

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON THE DRAFT PROVISIONS ON OUTSTANDING LANDSCAPES AND NATURAL FEATURES ON THE TASMAN RESOURCE MANAGEMENT PLAN

TO: Tasman District Council

SUBMISSION ON: Draft Plan Change provisions on outstanding landscapes and natural features to the Tasman Resource Management Plan

NAME: Minister of Conservation

ADDRESS: RMA Shared Services
Department of Conservation
Private Bag 4715
Christchurch Mail Centre 8140
Attn: Ken Murray

STATEMENT OF SUBMISSION BY THE MINISTER OF CONSERVATION

1. Pursuant to clause 2 of the First Schedule of the Resource Management Act 1991 (RMA), I, Andrew Lamason, Operations Manager, Golden Bay, acting upon delegation from the Minister of Conservation, make the following submission in respect of the draft Plan Change on outstanding natural features and landscapes provisions to the Tasman Resource Management Plan.
2. This is a submission on the the draft provisions on outstanding landscapes and natural features.
3. The specific provisions of the draft provisions on outstanding landscapes and natural features that my submission relates to set out in Attachment 1 to this submission. The decisions sought in this submission are required to ensure that the draft provisions on outstanding landscapes and natural features;
 - a. Protect the outstanding natural features and outstanding landscapes on land managed by the Department of Conservation;
 - b. Gives effect to New Zealand Coastal Policy Statement 2010;
 - c. Integrates the management of land and water across the coastal marine area boundary and across land tenures; and
 - d. The changes sought are necessary, appropriate and sound resource management practice.
4. I seek the following decision from the Council:
 - 4.1 That the particular provisions of draft provisions on Outstanding Landscapes and Natural Features that I support, as identified in Attachment 1, are retained.
 - 4.2 That the amendments, additions and deletions to draft provisions on Outstanding Landscapes and Natural Features in Attachments 1 are made.

4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I do wish to discuss this matter with Council before notification of these provisions.

Andrew Lamason
Operations Manger
Golden Bay

Pursuant to delegated authority
On behalf of
Minister of Conservation

Date: 28 September 2016

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

ATTACHMENT 1:

TASMAN RESOURCE MANAGEMENT PLAN DRAFT PROVISIONS OUTSTANDING LANDSCAPES AND NATURAL FEATURES
SUBMISSION BY THE MINISTER OF CONSERVATION

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Draft Plan change on outstanding natural features and outstanding landscapes is shown in *italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~struckthrough~~.

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

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
CHAPTER 2			
Page 1	1.1.1 Landscape characteristic	Support. This definition reflects matters that should be taken into account when considering whether an area is an outstanding landscape.	Retain as proposed
Page 1	New Defined word required Natural feature characteristic	A new definition is required to identify outstanding natural features in Tasman District including: <ul style="list-style-type: none"> • sand dunes; • karst landscape including karst landscape affected by glaciation and caves; • New Zealand's only dolomite mountain with its specialised indigenous vegetation; • geopreservation sites; and • Farewell Spit. It is suggested that the definition include the elements from Policy 15 New Zealand Coastal Policy Statement 2010 (NZCPS).	Include a new definition for natural features characteristics such as; <p><u>Natural feature characteristics include but are not limited to:</u></p> <p><u>Features created by natural science factors including geological, geomorphic, ecological and dynamic components including the movement, quantity and quality of water and sediment;</u></p> <p><u>Legibility or expressiveness;</u></p> <p><u>Identified in the Geopreservation Index;</u></p> <p><u>Cultural and spiritual values.</u></p> <p>And amend all objectives, policies, methods and rules to include natural feature characteristics.</p>
Page 1	9.1.2 Issues	Support in part. The issue fails to consider the effects of subdivision, use and development on natural feature characteristics. An example is quarrying.	Amend the issue as follows: <i>Subdivision, use and development risks damaging outstanding natural features and landscapes. The landscape and natural feature characteristics of these features and landscapes....</i>
Page 1-2	9.1.2	Support in part.	Amend the objective as follows;

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Page 2	Objective 9.1.2 Policy 9.1.3.4A	The objective fails to consider natural feature characteristics. Support in part. Existing activities need to be within their existing footprint or authorised area or in the case of mining within their mining permit area or on land managed by the Department within the access arrangement area.	<i>The landscape and natural feature characteristics of the Districts ...</i> Amend Policy 9.1.3.4A to read: <i>Enable the maintenance of existing activities within their existing foot print or authorised area or within their existing mining permit and access arrangement area within outstanding natural features and landscapes.</i>
Page 2	9.1.2 Policy 9.1.3.4B	Support in part. Natural feature characteristics should be included in this policy.	Include in the Policy: <i>...landscape or natural feature characteristics of landscapes and natural features.</i>
Page 2	9.1.2 Policy 9.1.3.4C	Support in part. Natural feature characteristics should be included in this policy. Subdivision use or development in or adjacent to an outstanding landscape or natural feature could adversely affect their characteristics. For instance an industrial complex or a subdivision.	Include in the policy: <i>Discourage subdivision, use and development activities on the margins and in outstanding natural features and landscapes where landscape or natural feature characteristics could be degraded or damaged as a result of those activities.</i>
Page 2	9.1.2 Policy 9.1.3.4D	Support in part. Gives effect in part to NZCPS Policy 13. Natural feature characteristics should be included in this policy. Subdivision use or development in or adjacent to an outstanding landscape or natural feature could adversely affect their characteristics. For instance an industrial complex or a subdivision.	Include in the policy: <i>Restrict subdivision, use and development activities in and adjacent to outstanding natural features and landscapes in the coastal environment where adverse effects on landscape and natural features characteristics as a result of cannot be avoided.</i>
Page 2	9.1.2 Policy 9.1.3.4E	Support in part. Natural feature characteristics should be included in this policy.	Include in the policy: <i>.... where the landscape and natural feature characteristics...</i>
Page 2-3	9.1.20 Methods of implementation	Support in part. These methods are appropriate but there is also a requirement for natural feature rules. For example from quarrying. Is there a requirement to manage takes of water to protect Te Waikoropupu Springs?	Retain the methods of implementation as drafted and include the requirement to protect the characteristics of outstanding natural features including their margins.
Page 3	Chapter 16	Support in part. Natural feature characteristics should be included too.	Retain as drafted and include natural feature characteristics in both assessment matters.
Page 3-8	Chapter 18 Special Area Rules	Support in part. All the special area rules should include natural feature characteristics. These rules for activities adjacent to a Golden Bay ONFA and ONL	Amend the rules such as 18.15.2.2.3 so that the rules to give effect to NZCPS; For example include as a matter of discretion; whether the application gives effect to the objectives and policies of New Zealand Coastal Policy Statement 2010.

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PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>are generally support except in the coastal environment, as there is uncertainty how these rules give effect to NZCPS in particular Policy 5 (Lands and water held under other Acts) and Policy 15 Natural Features and Natural Landscapes. For example does Rule 18.15.2.2.3 apply to the coastal environment and secondly applies to activities within an ONL or ONF? If so could Council decline a consent application that fails to give effect to Policies 5 or 15 NZCPS?</p> <p>Secondly is there a requirement to manage takes of water and discharge permits to protect Te Waikoropupu Springs?</p> <p>As the activity may be on land managed by the Department, the status of the land or water and its values should be considered. There are also no matters under s6(e) of the RMA identified. A default rule is also required if an area is identified as an ONL or ONF after this plan change is completed.</p>	<p>Include as matter of discretions; <u>Adverse effects on natural feature characteristics.</u> <u>The status of the land and its values and effects of the activity on these values</u> <u>s6(e) RMA matters</u> Consider whether provisions are required to manage water permits and discharge permits to ensure the values of Te Waikoropupu Springs are protected. Include a default rule making any activity in an ONL or ONF not identified in this plan a discretionary activity.</p>
Chapter 18 18.15.2.6 Quarrying		<p>Support in part. The condition: The presence of pre – existing quarrying must take into account the area on and managed by the Department, the area covered by the access arrangement.</p>	<p>Amend the matter for discretion: <u>(3) The presence of pre-existing quarrying and the extent of the mining permit or on land managed by the Department of Conservation the area identified in the access arrangement.</u></p>
Page 8	Schedule 18.15 Golden Bay Outstanding Natural Features and Landscape	<p>Support in part. All of Kahurangi National Park should included as an outstanding landscape and natural feature because of its values which has resulted in the area becoming a national park. With regard to North West Nelson Forest Park west of Kahurangi National Park, consultation is required with iwi and the Department over inclusion of this area as an ONL. Consultation with iwi should also occur about Te Tai Tapu.</p> <p>With regard to Puponga Farm Park there are sand dunes and impressive cliffs and other features which should be included as an ONL and ONF.</p> <p>The area excluded around Mount Burnett (part of North West Nelson Forest Park) should only be the area where there is an access arrangement from the Department of Conservation. This area is nationally significant as an outstanding natural feature and landscape - a dolomite mountain with a very specialised indigenous vegetation found only in this area.</p>	<p>Support the Schedule with the amendments as described in the submission after consultation with the Department and where appropriate iwi. Clarify the terminology used</p>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>Almost all of Whanganui Inlet is managed by the Department either as marine reserve or in the north eastern part it is a Government Purposes Wildlife Management Reserve. The boundary of the ONF should also include the land managed by the Department which borders Whanganui Inlet.</p> <p>Downstream of the Cobb Power station is the Takaka River Gorge. Also there is the Sams Creek Gorge. These areas are very impressive and are an ONL. All the public conservation land West of Takaka Gorge including the gorge and east up the gorge to the ridge line should be included in the Paparoa -Kahurangi Ranges ONL.</p> <p>The Aorere Goldfield should be included as a historic landscape. They area is also an outstanding natural feature as there are limestone blocks sitting on top of the peneplain surface. This limestone retains the original vegetation and has karst features such as the Ballroom Cave.</p> <p>There are three headlands / spits adjacent to MHWS which after iwi consultation should be included – Puponga (if not already included as part of Farewell Spit ONF as it is part of the Nature Reserve), Pakawau (includes Pakawau Beach Esplanade Reserve) and Papapara (Parapara Peninsula Historic Reserve).</p> <p>The use of the term ONMFA is uncertain and a different term from that used in the maps. Do you mean Golden Bay – Mohua Coastal Marine ONL? And ONF?</p>	
Chapter 25	Coastal Marine Area rules Section 25.6 Rules 25.6.2.1 Disturbance 25.6.2.3.1 Destruction or removal of vegetation	<p>Oppose in part.</p> <p>The term indigenous weeds is opposed and should be excluded from this rule unless it is for the removal of indigenous vegetation from a structure such as a marine farm.</p> <p>Removal of indigenous vegetation could include maritime marsh in an estuary which is part of the outstanding landscape. One the marshes functions is to trap fine sediment creating the river delta form such as at the Aoreere River mouth.</p>	<p>Amend Rules 25.6.2.1.1 and 25.6.2.3.1 to read: <i>The purpose is for the removal of exotic weeds; or</i> <u>The purpose is for the removal of indigenous vegetation and indigenous fauna attached to a structure.</u></p>

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PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	<p>Coastal Marine Area rules Section 25.6 Rules 25.6.2.1.2 Disturbance 25.6.2.3.2 Destruction or removal of vegetation</p>	<p>Oppose in part. Natural feature characteristics should be included. The rule fails to give effect to NZCPS. For example disturbance could alter the natural movement of sediment which creates Farewell Spit. Destruction or removal of indigenous vegetation at the Aorere River Estuary could adversely affect the maritime marsh, part of which includes Collingwood Scenic Reserve all of which are included in the Golden Bay ONL. Should disturbance be a discretionary activity in an ONL or ONF? Alternatively a maximum area of disturbance could be included as a permitted activity. But disturbance in the wrong place could severely affect the landform. For example accelerate beach erosion.</p>	<p>Include the following matters of discretion; whether the application gives effect to the objectives and policies of New Zealand Coastal Policy Statement 2010. Include as matters of discretion; Adverse effects on natural feature characteristics. The status of the land and its values and effects of the activity on these values s6(e) RMA matters</p>
	<p>Coastal Marine Area rules Section 25.6 Rules 25.6.2.2.2 Disturbance</p>	<p>Oppose in part. Natural feature characteristics should be included. The rule fails to give effect to NZCPS. For example disturbance could alter the natural movement of sediment which creates Farewell Spit. Should disturbance be a discretionary activity in an ONL or ONF except for example when carrying out weed spraying operations or some other activities which have minor adverse effects?</p>	<p>Include the following matters of discretion; whether the application gives effect to the objectives and policies of New Zealand Coastal Policy Statement 2010. Include as matter of discretions; Adverse effects on natural feature characteristics. The status of the land and its values and effects of the activity on these values s6(e) RMA matters</p>
	<p>Coastal Marine Area rules Section 25.6 Rules 25.6.2.2.2 Structures</p>	<p>Oppose in part. Natural feature characteristics should be included. The rule fails to give effect to NZCPS. For example a new structure could alter the natural movement of sediment. Should new structures be a discretionary activity in an ONL or ONF?</p>	<p>Include the following matters of discretion; whether the application gives effect to the objectives and policies of New Zealand Coastal Policy Statement 2010. Include as matter of discretions; Adverse effects on natural feature characteristics. The status of the land and its values and effects of the activity on these values s6(e) RMA matters</p>
	<p>Schedule 25J</p>	<p>Support. The areas identified as an ONF or ONL in the coastal marine area is strongly supported as these areas have significant s6(b) RMA values.</p>	<p>Retain as notified.</p>

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1. The first part of the document is a list of names and addresses.



30 September



Partners:
Brian Fletcher LLB
Paul Gibson LLM, BCA
Quentin Davies LLM (Hons), BSc (Hons)
Alison Weaver LLB (Hons), BA

Senior Associate:
Scott Wight LLB, BSc
Associates:
Laurie Murdoch LLB, BA (Hons)
Rob Andersen LLB, BA

29 September 2016

Tasman District Council
Private Bag 4
Richmond 7050

Email: info@tasman.govt.nz

Golden Bay's Outstanding Natural Features and Landscapes: Draft Plan Change

1. United Fisheries Limited (UFL) thanks the Tasman District Council for this opportunity to comment on the draft plan change. UFL is in general support of the proposal. In addition, UFL supports the feedback given on behalf of the Marine Farming Association, of which it is a member.

United Fisheries Limited

2. UFL is a family owned seafood company based out of Christchurch. It is a major shareholder in Golden Bay Ring Road Farming Limited and Golden Bay Ring Road Spat Catching Limited, which own and operate marine farming space at AMA 2 Puramakau in Golden Bay. It also operates marine farms in the Marlborough Sounds.
3. UFL is an active participant in the Marine Farming Association's Environmental Programme. It supports the beach clean-up programme and follows the various industry codes of practice.
4. UFL engages a local based contractor to complete all the key marine farm and shore work in the Bay. That company (Ngai Tahu Seafood) employs approximately 20 staff in the Bay. UFL work provides a significant component of their workload. In addition to this, UFL use local contractors for specific parts of their operations, such as transport and float manufacture.
5. The wider industry is currently facing significant challenges and costs associated with consent renewals. Against this backdrop, UFL is broadly supportive of policies that recognise the importance of existing aquaculture, as this reduces uncertainty, encourages investment in the sector and enables the industry to flourish.
6. Marine farms in Golden and Tasman Bays contribute around 5% (and increasing) of New Zealand's total production of Greenshell Mussels.

Submission

7. As noted above, UFL is in general support of the draft Plan Change. UFL supports the Marine Farming Association's suggestion that Policy 9.1.3.4A ought to be worded "enable the *continuance and maintenance* of existing activities within outstanding natural features and landscapes".
8. The word "maintenance" can mean two things:
 - a. Upkeep ("with proper maintenance, the car will last for many years"); or
 - b. To preserve ("the Captain ordered the ship to maintain its present course").

JA-307523-25-2-V2:ALH

9. The insertion of the proposed words into the policy makes it clear that maintenance in both senses is intended.
10. UFL supports the reference in Schedule 25J to aquaculture being an integral part of Golden Bay's landscape (as part of the Golden Bay-Mohua landscape area). UFL suggests that a similar annotation should be made in Schedule 25J to the description of Wainui Bay Inlet. The existing spat farm is within the vicinity of the Wainui Bay Inlet Outstanding Natural Feature. There is reference in the commentary to nearby pastoral farming. Existing aquaculture should be similarly recognised.

Reservation of position

11. UFL reserves its position should the law in this area change or be further clarified. Specifically, if there is any suggestion that existing aquaculture in Golden Bay is at risk as a result of these classifications, UFL may alter its position at that stage.
12. Certainly the Environment Court in *Golden Bay Marine Farm v Tasman District Council W42/2001* found that aquaculture was appropriate within the outstanding natural landscapes of Golden Bay¹. UFL anticipates that aquaculture will be adequately protected by strong policy support for existing and consented activities, coupled with specific references to aquaculture in the relevant site descriptions.

Contact Details

13. Please contact Quentin Davies or Amanda Hills at Gascoigne Wicks in respect of these comments:

79 High Street, Blenheim 7201
PO Box 2
Blenheim 7240

Telephone: 03 578 4229
Fax: 03 578 4080

Yours faithfully
GASCOIGNE WICKS



Quentin Davies | Amanda Hills

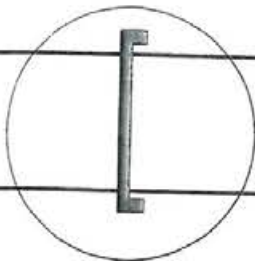
Partner | Staff Solicitor

Email | qdavies@gwlaw.co.nz | ahills@gwlaw.co.nz

Cc: Tania Bray; Bob Nicolle

¹ We note in respect of that decision that the Wainui Bay site was not before the Court [707].

30 September



GOLDEN BAY RING ROAD FARMING LTD

P O Box 213, Blenheim. Ph: 03 578 5044. Fax: 03 578 5046

29th September 2016

Tasman District Council
Private Bag 4
Richmond 7050

E-mail: info@tasman.govt.nz

Golden Bay's Outstanding Natural Features and Landscapes: Draft Plan Change

1. Golden Bay Ring Road Farming Limited (GBRRF) appreciates the opportunity to comment on the draft plan change. GBRRF is generally in support of the proposal.
2. GBRRF is a company owned by the following shareholders;

Number of Shares	Shareholders	Address
163,900	221251 Marine Farming Association Incorporated	1 Main Street, Blenheim
114,800	168346 Talley's Group Limited	Port Motueka, Motueka
97,000	126455 United Fisheries Limited	50 - 58 Parkhouse Road, Christchurch
94,275	40963 Sanford Limited	22 Jellicoe St, Freemans Bay Auckland 1010
49,100	1386106 KPF Investments Limited	C/- PKF Goldsmith Fox, 67 Old Main North Road, Kaiapoi
47,950	1150742 Wakatu Resources Limited	Level 3, Wakatu House, Montgomery Square, Nelson
39,550	522081 Ngai Tahu Seafood Resources Limited	50 Corsair Drive, Hornby, Christchurch 8042
39,200	558097 Ngati Rarua Iwi Trust	52 Scott Street, Blenheim
39,200	564280 Ngati Toarangatira Manawhenua Ki Te Tau Ihu Trust	19 Henry Street, Blenheim
39,200	362618 Koata Limited	137 Vickerman Street, Nelson
39,200	1851001 Tama Asset Holding Company Limited	72 Trafalgar Street, Nelson, 7010
39,200	610596 Te Atiawa o Te Waka-a-Maui Limited	72 Trafalgar Street, Nelson
32,800	696780 Sea Investments Limited	108 Glen Road, Glenduan, Nelson 7071
32,800	1737062 Kauauroa Bay Marine Farm Limited	50 - 58 Parkhouse Road, Christchurch

Number of Shares	Shareholders	Address
31,150	5561885 Wainui Green 2015 Limited	134 Aranui Road, Mapua, 7005
24,550	Skeggs, Bryan	18 Bisley Avenue, Moana, Nelson 7011
24,550	1729322 St George Limited	4 Brookside, Nelson 7010
12,275	Benseman, Steve	R D 1, Wakapuaka, Nelson
6,600	340001 Onetahua Marae Committee Incorporated	72 Pohara Valley Road, Takaka 7183
6,138	Stephen Frank Bull and Glasgow Harley Trustee Limited	C/- Glasgow Harley 47 Bridge Street, Nelson 7010
6,138	Bull, Christopher John	C/- Glasgow Harley 47 Bridge Street, Nelson 7010
6,137	The New Zealand Guardian Trust Company Limited (Wards Bull Trust)	Level 3, 15 Willeston Street, Wellington
6,137	Lindsay, Susan Carol	C/- Glasgow Harley 47 Bridge Street, Nelson 7010
4,400	670286 Shellfish Marine Farms Ltd	108 Glen Rd, Glenduan R D 1, Nelson
3,750	135633 Just Mussels Limited	565 Rocks Road, Moana, Nelson 7011
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3. GBRRF holds two resource consents;
 - 3.1. RM050102 – AMA2 (q)
 - 3.2. RM070990 – part AMA2 (p)
4. Golden Bay Ring Road Farming support the submission made by the Marine Farming Association in particular;
 - 4.1. Policy 9.1.3.4A ought to be worded “enable the continuance and maintenance of existing activities within outstanding natural features and landscapes”.
 - 4.2. Schedule 25J, GBRRF supports the reference, within the Golden Bay-Mohua landscape area, to aquaculture being an integral part of Golden Bay’s landscape. GBRRF suggests that a similar annotation be made to the description of Wainui Bay Inlet, as suggested in the Marine Farming Association submission.
5. GBRRF reserves its position should the law in this area change or be further clarified. Specifically, if there is any suggestion that existing aquaculture in Golden Bay is at risk as a result of these classifications, GBRRF may alter its position at that stage.
6. GBRRF agrees with the MFA submission in that GBRRF anticipates that strong policy support for existing and consented activities, coupled with specific references in the relevant site descriptions to aquaculture, adequately protects aquaculture.

Yours sincerely



Bob Nicolle
Director
Golden Bay Ring Road Farming Limited

30 September

**Feedback on Draft Plan Changes
Golden Bay Outstanding Natural Features and Landscapes**

I am writing on behalf of Canaan Downs Collective Aotearoa LTD (CDC), a collective of people who formed a company in 2010 to manage the property described as *Sections 15 & 16, Block VIII, Takaka Survey District*.

CDC was established in order to manage the land in an environmentally positive manner with the following purposes:

- Ensure that Canaan Downs remains available and accessible to our communities for visitor access, events and activities, in keeping with the nature of the environment, the resource consent, and the values of the Collective.
- Assist regeneration of the existing Beech forest, re-establish native trees, and protect and enhance the biodiversity of the native flora and fauna.
- Provide a sanctuary for endemic "at risk" species, and to protect these habitats so that native birds, insects, snails and other species can thrive once again.
- Establish basic infrastructure to assist and encourage the continuation and sustainability of events on the land, which attract significant visitors to the region, have benefits to the wider community, and create opportunities to promote awareness of the unique ecology of the Canaan Downs area.

In preparation of the reports and considerations for the ONL, we are disappointed that consultation was not sought directly from us. There are very few private properties in Golden Bay under the current LPA rules. Knowledge on how the existing rules have served to protect, or adversely affect the protection of the LPA would be helpful, as the ONL is proposing similar controls over a much larger area of private land in the Bay.

As soon as the ONL comes into being, it needs to replace the LPA for Golden Bay so that there are not two sets of rules covering the same thing on the same property.

Being part of the LPA has been costly in both time and money. It also has been detrimental to our ability to protect our land for the following reasons:

A dwelling is as of right in rural 2 except if your property is an LPA. We would have had a dwelling on our isolated block years ago to house a caretaker if it was not for the LPA. We were told that if we did not get neighbors permission then our consent would need to be notified. This is not affordable. Due to our inability to get neighbors approval we have been unable to precede even though the other neighbors and DOC, Police and Rural fire service are supportive of a caretaker cottage on the land.

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The disapproving neighbor can do what he likes on our property while no one is there. Below are photos of trees that he had felled on our property, and had lined up for milling once he had removed all the firewood from them. There was no permission given, and it was only known that he was doing this as he was found out before the job was completed. Is it unfortunate that council's rules can give people like this so much power? See photos of the butt logs he had waiting to be milled.



This illustrates the adverse effects of the rules of the LPA on landowner's ability to protect the eco system on their land.

Under the LPA getting a caretaker dwelling approved was unaffordable, so we have had people camping as caretakers in an attempt to protect the forest and land. This is not possible to maintain all year, as the land is 750 meters above sea level and freezing during winter.

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We recommend that the ONL, provides for the right to a dwelling on rural 2 land without having to gain resource consent.

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We have noticed that there are areas within the ONL, which have been excluded from the proposed ONL, due to mining activities or pending applications. This looks like a way that landowners can get their land excluded.

Below we have listed some of the problems that make the management of our land difficult due to the restrictions of the LPA rules.

1) The property is frequented by people stealing large volumes of firewood due to its easy access off the Canaan road. This is a constant problem that is unable to be addressed due to the current situation. See photos below.



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2) Numerous burls have been removed by chainsaw from the living beech trees in this last year. These old trees will be lucky to survive such damage. See photos below.



3) Burn outs, theft and vandalism are another constant problem that is unable to be addressed on our isolated property due to no one being permitted to live there year round in an approved dwelling. See photos below.



4) We are unable to manage fire protection, nor to stop people burning the forest litter, that is essential to the health of this ecosystem.

5) Inhibits our ability to educate and stop people camping under the trees, not only for the sake of the regeneration, but also because camping under beach trees is dangerous due to falling limbs. See photos below

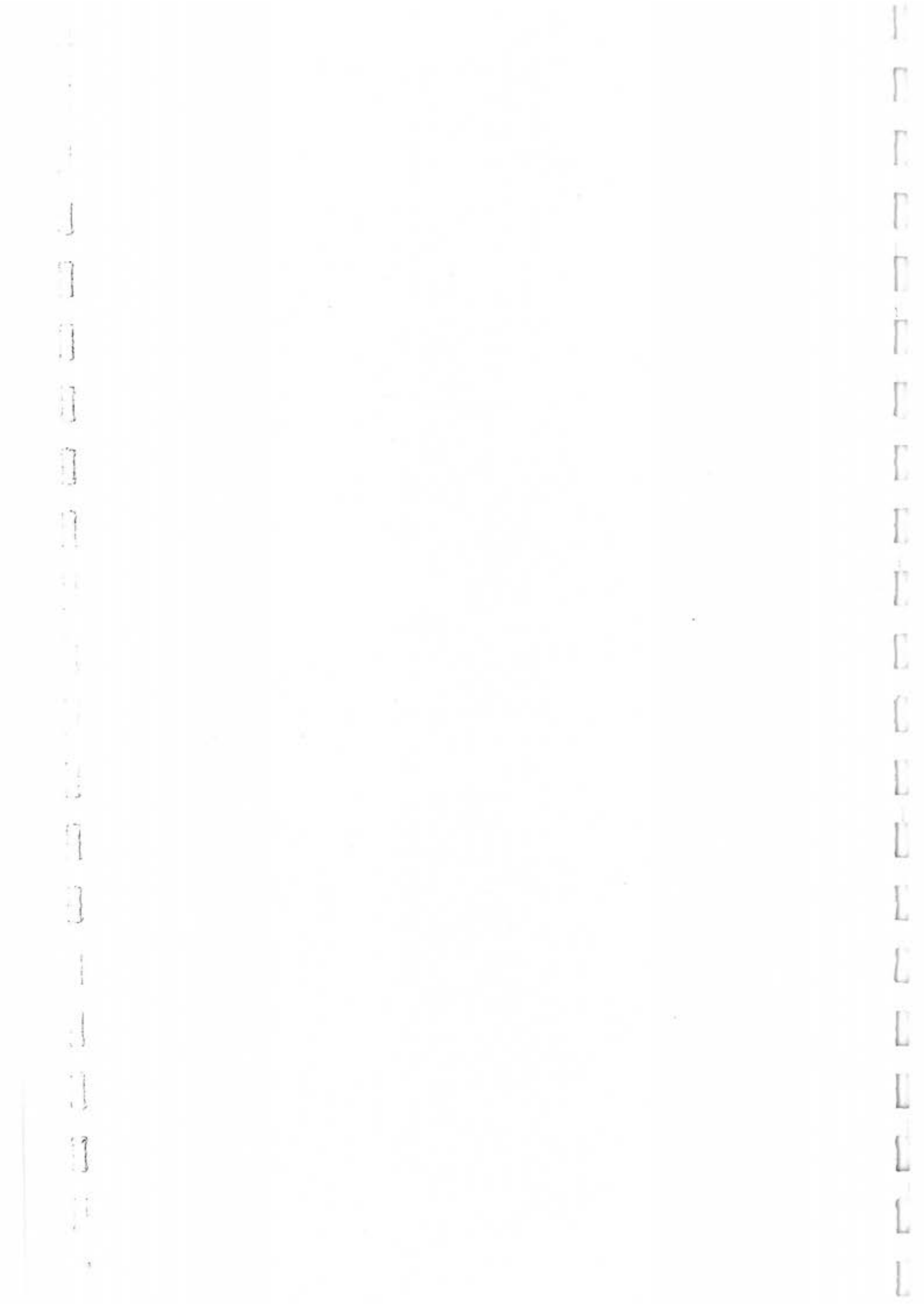


6) Makes it difficult to control the land being used for unauthorised events and parties. Groups of people have been found to come up from Motueka with chainsaws, helping themselves to the wood in the forest, lighting massive bonfires, and having private gatherings. Some of these have left a legacy of smashed beer bottles which a hazard for fire and other land users.

7) Impacts our ability to make sure that no rubbish is left by people using the land.

See photos below.





As it stands the LPA rules and the proposed ONL rules seem to do little to protect the existing forests in the district from extensive grazing, to ensure their regeneration.

As land owners we have addressed this issue ourselves. Recommendations rather than rules could help to mitigate this problem elsewhere.

Our beautiful forest at Canaan Downs has had no regeneration for decades due to intensive grazing. We tried limiting grazing to summer only with no success, and have had to fence off the forest. Where that was not possible we have stopped grazing outright to achieve the carpet of seedlings that are now present. The lack of re-growth implicates not only a gloomy prognosis for the forest itself, but also for the insects, snails and birds as well. How does the ONL intend to address problems like this?

The current rules on the LPA effect all buildings. Shelter and basic infrastructure is essential for events so people can enjoy the ONL with some comfort especially considering it's location. Having to repeatedly redo shelter or apply for consent every time is neither cost, time, nor resource effective. Having structures out of sight from the road makes them more vulnerable to vandalism.

We would like to see rates relief for people who own private properties that have restrictions placed on them for the benefit of others. (Recommended by the small working group). -A

We would prefer land use recommendations rather than rules that are not only costly to the owners, but actually can do the opposite of what they intend to achieve, see above. -3

We would also like to see resource consent fees waived if the ONL or LPA is the only reason for a consent being needed. (Recommended by the small working group). The costs and time associated with this process are not limited to what the council requires to be paid for. The need for resource consents should only be used as a last resort. -B

I am happy to discuss things in further detail.

Rita Davies
Director
Canaan Downs Collective Aotearoa LTD
September 28th 2016

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1 30 September

29/9/2016

Pax Leetch
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SUBMISSION

To whom it may concern,

RE: Golden Bay ONFL Discussion Document

Firstly, I accept that the task of identifying ONFLs and providing for their protection is one handed upon Council by Central Government and promoted by radical environmental organisations. As such, I don't envy your position one bit!

I believe that your approach to sorting through this issue via the collaboration of the Small Working Group has been a good one, and I hope that after all the time and effort put in by so many people it doesn't end up before the Environment Court anyway.

This said, I do not agree with all the locations identified as ONLs as shown in the Discussion Document and am wary of the draft rule changes proposed.

My main area of concern is the part of the Northwest Coast Marine ONL between Nguroa Bay and Puponga Farm, covering 'Nguroa' – property of the Miller Family Trust. This is a small family farm which supports two families (no mean feat on 300ha of windswept hill country) and pays a handsome sum in rates to TDC yearly.

Family owned farms such as this were once the backbone of New Zealand's economy and a source of much pride to many, but are sadly now becoming something of a rarity. These small blocks have been amalgamated into larger, often corporately owned landholdings. I believe this to be a sad state of affairs, and one driven in the main by poor economic returns from farming. Therefore I am opposed to anything that will make what is an already hard and poorly paid job harder – or more costly. This is the likely outcome of having ones land, or part thereof, classed as an ONL.

This is not just about farmers not wanting to be told how to live on their own land – this is about a group of people who live and breathe their properties, and who are genuinely concerned for their futures.

This land has been farmed continuously for nigh on 100 years, most of them absent of the strict environmental rules of the present day, and it is still in a state that is worthy of an ONL status. It hasn't been destroyed or degraded, in my opinion the farming is a large part of what makes this land outstanding and I can see no reason why this cannot continue forever, without the need for overlaying yet more bureaucracy and restrictions on it.

There is no need to fix what isn't broken.

3
So to this point, I would like to see all pastoral areas excluded from ONL status. For the Miller property in particular, the line that divides ONL area from non-ONL reeks of nothing more than a pen-stroke across a map. There is no discernible difference in the grazed country on one side of the line to the other, and to give the process credibility, I believe that the line should be pushed out to the edge of the sea cliffs. This would ensure that the ONL encompasses what it is supposed to, without encroaching on productive pastoral land.

4
I would also like to document my support for the exclusion of the Mt Burnett Dolomite quarry from the ONL area.

Dolomite has a vast range of uses, but of importance to us and a lot of other farmers New Zealand wide is its value as a Biogrow Certified Organic magnesium fertiliser. For the future productivity and profitability of our farm, the Dolomite quarry must remain in operation, and this necessitates it being excluded from ONL classification.

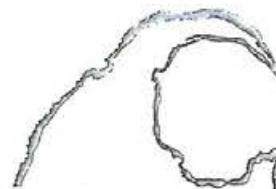
All the best for your decision making.

Yours sincerely

Pax Leetch.

30 September

Friends of Golden Bay (Inc)



P O Box 274
Takaka
Golden Bay 7142

Golden Bay's Outstanding Natural Features and Landscape

Friends of Golden Bay's Submission on Discussion Document for Draft Landscape Plan

Friends of Golden Bay Inc (FOGB) have been active in Golden Bay for over 20 years on sustainability issues. We have a membership of about 100 members. We have participated in both the larger and smaller landscape planning group for Golden Bay.

FOGB wish to express their appreciation of the time and effort of all those involved in this process over 4 years which has resulted in the Small Working Group's report and the Landscape Consultative documents. While we are disappointed with the exclusion of some areas very important to us, as below, we acknowledge the effort to get this far and in general *agree with all the Outstanding Natural Landscape (ONL) or Features (ONF) areas identified by the Small Working Group (SWG)*. We have been more comfortable with earlier evaluations made by landscape planners which included more of Golden Bay, such as the whole of the NW Coast, and would be greatly aggrieved if any further areas were excluded. We acknowledge our right to take part in the future plan change process once the proposed plan change has been notified.

It is important to get the draft plan as acceptable as possible to protect our outstanding environment here in Golden Bay. These areas form the backbone for why Golden Bay is so special and support its long-term development.

Areas of non-decision by the SWG

FOGB would be most concerned if the three following areas were left out of the draft plan:

Mt Burnett

•1

Sam's creek

•2

Te Tai Tapu estate

•3

We were most disappointed that the Council did not identify these in their Discussion Document and didn't ask for feedback on them.

All these 3 have been identified as worthy of ONL status, and sit within already identified ONLs. We understand economic, mining or land ownership issues were not to be part of the identification process for these areas by the small working group, but it is hard to not conjecture that this has been the reason

for their exclusion. The first two points in the 'kete of principles' in the Small Working Group Report clearly state that landscape quality should be the criteria for inclusion or exclusion. "We agreed that the criteria must be robust. It is a 'wrong' approach to include a place mainly for reasons of protection, or to exclude it for reasons of future development. It needs to be included or excluded for landscape reasons alone" and "We looked at the landscape without regard to ownership" The small group acknowledged this principle when discussing the Wainui Bay spat catching area.

In December 2014 the Department of Conservation (DOC) submission on the earlier SWG draft report argued that the dolomite quarry could be included, given its relatively small site within a larger ONL. They suggested that specific policy and rules may be necessary. TDC's draft plan change cover this well. Similarly DoC submitted that the Sam's Creek area should not be excluded because of mining permits and/or potential for mining.

In the case of the Te Tai Tapu estate area we note that it reached the level for inclusion into the Kahurangi National Park, including its scenic qualities, but understand it was excluded because of Iwi claims. We understand these have now been resolved and that its inclusion in the proposed plan should be undertaken.

We ask that these three areas be included in ONLs in the notified plan.

Specific Comments on TDC's Draft Plan Changes:

4. 1. We note that there are no prohibited or noncomplying activities in the ONLs or ONF zones. We recommend that some, such as subdivision, earthworks and the removal of indigenous vegetation be prohibited or avoided in ONFs. Due to their small size ONFs are more susceptible to damage than ONLs.

5. 2. In general we agree with most of the proposed rules in Chapter 9. However, for the average person their interpretation can be difficult and this includes deciding whether consent is required. Further, we note that the rules may not be sufficiently robust, in themselves, to prevent damage to the ONL or ONF as they do not take into account the wider landscape/catchment in which they sit. For example, poor land-use practices may lead to sedimentation of estuaries or the coast. Sea level rise. Similarly, large changes in land-use outside an ONL might adversely impact the viewer's appreciation of that landscape.

7. 8. The proposed landscape design guidance (9.1.20.3) may address the issues of clarity and interpretation but we have still to see what TDC is planning. Some of the other concerns may be able to be addressed through 'best management practice' guides and through reference to specific management plans by DOC or others. For example, DOC has a management plan for Mount Burnett that protects the landscape and vegetation while the Te Waikoropupu management plan covers the valley in which it sits and, by agreement with land-owners, helps protect their reserve. The detail of 'guidance' must be made clear in the proposed plan change and this guidance has to be mandatory/enforceable.

9. 3. We suggest as a point of clarification, inclusion of a statement that defines the coastal

boundaries on the maps as being based on Mean High Water Springs, as these boundaries could change over time due to changes in sea level erosion/accretion or tectonic activity.

Policies:

Specifically:

Chap 9. 2.3. **Landscape policies.**

9.1.2(b) We support the use of financial incentives as outlined in the draft plan change.

We would also recommend that in addition the following:

The costs of resource consents will be waived for current land owners as of <date> (but not future owners) if a resource consent is triggered solely by the Landscape regulations.

Our argument is that current owners may feel disadvantaged by these regulations particularly if they trigger costly resource consent. This should not be available for future owners as they should be aware of the landscape regulations, particularly if it is noted on LIMS. The word 'solely' is included so that owners cannot use this incentive if they have to get resource consents to meet other TRMP requirements. Note, the Small Working Group was advised that almost all land values would not change because of the presence of ONLs or ONFs, so they should not be disadvantaged by reduced land values. These resource consents need to be notified if they have an impact on landscape in order for the community to have input, especially in the marine environment.

9.1.3.4 C and D Discourage subdivision in ONLs but *avoid them on ONFs* as they are more susceptible to damage because of their small size.

Delete 9.1.3.4E as C and D are sufficient. Subdivision, use and development should not be encouraged in ONFs or ONLs.

4. Special Area Rules. 18.15.2.1. Standards for adjacent Activities.

We strongly support the use of the 20 m buffer zone around ONFs as, because of their relatively small size, they could easily be compromised by landowners. This would not necessarily prevent some developments. As many land-owners are likely to feel they may be forced to get resource consents and will be financially disadvantaged by these rules, we are suggesting that the fees is waived if the resource consent is *solely* triggered by this rule (see 9.1.2(b) above).

We would like to have rules that apply to activities that adversely affect ONFs and ONLs from significant viewpoints. For example, the view from SH60 as you enter Golden Bay is one of the most stunning vistas in New Zealand. The bottom of the valley is largely in farmland and contrasts with the higher hills but only the latter are in a proposed ONF. Large-scale land-use changes in the valley bottom could, and have severely impacted this Landscape and the values of the ONF. We note that Andrew Craig included the valley bottom as part of the ONL. If this and perhaps other very significant viewpoints are listed in the TRMP then the rules which follow would protect these stunning views.

□ *List of proposed viewpoints* –eg Wainui Bay, Takaka hill, Whakamaramas, other ridgelines. These still need to be worked on.

•15 18.15.2.1.1 We ask that there be a new category that restricts the construction of multi-story buildings close to ONFs.

•16 Rules should be developed specifically for Port Tarakohe as this needs thoughtful development. Alternatively, landscape guidance could be part of a Port Tarakohe management plan that is agreed with the Community.

•17 18.15.2.2.1 We would like to see no new earthworks in an ONF i.e. non-complying.

•18 18.15.2.2.2(a) The activity does not occur within the Coastal environment *or an ONF*.

•19 18.15.2.3 We ask that new buildings or activities within an ONF be made non-complying.

•20 **18.15.2.3.1 Add (e) *Interferes with a viewpoint for an ONL*.**

•21 18.15.2.4.1 **Destruction or removal of vegetation.** We ask that (c) *be removed or modified*. This rule is too open to interpretation. For instance it could allow the removal of the lowland totara and kahikatea or regenerating hillsides. On the other hand we see justification for owners being able to control rushes and fern regrowth on some areas.

•22 18.15.2.5.1 **Plantation forestry.** Plantation forestry has special rules. Although there is some justification for this we note other major land-use changes can have as big an impact on landscapes. For example, with horticulture the use of red netting shelters or regularly patterned tree planting can be equally bad. We ask for an even handling of land-uses.

•23 18.15.2.6. Quarrying. **Add mining.**

Mining can be equally destructive as quarrying and so needs to be included.

•24 18.15.2.6.1(3) This should read: '*pre-existing and existing quarrying*'.

Schedule of Amendments.

Landscape Characteristics.

•25 1.1.1(a) i. Presence of flora, fauna and geological features (including rarity and representativeness)

iv. Visibility of natural cycles and patterns – transience.

v. Shape colour and texture of the landscape – vividness, legibility and coherence.

9.1.2 Policies

We agree with the policies from TRMP in the current landscape plan change 9 and suggest the following:

9.1.3.4C Avoid subdivision...

9.1.3.4D Avoid subdivision...

9.1.3.4E delete

General rules

3.1.1 (2A) add on or close to the landscape characteristics....

•26

Chapter 18.

18.15.2.1.1 and 2 apply to activities that are within a minimum of 20m of a Golden bay ONFL

We'd like to see a rule here Rule.. apply to activities that will adversely affect ONFLs from significant viewpoints. **A resource consent is required** (1) to (5) add another to apply to significant viewpoints.

18.15.2.2.2 (a) The activity does not occur within the Coastal Environment Area or on an ONF

We wish to see new earthworks in ONFs as non complying.

We wish to see new buildings and structures as non complying in ONFs.

18.15.2.3.1

add (e) does not adversely affect view points for an ONFL.

18.15.2.4.1 remove (c) this is too open to enabling loss of revegetating/regenerating indigenous vegetation in a significant area. Eg totara regeneration.

18.15.2.5 Plantation Forestry. Add or horticulture. Regular horticulture, or associated structures can adversely affect landscape as well as plantation forestry.

18.15.2.6.and .1 add mining.

Quarrying and mining is a restricted discretionary activity.

Chapter 25 Coastal Marine Area Rules.

We'd like a rule in here making a buffer of a minimum of 20m around ONMLAs. This would allow for some vegetation movement from climate change in case of disruption.

•27

25.6.2.1.1.(c) The purpose is for removal of unwanted species. There may be a case here for removal of fauna as well as plants. Eg introduced menace species.

•28

25.6.2.1.2 and 25.6.2.2.1 A **notified** resource consent is required.

•29

25.6.2.3.1 Destruction or removal of biota

•31

September 30, 2016

Page 6

and (c) The purpose is for removal of biota

• 32

We fully support 25.6.2.3.2 (1) to (5).

• 33

Heather Wallace and

Don Mead for FOGB Inc.

ph 03 5258298

Submission on Tasman District Council Draft Plan on Golden Bays Outstanding Natural Features and Landscapes from Dean and Jo Pomeroy.

The plan should not be endorsed or implemented until all areas of Tasman District have been through the same process and identified their ONFL's so the property owners affected in Golden Bay can be confident the process has been fair and consistent across the District. This also requires clear explanation to affected landowners on the criteria used to classify their land in ONFL status.

Setbacks are essentially another form of boundary with regulatory control and should not be in the plan. There is no guarantee that the 20 metre setback will not or cannot be extended in the future effectively increasing the areas affected by ONFL's regulations without the need for boundary changes.

Property owners farming within ONFL boundaries will incur greater costs than their neighbours, or wider district counterparts, to engage in the same activities on their land. Therefore they, farmers on ONFL property, should receive financial assistance for the consenting process.

Land titles that have a boundary with the Aorere River should not be included in the plan unless there is assurance for the landowners that present activity allowed under the RMA and TRMP continues to be permissible so they can protect their land from flooding and erosion. If these activities are subject to extra, costly consent processes, will TDC contribute more than the 50% of cost that they now offer in the z rated area to protect the ONFL area? Landowners may not be able to afford to protect these areas and the outstanding landscape, beautiful native trees and productive land will be lost.

Existing activity, controlled activity and discretionary activity are terms that confuse and create uncertainty for landowners. Farmers and all other primary producers need to know that what is permitted activity on their land, and their title, now, will remain permitted activity in the future and the ONFL overlay on their property will not become an encumbrance on them financially, devalue their property or impede their efforts to maintain or grow their productivity. Farmers need assurance they will still have the same opportunities they have now to make changes to their farming operations in the future. Changes in line with new research and methods for best practice and best production. Changes better for the environment and changes in line with market demands. Changes that allow them options to be viable and to continue to contribute positively to Tasman and New Zealand's economy. Changes that help them afford to keep their property "outstanding".

Mount Burnett is the only site of dolomite extraction in New Zealand and the landscape is already altered. The significance of the importance for farmers and growers to be able to source dolomite in New Zealand does not need explanation. Mount Burnett and the quarry are already subject to regulatory control and should not have the ONFL status on them. Without affordable dolomite and lime much of the pastoral landscape that has been honoured with the status of 'outstanding' could quickly change.

Faint, illegible text running vertically down the left side of the page.

Vertical line of small, repetitive characters or marks along the right edge of the page.

30 September



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29 September 2016

Tom Chi
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Via email: info@tasman.govt.nz

Dear Mr Chi

Golden Bay's Outstanding Natural Features and Landscapes Discussion Document; Draft Plan Change

Thank you for the opportunity to provide feedback on the draft Plan Change for Golden Bay's Outstanding Natural Features and Landscapes (Plan Change). The New Zealand Transport Agency (Transport Agency) is looking forward to the opportunity to work collaboratively with Tasman District Council (Council) and the community in the development of this Plan Change.

Following the close of this current feedback round, the Transport Agency would like to engage with the Council and other interested groups to discuss our feedback as well as gain a better understanding of other views.

Role of the Transport Agency

The Transport Agency is a Crown Entity established to provide a range of functions, including an integrated approach to transport planning, funding and delivery.

The Transport Agency's purpose is to deliver transport solutions for a thriving New Zealand, with a transport system and sector which is:

- Effective - moves people and freight where they need to go in a timely manner;
- Efficient - delivers the right infrastructure and services to the right level at the best cost;
- Safe and responsible - reduces the harms from transport; and
- Resilient - meets our future needs and endures shocks.

The Transport Agency's objective is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system.

As well as funding and operating the state highway network, the Transport Agency also co-invests with Tasman District Council on a range of transport activities through the National Land Transport Programme.



Overall, the Transport Agency considers that the draft Plan Change provides a positive starting point for balancing the needs of the natural environment and promoting the Transport Agency's key outcomes.

We broadly support the focus of the draft Plan Change on managing the Outstanding Natural Features and Landscapes of the Golden Bay region in a pragmatic manner, which seek to enable the operation and maintenance of existing activities.

We welcome the inclusion of objectives and policies that seek to enable the maintenance and operation of existing essential infrastructure within outstanding natural features and landscapes and that do not assume all activities may be damaging.

The feedback is intended to provide high level outcomes that the Transport Agency would like to see achieved from this Plan Change.

The Transport Agency's statutory objective is to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. This is to be achieved by managing the state highway network in accordance with the relevant legislation, and by assisting, advising, and co-operating with approved organisations such as territorial authorities.

What the Transport Agency would like to see the Plan Change achieve:

- 1) While the current objectives and policies provide a good basis, we would like to see these strengthened further to clearly capture all of the Transport Agency's activities and areas of interest. For example:
 - a) State highway stopping places (this includes rest areas and look outs); has a variety of areas that need to be managed, this includes the area itself, the views and vistas that it covers.
 - b) Maintaining vegetation free zones (an example diagram is attached).
 - c) Emergency works (noting these may be captured elsewhere in the Plan)
- 2) We would also like to see the above issues captured in the rules and methods
- 3) The Plan Change makes reference to 'Tracks', but not to roads specifically. I note that in Plan Change 60, a new definition is likely to be adopted for Road Network. For consistency, this may be an appropriate option for this Plan Change too. It would also help in terms of clarity for the plan user, as while the term 'track' incorporates the meaning of 'road', it is not a term that would commonly be used to include road to the average person .

The Transport Agency has a mandate to maintain and operate the State highway network. In addition to this, the Transport Agency has the 'Safer Journeys' approach. Of note, this relates to the function and use of stopping areas on the state highway and the need to facilitate and enough the use of the stopping areas. This means ensuring they are a desirable and functional place to stop and rest.

Potential way forward

One way to enable the state highway to be adequately maintained is to have a separate section within the Plan Change that deals with the state highway. Because of the state highway's regional significance it is essential that the Transport Agency is able to maintain and operate the network to a high standard. This includes areas connected to the state highway network; such as state highway stopping places.

This may include adding a new objectives, policies, rules and methods that apply to the state highway network. We suggest that the framework for Outstanding Natural Landscapes as a good starting point. The purpose of having its own provision is recognising that the existing state highway network is regionally significant to the Region and therefore needs to be elevated to recognise the significance. This also allows a pragmatic approach to managing the existing state highway corridor.

We welcome the opportunity to discuss this issue further with you and look forward to further involvement as the policy and plan development process evolves.

Yours sincerely

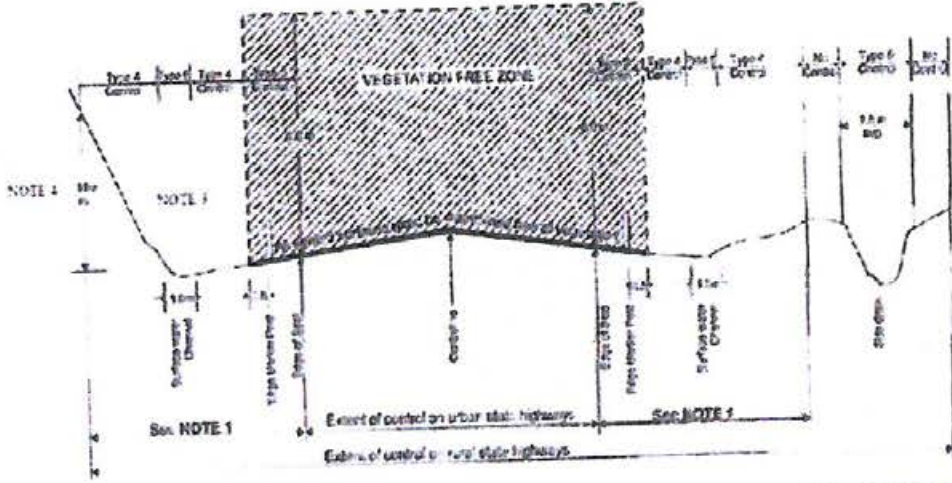


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9.2 Vegetation Control Diagram



- NOTE 1 This distance must be a minimum of 3.0m on straights and on the outside of curves, and a minimum of 1.5m on the inside of curves except where specified in the Vegetation Control Schedule
- NOTE 2 Vegetation Free Zone must be maintained free of all vegetation except where specified in the Vegetation Control Schedule
- NOTE 3 Type 1 Control around edge marks, posts, otherwise Type 3 Control as shown
- NOTE 4 Batters steeper than 1:2 require control to a level 3.0m below or 2.0m above the edge of set

Extent and Type of Vegetation Control for State Highways without kerb and channel