** the further submission from *Counties Power Limited* [FS1381.6]
- (d) **Reject** the further submission from *Whaingaroa Environmental Defence Inc. Society* [FS1276.34]
- (e) **Accept** the further submission from *Koning Family Trust and Martin Koning* [FS1329.15]
- (f) **Reject** the further submission from *Whaingaroa Environmental Defence Inc. Society* [FS1276.197]
- (g) **Reject** the submission from Raglan Naturally [831.18]
- (h) **Reject** the further submissions from *Whaingaroa Environmental Defence Inc. Society* [FS1276.141 and FS1276.246]
- (i) **Accept** the further submission from *Counties Power Limited* [FS1381.7]
- (j) **Accept** the further submission from *Koning Family Trust and Martin Koning* [FS1329.23]
- (k) **Accept** the submission from the Department of Conservation [585.34]
- (l) **Amend** the coastal environment overlay on the planning maps so that it aligns with the Coastal Marine Area shown on Map 8 in the Waikato Regional Coastal Plan
- (m) **Accept** the further submission from *Counties Power Limited* [FS1381.3]
- (n) **Accept** the further submission from *Waikato Regional Council* [FS1277.137]
- (o) **Reject** the submission from Bob Carter [510.2] and the further submission from *Counties Power Limited* [FS1381.2].

17.1.5 Recommended amendments

742. I recommend these amendments to the planning maps in the decision version of the PWDP:

- (a) **amend** the coastal environment overlay to incorporate the Coastal Marine Area as shown on Map 8 in the Waikato Regional Coastal Plan

- (b) annotate the Coastal Marine Area.

17.1.6 Section 32AA evaluation for all recommended map amendments

743. In my opinion, the recommended map amendments are appropriate and necessary to accurately reflect the extent of overlays on various properties. No overlay over private property is to be increased as a result of submissions.
744. Instead, as a result of landowner submissions and Boffa Miskell's technical responses and recommendations, the extent of some overlays shown in the notified PWDP planning maps are to be either deleted or reduced. In some cases, this will involve ground-truthing to ascertain the actual extent of the identified landscape area.
745. Unless these amendments are made to either delete or reduce the extent of overlays, there is an increased potential for resource consents to be triggered. This is not appropriate when certain parts of a property do not satisfy the criteria for a feature to be recognised as significant or outstanding. I do not consider that the costs associated with resource consent applications can be justified in those instances.
746. It is also necessary to remove the ONF layer from the three ONL identified in the WDLS (Mount Karioi, Mount Pirongia and the Hunua Ranges). While this does not result in any material change given that the ONF and ONL provisions for these locations are the same, it is appropriate for the decision version of the PWDP planning maps to reflect just the ONL overlay as identified in the WDLS. I consider that there is scope to remove the ONF layer from all three locations as a result of the submission from Waikato Regional Council which sought clarity in respect to the mapping for Mount Karioi.
747. I also consider it appropriate to correct the mapping of the coastal environment overlay in the PWDP planning maps as this was based on incorrect information shown in the WRPS. I consider that amending the map that shows the mouth of the Waikato River so that it is consistent with the Waikato Regional Coastal Plan, and adding an annotation for the Coastal Marine Area will assist users of the district plan and will provide certainty as to the jurisdiction limits of both Waikato District Council and Waikato Regional Council. I do not consider that these amendments require any further section 32AA evaluation.

18 Map legend and symbols

18.1.1 Introduction

748. The map legend in the PWDP is intended to assist district plan users to clearly identify zones, overlays and specific features for particular locations and guide them to the relevant objectives, policies and rules.

18.1.2 Submissions

749. The five original submissions listed in the following table:
- (a) request consistency between district plan text and the planning maps
 - (b) request that High NCA and Outstanding NCA be shown on the planning maps.

Submission Point	Submitter	Summary of Submission
598.22	Withers Family Trust	Amend terminology so that there is consistency between the district plan text and planning maps, for example 'Natural Character' versus 'Outstanding Natural Character'.
405.89	Counties Power Limited	Amend the planning maps as the Outstanding Natural Character and High Natural Character do not appear in the drop-down lists on the planning maps, as stated in the Definitions section.
471.32	CKL	Add 'Outstanding Natural Character Areas' and 'High Natural Character Areas' to the planning maps AND Any consequential amendments necessary.
<i>FS1198.52</i>	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Oppose</i>
<i>FS1388.456</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
827.10	New Zealand Steel Holdings Limited	Amend the provisions to clarify that the Natural Character overlay includes both high and outstanding natural character areas AND Any other further or consequential amendments required.
943.20	McCracken Surveys Limited (now Cheal)	Amend the planning maps to "Outstanding Natural Character Areas" and "High Natural Character Areas".

18.1.3 Analysis

750. All five original submitters (Withers Family Trust [598.22], Counties Power [405.89], CKL [471.32], New Zealand Steel Holdings Limited [827.10] and McCracken Surveys (now Cheal) [943.20]) have correctly identified inconsistencies between text in the PWDP and the map legend. I agree that the interpretation of the relevant provisions will be frustrating for district plan users unless these inconsistencies are rectified.
751. I have earlier recommended that new schedules be introduced into Chapter 30 that contain lists of all identified ONF/ONL/NCA/SAL and the grading of their particular attributes (such as 'high', 'moderate' and 'outstanding') which I consider necessary to assist in the assessment of resource consent applications. Amendments to the planning maps so that High NCA are distinguished from Outstanding NCA are also supported. These schedules and map amendments will give effect to Policy 13(1)(c) in the NZCPS, and Policy 12.1, Implementation Method 12.1.1 and Policy 12.2.1(a) and (b) in the WRPS.
752. In the earlier section of this report which addressed SAL, I agreed with the submission from Mr Bob Carter [510.3] that multiple overlays can be confusing, especially when the overlay symbols are not clear. I also note that it is difficult to distinguish between the symbols for a Maaori Site of Significance and designation, and likewise for an ONL and Environmental Protection Area.
753. As a consequence, I recommend various improvements to the map legend and symbols so that the district plan can be interpreted much more easily.

18.1.4 Recommendations

754. For the reasons given above, it is recommended that the hearings panel:
- (a) **Accept** the submissions from Withers Family Trust [598.22], Counties Power Limited [405.89], CKL [471.32], New Zealand Steel Holdings Limited [827.10] and McCracken Surveys (now Cheal) [943.20]
 - (b) **Reject** the further submissions from *Bathurst Resources Limited* and *BT Mining Limited* [FSI 198.52] and *Mercury Energy Limited* [FSI 388.456].

18.1.5 Recommended amendments

755. I recommend that the map legend and planning maps in the decision version of the PWDP are amended so that:
- (a) all symbols in the map legend are legible
 - (b) overlays in the map legend are expressed in singular rather than plural form (e.g. 'Outstanding Natural Feature' rather than 'Outstanding Natural Features')
 - (c) the term and symbol for 'Natural Character' is deleted in the map legend and replaced with new terms and symbols for 'High Natural Character Area' and 'Outstanding Natural Character Area'
 - (d) the extraneous word 'Rangitahi' be removed
 - (e) the planning maps distinguish between a High Natural Character Area and an Outstanding Natural Character Area.

18.1.6 Section 32AA evaluation

756. The amendments that involve the mapping of a High NCA and an Outstanding NCA are necessary to give effect to Policy 13(1)(c) in the NZCPS, and Policy 12.1, Implementation Method 12.1.1 and Policy 12.2.1(a) and (b) in the WRPS. They are also a more appropriate way of achieving Policy 3.5.2(b) in the PWDP.
757. There are risks in not acting because the status quo approach of the notified PWDP will not give effect to the abovementioned policies. The mapping of these NCA will also effectively work in tandem with the recommended NCA schedule.
758. The other recommended amendments provide clarity, consistency and accuracy so that the district plan can be easily understood and administered. I consider that the nature of these is such that a full section 32AA evaluation is not necessary.