



SECTION 42A PLANNING REPORT – PROPOSED ŌPŌTIKI DISTRICT PLAN

Date : 3 July 2017

To : Hearing Commissioners

From : Consultant Planner

Subject : **CHAPTER 13 LANDSCAPES AND VEGETATION - PLANNING REPORT**

File ID :

1. INTRODUCTION

My name is Ann Nicholas. I have a Bachelor of Town Planning and I am a member of the New Zealand Planning Institute. I am a principal of Sigma Consultants, Rotorua, and I have over 35 years experience as a planning consultant. I have been engaged by the Ōpōtiki District Council to assist with the preparation of the draft district plan and the Proposed District Plan and to report on submissions to the Proposed District Plan.

The scope of my report is to provide an evaluation of submission and further submissions received in relation to Chapter 13 Landscapes. The data, information, facts and assumptions I have considered in forming my recommendations are set out in this report.

I can confirm that I have read and that I understand the code of conduct for expert witnesses contained within the Environment Court Practice Note 2014 and that I agree to comply with it. I can confirm that I have considered the material facts that I am aware of that might alter or detract from the opinions expressed here. I also confirm that the opinions that I have expressed in my evidence are mine. However, I note that I may amend my opinion and subsequent recommendation in whole or in part as a result of any evidence, information or other matters that are raised during the course of the hearing that I am not aware of at the time of writing this report.

2. RELEVANT STATUTORY CONSIDERATIONS

The overall Section 42A report provides the statutory framework for the District Plan and the review process and any changes since the Plan was notified. The provisions in this chapter have been developed in accordance with the specific statutory requirements as set out in the Section 32 report prepared and made available at the time that the Plan was notified.

Section 74 of the RMA requires that the District Plan must give effect to the Operative RPS. The RPS identifies regionally significant issues as including:

- Inadequate recognition and provision for matters of national importance
- Effects of growth and development pressures on access to the coast, lakes and rivers, ancestral sites and historic heritage
- Inadequate recognition of kaitiakitanga, the Maori environmental resource management system and Te Tiriti o Waitangi principles
- Insufficient protection of tangata whenua environmental values
- Degradation of mauri of land and water
- Effects of urban and rural subdivision on natural features and landscapes

3. STRUCTURE AND SUMMARY OF THE CHAPTER

The structure of Chapter 13 Landscapes and Vegetation begins with issues, objectives, and policies, set out under the topics of Outstanding Natural Features and Landscapes, Indigenous Vegetation and Habitats, Wetlands and Natural Character. The activity status, standards, and assessment criteria apply across the District as an overlay to zones.

Outstanding Natural Landscapes are identified in 13.9.1 and Outstanding Natural Features are identified on Appendix 13.9.2. The sites are shown on the planning maps. This chapter is an existing chapter in the Operative District Plan and seeks to provide a framework for managing activities in relation to the special landscapes and vegetation in the District..

4. SUBMISSIONS

4.1 SUBMISSION OVERVIEW

18 submitters lodged submissions on this chapter with a further XX parties lodging further submissions. The broad issues raised in submissions are as follows:

- Coastal environment - specific objectives and policies recommended for inclusion
- Differentiate controls between Coastal Environment and the balance
- Rural production activities – management within ONFLs
- Wetlands – duplication with BOPRC rules – this is discussed in the main section 42A report
- Clarification of rules and how they apply
- Additional Permitted activities for indigenous vegetation
- Biosecurity incursion responses
- Earthworks management
- Ridgelines and their identification
- Mapping of ONFLs and exclusion of rural production areas
- Farming and forestry in the chapter
- Height of buildings is sought to increase from 7m to 10m. But this is not supported
- Correct descriptions of ONFs
- Add Pakihikura/Waioweka River Mouth to ONFLs

4.2 SUBMITTERS

The submitters who lodged submissions on provisions relevant to this chapter are as follows:

Submitter Number	Submitter Name	Provisions submitted on
5	J Gregory	13.7.1,
7	Department of Conservation	13 General, 13.1, 13.2.1, 13.2.1.1, 13.2.1.2, 13.2.1.4, 13.2.2, 13.2.2.1, 13.3.2.1.6, 13.9.1, 13.9.2, 13.9.3,
8	Eastern Bay of Plenty – Forest and Bird	13 Title, 13.1.4.3, 13.2.1, 13.2.1.1, 13.2.1.2, 13.2.1.3, 13.2.1.4, 13.2.1.5, 13.2.2, 13.2.2.1, 13.2.2.2, 13.2.2.3, 13.2.2.4, 13.2.2.5, 13.2.2.6, 13.2.2.7, 13.2.2.8, 13.2.2.9, 13.2.2.10, 13.2.3, 13.2.3.3, 13.2.3.4, 13.2.4, 13.2.4.1, 13.2.4.2, 13.3.2.1.1, 13.3.2.1.2, 13.3.2.1.6, 13.3.2.1.8, 13.3.2.1.8, 13.3.2.1.9, 13.3.2.1.11, 13.3.2.1.13, 13.3.3.1.3, 13.3.3.1.4, 13.3.4.1.1, 13.3.4.1.6, 13.3.4.1.9, 13.3.5, 13.4, 13.4.1, 13.4.2, 13.4.2.1, 13.6, 13.6.3.3, 13.9, 13.9.1,

Submitter Number	Submitter Name	Provisions submitted on
		13.9.2, 13.9.3,
10	Hancock Forest Management	13.3, 13.3.2.1.1, 13.3.2.1.7, 13.3.2.1.9, 13.3.4.1.6, 13.4.1.1, 13.4.2.1, 13.9.2,
11	Horticulture NZ	13.1.1, 13.1.2, 13.1.3, 13.1.4, 13.2, 13.2.1.1, 13.2.1.2, 13.2.1.3, 13.2.1.4, 13.2.1.5, 13.3.2, 13.3.2.1.1, 13.3.2.1.9, 13.3.2.1.11, 13.4.3.1, 13.5.1, 13.6.1, 13.6.4, 13.8, 13.9,
17	Bay of Plenty Regional Council	13.2.1.2, 13.2.2.1, 13.2.2.2, 13.2.2.3, 13.2.2.4, 13.2.2.6, 13.2.2.7, 13.2.2.8, 13.2.2.9, 13.2.2.10, 13.2.3, 13.2.3.1, 13.2.3.2, 13.2.3.3, 13.2.3.4, 13.2.4, 13.2.4.5, 13.3.2.1, 13.3.2.1.3, 13.3.2.1.6, 13.3.2.1.7, 13.3.2.1.9, 13.3.4.1, 13.3.4.1.8, 13.3.4.1.9, 13.4.2, 13.4.2.1, 13.5, 13.6.1, 13.6.5, 13.9.1, 13.9.2, 13.9.3
18	Heritage NZ	13.1.5, 13.2.1.5, 13.2.4.2, 13.3, 13.5.1, 13.6.2.5,
19	NZ Defence Force	13.3.2
24	Opotiki District Council	13.3.2.1.7, 13.3.2.1.9, 13.3.5, 13.9
32	Ngai Tama	13.9.2,
36	First Gas Ltd	13.3.2.1.7, 13.3.3.1, 13.3.3.2.2,
39	Transpower NZ Ltd	13.1.1.1, 13.2.1, 13.2.1.1, 13.2.1.2, 13.2.2.1, 13.2.2.2, 13.2.2.5, 13.2.3.3, 13.3, 13.3.2.1.2, 13.3.2.1.7, 13.3.2.1.9, 13.3.3, 13.3.4, 13.5.1.5, 13.6.2, 13.6.3, 13.6.4, 13.6.5,
42	Rayonier Matariki Forests	13.2.1.3, 13.3.2.1.1, 13.3.2.1.7, 13.3.4.1.6,
49	Whakatāne District Council	13.3.5.1.2, 13.9.1, 13.9.2, 13.9.3
53	Vodafone	13.2.1, 13.2.1.1, 13.2.1.2, 13.2.1.3, 13.2.1.4, 13.2.1.5, 13.2.2.1, 13.2.2.2, 13.2.2.3, 13.2.2.4, 13.2.2.5, 13.2.2.6, 13.2.2.7, 13.2.2.8, 13.2.2.9, 13.2.2.10, 13.2.3, 13.2.3.1, 13.2.3.2, 13.2.3.3, 13.2.3.4, 13.2.4, 13.2.4.1, 13.2.4.2, 13.2.4.3, 13.2.4.4, 13.3.1,
54	Chorus	13.2.1, 13.2.1.1, 13.2.1.2, 13.2.1.3, 13.2.1.4,

Submitter Number	Submitter Name	Provisions submitted on
		13.2.1.5, 13.2.2.1, 13.2.2.2, 13.2.2.3, 13.2.2.4, 13.2.2.5, 13.2.2.6, 13.2.2.7, 13.2.2.8, 13.2.2.9, 13.2.2.10, 13.2.3, 13.2.3.1, 13.2.3.2, 13.2.3.3, 13.2.3.4, 13.2.4, 13.2.4.1, 13.2.4.2, 13.2.4.3, 13.2.4.4, 13.3.1,
55	Spark	13.2.1, 13.2.1.1, 13.2.1.2, 13.2.1.3, 13.2.1.4, 13.2.1.5, 13.2.2.1, 13.2.2.2, 13.2.2.3, 13.2.2.4, 13.2.2.5, 13.2.2.6, 13.2.2.7, 13.2.2.8, 13.2.2.9, 13.2.2.10, 13.2.3, 13.2.3.1, 13.2.3.2, 13.2.3.3, 13.2.3.4, 13.2.4, 13.2.4.1, 13.2.4.2, 13.2.4.3, 13.2.4.4, 13.3.1,
60	Federated Farmers of NZ	13.2.1, 13.2.1.1, 13.2.1.2, 13.2.1.3, 13.2.1.4, 13.2.2, 13.2.2.1, 13.2.2.2, 13.2.2.3, 13.2.2.4, 13.2.2.5, 13.2.3, 13.2.3.1, 13.2.3.2, 13.2.3.3, 13.2.3.4, 13.2.4, 13.3, 13.3.2.1.1, 13.3.2.1.2, 13.3.2.1.3, 13.3.2.1.4, 13.2.3.1.5, 13.2.3.1.6, 13.3.2.1.7, 13.3.2.1.8, 13.3.2.1.9, 13.3.2.1.11, 13.3.3.1.2, 13.3.3.1.3, 13.3.3.1.4, 13.3.4.1.1, 13.3.4.1.2, 13.3.4.1.4, 13.3.4.1.9, 13.4, 13.4.1.1, 13.4.2.1, 13.4.3.1.1, 13.4.2.1.2, 13.4.3.1.3, 13.4.3.1.4, 13.7, 13.9.1, 13.9.2,

4.3 Further submitters in relation to the above submissions are as follows:

Further Submitter Number	Further Submitter Name	Submission Number and Name submitted on	
		Number	Name
2.1	First Gas	54.2	Spark
2.2	First Gas	8.158	Eastern BOP – Forest and Bird
2.3	First Gas	39.40	Transpower
2.4	First Gas	39.41	Transpower
3.119	Bay of Plenty Regional Council	11.133	Horticulture NZ
3.13	Bay of Plenty Regional Council	11.142	Horticulture NZ
3.120	Bay of Plenty Regional Council	11.143	Horticulture NZ
3.123	Bay of Plenty Regional Council	39.36	Transpower

Further Submitter	Further Submitter Name	Submission Number and Name submitted on	
3.17	Bay of Plenty Regional Council	11.139	Horticulture NZ
3.124	Bay of Plenty Regional Council	42.5	Rayonier Matariki Forests
3.125	Bay of Plenty Regional Council	18.100	Heritage NZ
3.126	Bay of Plenty Regional Council	7.76	Department of Conservation
3.127	Bay of Plenty Regional Council	7.77	Department of Conservation
3.128	Bay of Plenty Regional Council	18.101	Heritage NZ
3.129	Bay of Plenty Regional Council	60.96	Federated Farmers of NZ
3.14	Bay of Plenty Regional Council	11.146	Horticulture NZ
3.130	Bay of Plenty Regional Council	10.15	Hancock Forest Management
3.131	Bay of Plenty Regional Council	19.45	NZ Defence Force
3.132	Bay of Plenty Regional Council	60.152	Federated Farmers of NZ
3.8	Bay of Plenty Regional Council	60.100	Federated Farmers of NZ
3.133	Bay of Plenty Regional Council	10.102	Hancock Forest Management
3.135	Bay of Plenty Regional Council	60.156	Federated Farmers of NZ
3.136	Bay of Plenty Regional Council	60.157	Federated Farmers of NZ
3.26	Bay of Plenty Regional Council	10.19	Hancock Forest Management
3.139	Bay of Plenty Regional Council	8.189	Eastern BOP – Forest and Bird
3.139	Bay of Plenty Regional Council	24.75	Ōpōtiki District Council
3.140	Bay of Plenty Regional Council	60.105	Federated Farmers of NZ
3.141	Bay of Plenty Regional Council	60.106	Federated Farmers of NZ
4.3	Transpower NZ Ltd	36.12	First Gas
5.2	Rayonier Matariki Forests	10.16	Hancock Forest Management
9.51	Department of Conservation	53.1	Vodafone
9.52	Department of Conservation	53.2	Vodafone
9.53	Department of Conservation	53.3	Vodafone
9.54	Department of Conservation	53.4	Vodafone
9.55	Department of Conservation	53.5	Vodafone
9.56	Department of Conservation	53.6	Vodafone
9.57	Department of Conservation	53.7	Vodafone
9.58	Department of Conservation	53.8	Vodafone
9.59	Department of Conservation	53.9	Vodafone
9.60	Department of Conservation	53.10	Vodafone
9.61	Department of Conservation	53.11	Vodafone
9.62	Department of Conservation	53.12	Vodafone
9.63	Department of Conservation	53.13	Vodafone
9.64	Department of Conservation	53.14	Vodafone
9.49	Department of Conservation	39.52	Transpower
9.53	Department of Conservation	39.53	Transpower
9.65	Department of Conservation	53.15	Vodafone
9.66	Department of Conservation	53.16	Vodafone
9.26	Department of Conservation	17.159	Bay of Plenty Regional Council

Further Submitter	Further Submitter Name	Submission Number and Name submitted on	
9.67	Department of Conservation	53.17	Vodafone
9.27	Department of Conservation	17.160	Bay of Plenty Regional Council
9.68	Department of Conservation	53.18	Vodafone
9.28	Department of Conservation	17.161	Bay of Plenty Regional Council
9.69	Department of Conservation	53.19	Vodafone
9.29	Department of Conservation	17.162	Bay of Plenty Regional Council
9.70	Department of Conservation	53.20	Vodafone
9.30	Department of Conservation	17.163	Bay of Plenty Regional Council
9.71	Department of Conservation	53.21	Vodafone
9.32	Department of Conservation	17.165	Bay of Plenty Regional Council
9.72	Department of Conservation	53.22	Vodafone
9.73	Department of Conservation	53.23	Vodafone
9.74	Department of Conservation	53.24	Vodafone
9.75	Department of Conservation	53.25	Vodafone
9.76	Department of Conservation	53.26	Vodafone
9.31	Department of Conservation	17.164	Bay of Plenty Regional Council
9.34	Department of Conservation	17.168	Bay of Plenty Regional Council
9.33	Department of Conservation	17.167	Bay of Plenty Regional Council
9.36	Department of Conservation	17.170	Bay of Plenty Regional Council
9.35	Department of Conservation	17.169	Bay of Plenty Regional Council
9.37	Department of Conservation	17.171	Bay of Plenty Regional Council
9.38	Department of Conservation	17.172	Bay of Plenty Regional Council
9.40	Department of Conservation	17.175	Bay of Plenty Regional Council
9.39	Department of Conservation	17.176	Bay of Plenty Regional Council
9.39	Department of Conservation	17.173	Bay of Plenty Regional Council
9.47	Department of Conservation	39.50	Transpower
9.48	Department of Conservation	39.51	Transpower
11.35	Federated Farmers of NZ	8.153	Eastern BOP – Forest and Bird
11.36	Federated Farmers of NZ	8.154	Eastern BOP – Forest and Bird
11.37	Federated Farmers of NZ	7.79	Department of Conservation
11.38	Federated Farmers of NZ	8.158	Eastern BOP – Forest and Bird
11.39	Federated Farmers of NZ	8.259	Eastern BOP – Forest and Bird
11.40	Federated Farmers of NZ	8.161	Eastern BOP – Forest and Bird
11.41	Federated Farmers of NZ	8.172	Eastern BOP – Forest and Bird
11.42	Federated Farmers of NZ	17.168	Bay of Plenty Regional Council
11.43	Federated Farmers of NZ	7.78	Department of Conservation
11.44	Federated Farmers of NZ	8.177	Eastern BOP – Forest and Bird
11.45	Federated Farmers of NZ	17.167	Bay of Plenty Regional Council
16.	Hancock Forest Management	11.143	Horticulture NZ
16.10	Hancock Forest Management	60.77	Federated Farmers of NZ

Further Submitter	Further Submitter Name	Submission Number and Name submitted on	
16.11	Hancock Forest Management	11.144	Horticulture NZ
1612	Hancock Forest Management	42.7	Rayonier Matariki Forests
16.3	Hancock Forest Management	8.187	Eastern BOP – Forest and Bird
16.14	Hancock Forest Management	42.8	Rayonier Matariki Forests
18.43	Heritage NZ	53.24	Vodafone
18.44	Heritage NZ	54.24	Spark
18.45	Heritage NZ	55.24	Chorus
18.55	Heritage NZ	60.102	Federated Farmers of NZ
19.142	Horticulture NZ	7.6	Department of Conservation
19.143	Horticulture NZ	60.78	Federated Farmers of NZ
19.144	Horticulture NZ	7.73	Department of Conservation
19.146	Horticulture NZ	8.152	Eastern BOP – Forest and Bird
19.145	Horticulture NZ	7.74	Department of Conservation
19.147	Horticulture NZ	60.75	Federated Farmers of NZ
19.148	Horticulture NZ	8.154	Eastern BOP – Forest and Bird
19.149	Horticulture NZ	8.156	Eastern BOP – Forest and Bird
19.150	Horticulture NZ	60.88	Federated Farmers of NZ
19.151	Horticulture NZ	60.93	Federated Farmers of NZ
19.152	Horticulture NZ	8.171	Eastern BOP – Forest and Bird
19.153	Horticulture NZ	8.172	Eastern BOP – Forest and Bird
19.?	Horticulture NZ	60.94	Federated Farmers of NZ
19.155	Horticulture NZ	10.14	Hancock Forest Management
19.156	Horticulture NZ	60.95	Federated Farmers of NZ
19.157	Horticulture NZ	60.96	Federated Farmers of NZ
19.159	Horticulture NZ	8.176	Eastern BOP – Forest and Bird
19.160	Horticulture NZ	8.179	Eastern BOP – Forest and Bird
19.161	Horticulture NZ	60.102	Federated Farmers of NZ
19.162	Horticulture NZ	60.104	Federated Farmers of NZ
19.163	Horticulture NZ	60.61	Federated Farmers of NZ
19.164	Horticulture NZ	49.7	Whakatane District Council
19.40	Horticulture NZ	8.7	Eastern BOP – Forest and Bird
19.166	Horticulture NZ	8.192	Eastern BOP – Forest and Bird
19.170	Horticulture NZ	17.175	Bay of Plenty Regional Council
19.167	Horticulture NZ	8.191	Eastern BOP – Forest and Bird
19.171	Horticulture NZ	17.176	Bay of Plenty Regional Council
19.168	Horticulture NZ	8.193	Eastern BOP – Forest and Bird
19.169	Horticulture NZ	8.194	Eastern BOP – Forest and Bird

Further Submitter	Further Submitter Name	Submission Number and Name submitted on	
19.172	Horticulture NZ	60.71	Federated Farmers of NZ
19.173	Horticulture NZ	60.72	Federated Farmers of NZ

5. CONCLUSION

The changes recommended as a result of the analysis of submissions in Appendix 1 are outlined in the Tracked Changes Version of the Chapter (Appendix 2).

Appendices

Appendix 1 - Chapter 13 – Submissions Analysis

Appendix 2 – Chapter 13 - Track Changes