

Proposed Plan Change 45 Natural Environment

Summary of Submissions

Submitter Name: Horizons
Submission No: 1.1pc45

Summary:

Support the proposed plan change. The plan change will give effect to the One Plan in regards to riparian margins and the proposed provisions for the urban river landscape overlay are in general accordance with the One Plan.

Decision Sought:

1. That proposed policy 10.3.18 be retained as drafted.
2. That the advice note before rule 10.6, outlining the potential for Regional Council consent is retained as drafted.
3. That an advice note above rule 10.6.1 outlining the potential for Regional Council consent is added.

Submitter Name: KiwiRail Holdings Limited
Submission No: 2.1pc45

Summary:

Support the proposed Plan change, in respect to the provisions for River Margins and the Urban River Landscape Overlay as they recognise existing infrastructure and the occasionally limited options for location.

Decision Sought:

1. That Rules 10.6.1(i) and (iii) (Permitted Activities for Riparian Margins) is retained as notified.
2. That Rule 10.6.1(a) (Permitted Activities for the Urban River Landscape Overlay) is retained as notified.

Submitter Name: Powerco Limited
Submission No: 3.1pc45

Summary:

Supportive of the proposed Plan change, as described below:

1. Rule 10.6.1 (Permitted Activities Riparian Margins) is intended to permit existing and new network crossings of waterways, but needs to be amended to correct typographical errors in numbering and to more accurately explain the relationship between this chapter and the rest of the Plan by amending the opening statement.
2. Rule 10.6.3 provides a default to restricted discretionary activity status for activities in the riparian margins that are not otherwise permitted, and is supported.
3. Rule 10.6.1 (Permitted Activities Urban River Landscape Overlay) is intended to permit existing and new network crossings of waterways, but needs to be amended to correct typographical errors in numbering and to more accurately explain the relationship between this chapter and the rest of the Plan by amending the opening statement.
4. Rule 10.8.2 provides a default to restricted discretionary activity status for activities in the Urban River Landscape Overlay that are not otherwise permitted, and is supported.

Decision Sought:

1. That Rule 10.6.1 (Permitted Activities Riparian Margins) is amended to clarify the relationship between this chapter and the rest of the Plan and to fix typographical errors.
2. Retain Rule 10.6.3 as drafted.
3. That Rule 10.6.1 (Permitted Activities Urban River Landscape Overlay) is amended to clarify the relationship between this chapter and the rest of the Plan and to fix typographical errors.
4. Retain Rule 10.8.2 as drafted.

Submitter Name: Chorus New Zealand Limited
Submission No: 4.1pc45

Summary:

Support the proposed Plan change, in respect to the provisions for existing and new cables and lines within riparian margins, as it is appropriate in view of the minimal potential for adverse effects associated with these works.

Decision Sought:

That Rules 10.6.1(b)(iii) (Permitted Activities for Riparian Margins) is retained as notified.

Submitter Name: Spark New Zealand Trading Limited
Submission No: 5.1pc45

Summary:

Support the proposed Plan change, in respect to the provisions for existing and new cables and lines within riparian margins, as it is appropriate in view of the minimal potential for adverse effects associated with these works.

Decision Sought:

That Rules 10.6.1(b)(iii) (Permitted Activities for Riparian Margins) is retained as notified.

Submitter Name: NZ Transport Agency
Submission No: 6.1pc45

Summary:

Support the proposed Plan change, in respect to the provisions for existing and new network utilities, or fences, bridges, culverts, fords or flood protection structures.

Decision Sought:

That Rules 10.6.1(b)(i) (Permitted Activities for Riparian Margins) is retained as notified.

Submitter Name: Transpower New Zealand Limited
Submission No: 7.1pc45

Summary:

Supportive of the intent of Plan change, but would like to make the following recommendations:

1. Add two new policies to the Natural Environment Chapter to recognise that network utilities are located in natural areas and have a functional and locational need to be there.
2. That Rule 10.6.1(b)(i) (Permitted Activities for Riparian Margins) meets the requirements of the NPSET and is retained as the National Grid crosses the Whanganui River.
3. That Rule 10.9.1(a)(i) is amended to permit the trimming of Protected Trees no matter what the size of the branch in accordance with the NPSET when it is a threat to the safe and efficient operation of the National Grid.

Decision Sought:

1. That two new policies are created that recognise the functional and locational need for network utilities in riparian margins and river environments.
2. That Rule 10.6.1(b)(i) (Permitted Activities for Riparian Margins) is retained.
3. That Rule 10.9.1(a)(i) is amended to permit the trimming of Protected Trees no matter what the size of the branch.

Submitter Name: Rayonier Matariki Forests Limited
Submission No: 8.1pc45

Summary:

Supportive of the intent of the proposed Plan change, but with the exemption of the following issues:

1. Amend Objective 10.2.5 to reflect the proposed issues with Policy 10.3.18 and Rules 10.6.1 and Rules 10.6.3.

2. Supportive of the approach to identify key waterways, however the inclusion of all tributaries of the Whanganui and Whangaehu Rivers could have significant effects of existing and future production forestry operations. There is no clear definition of tributary in the proposed Plan change and therefore any stream could be considered.
3. The proposed definition of 'Forestry' is different to the One Plan. Making the definitions the same would reduce confusion for Plan users.

Decision Sought:

1. That Objective 10.2.5 is amended to be consistent with any changes to Policy 10.3.18.
2. Amend Policy 10.3.18 so that only tributaries of the Whanganui River greater than 3 metres in width are considered a 'key waterway'.
3. Amend Rule 10.6.1(b)(iv) to provide for existing forestry and its associated activities as a Permitted Activity.
4. Amend the definition of 'Forestry' to be the same as the One Plan.

Submitter Name: New Zealand Defence Force

Submission No: 9.1pc45

Summary:

Opposed to the current wording of Rule 10.6.1 (Permitted Activities Riparian Margins). The activities provided for are very restrictive. It is not clear if the rule applies on the waterway. Also there are a broad range of activities that could be undertaken within the river margin that would result in negligible effects, however it is not clear if these are provided for.

Decision Sought:

Amend Rule 10.6.1 to clarify its application.

Submitter Name: Wanganui Federated Farmers of New Zealand

Submission No: 10.1pc45

Summary:

Not opposed to intent of Plan change, but would like to make the following changes in regards to the Riparian Margin Objectives and Policies:

1. That Objective 10.2.5 is amended to recognise the existing production land uses on those margins or adjoining land. The current wording could frustrate a landowner's ability to access water for reasonable uses.
2. That Policies 10.3.2 and 10.3.8 are amended as minor adverse effects can be tolerated by riparian margins and the adjoining landowner is likely to have the largest positive effect on preservation of these waterways.
3. That Policies 10.3.9, 10.3.18 and 10.3.19 are limited to where there is public access only as there is no public right to roam over private land in New Zealand.

Decision Sought:

1. That Objective 10.2.5 is amended to recognise the existing production land uses on those margins or adjoining land.
2. That Policies 10.3.2 and 10.3.8 are amended to limit consideration to effects that are more than minor on riparian margins.
3. That Policies 10.3.9, 10.3.18 and 10.3.19 are limited to where there is public access only.

Submitter Name: Wanganui Federated Farmers of New Zealand

Submission No: 10.2pc45

Summary:

Not opposed to intent of Plan change, but would like to make the following changes in regards to the Riparian Margin Rules:

1. It is assumed that if fences are Permitted Activities that 'floodgates' would be too. However, clarification of this for Plan users is requested.
2. Landowners need to be able to manage their land when there is no effect on the riparian margin without interference from the Council. Therefore new Permitted Activities to cover Rural Activities is requested.
3. That sub section vi) of the operative District Plan rules for Riparian Margins is re-instated as it would allow for the wider objectives of the margins to be met without triggering a resource consent process and would allow Regional Council and Environment Grant works to proceed.
4. The riparian margin rules create an imposition on landowners for the benefit of the public and therefore consent fees should be waived.

Decision Sought:

1. That 'floodgates' is added to Rule 10.6.1(b)(i) as a Permitted Activity.
2. That a new Permitted Activity is included providing for replacement, maintenance, upgrade or removal of an existing or new structure, road, track, earthwork, fence or trees that are located within 20 metres of a key waterway, or within a riparian margin.
3. That a new Permitted Activity is included providing for the installation of a new fence, bridge, culvert, ford or flood protection structure, where that structure will enhance, or protect the natural character of the key waterway.
4. That a Permitted Activity is reinstated that provides for the planting, tending, harvesting or clearing any vegetation including non-indigenous trees, for conservation, river management or habitat purposes.
5. That where an activity requires Resource Consent because of the Riparian Margin rules, that Council waives the Resource Consent fees and this is noted under Rule 10.6.3.