

DDPR_feedback_0071s	
Name	Tim Fletcher
Organisation	on behalf of Sam and Arlene Marshall
Email	tim.fletcher@harkness.co.nz
Response Date	Aug 31 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
	0
Q12	If you need more space, or have any other general comments, please leave them here

Draft District Plan FEEDBACK FORM

scan for online
feedback form

Have
your say



Please get your feedback in by
5pm on Wednesday 31 August 2022

Save time - Do it online!

Fill in our online feedback form: www.waitaki.govt.nz/district-plan-review/have-your-say
- you can upload any extra documents and attachments there. Or:

- Email:** planreview@waitaki.govt.nz
Post: Draft District Plan Feedback
Waitaki District Council, Private Bag 50058, Ōamaru 9444
Deliver: Drop it off at any Council office or district library

Thank you for taking the time to comment on the Draft Waitaki District Plan. We welcome your feedback. Your feedback will be used to inform what goes into the next stage of the District Plan Review process, which will be the formal notification of the Proposed District Plan.

Points to remember when providing your feedback:

1. For your feedback to be considered you must include your full name, and a postal address or email address.
2. You are welcome to submit multiple feedback forms and add in any attachments if you have lots to tell us. Please make sure your feedback is provided under the relevant chapter heading. This helps us to make sure that we are considering your feedback correctly.
3. All feedback, including your name, are considered public under the Local Government Official Information and Meetings Act and may be published and made available to elected members and the public. Private contact details will not be made public.
4. If you would like help to fill out the feedback form, please contact one of our support team on 03 433 1661 or email planreview@waitaki.govt.nz

Your contact details: (please print clearly)

Full name: Sam and Arlene Marshall
Organisation (if applicable): C/- Joan Forret and Tim Fletcher, Harkness Henry Lawyers
Street address: Private Bag 3077, Hamilton, 3240 Town
Email: joan.forret@harkness.co.nz Phone: 07 222 2630
tim.fletcher@harkness.co.nz

We are asking the following questions to understand more about who we are hearing from - these questions are completely optional.

Age (optional) Under 18 18-24 25 - 49 50-64 65+

Ethnicity (optional)

Māori Pacific Island NZ European/Pakeha other

Do you

Live in Waitaki Live elsewhere in NZ Live overseas

Feedback on the Draft District Plan

Please provide your feedback on as many of the draft chapters that you would like to. If you run out of space, feel free to submit additional surveys or attachments.

Which Chapter are you commenting on?

Name of Chapter..... Natural Features and Landscapes.....

	Strongly support	Support	Neutral	Oppose	Strongly oppose
In general, to what extent do you support the contents of this chapter?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Is there a particular objective, policy or rule you would like to provide feedback on for this chapter?

Please use the space below to identify which provision you are providing feedback on. Please use a separate box for each provision. If you run out of space, please use the 'General Feedback' section at the end of the feedback form or attach more pages - but please remember to let us know which chapter AND provision you are commenting on.

Objective/Policy/Rule/Standard ref: NFL-R14.....

Comments:

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Objective/Policy/Rule/Standard ref: SCHED7 - ONF049 Puketapu.....

Comments:

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General feedback

Please find our submission attached to this form.

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 Need more room? You can add extra pages if there is not enough space on this form.

31 August 2022

Email: planreview@waitaki.govt.nz

Draft District Plan Feedback
Waitaki District Council
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Oamaru 9444

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Submission on the Draft Waitaki District Plan - Sam and Arlene Marshall

Background

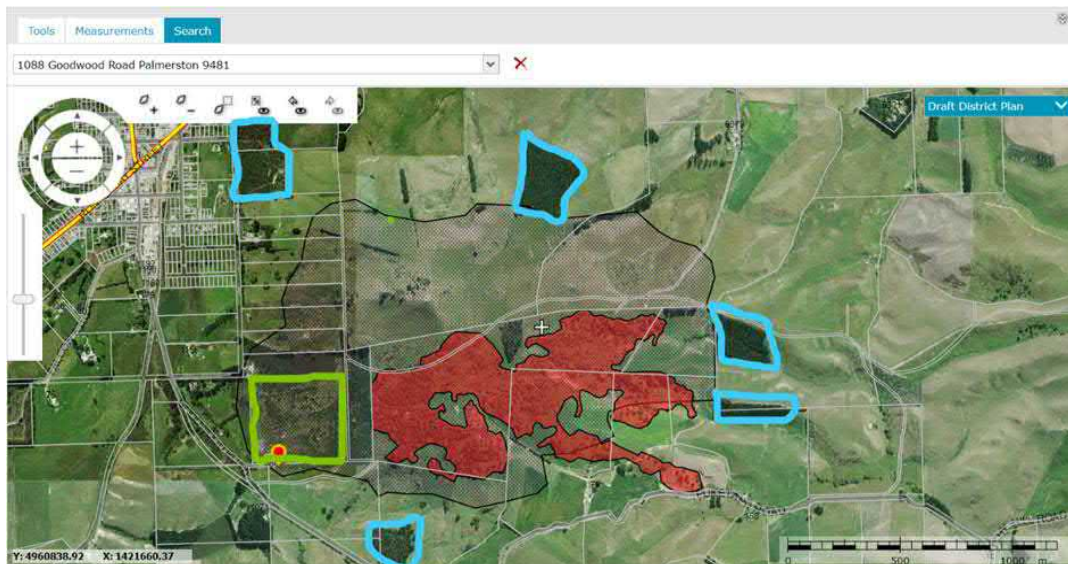
1. This submission is made on behalf of Sam and Arlene Marshall (**Marshalls**) in relation to the proposed Outstanding Natural Feature ONF049 overlay (**ONF**) applied to their property in Palmerston. The Marshalls are the landowners of the property legally described as: Part Section 2 Sec 61 Block IV Moeraki SD, Title: OT331/149 of 16.7 hectares (**Property**). Note in terms of location, the Property has no street address. It is accessed off Smitherams Road and is adjacent to the residential house with the address of 1088 Goodwood Road, Palmerston.
2. The Property has a history of forestry activities being a production forestry block since the early 1990s. The Property continues to be used for production forestry and was last harvested and replanted in pines by the previous owner approximately 7 years ago.
3. Note that the 5.09 Hectare Waitaki District Council owned forestry block above and adjoining the Property is often confused as being part of the Marshalls Property. It is a separate title (Section 77 Block IV Moeraki SD). The Council owned property also has a significant history (and continues currently to be used) as a production forest and was legally gazetted as a Local Purpose Reserve (Plantation) in the New Zealand Gazette 1979.
4. The Property is zoned General Rural in the Operative District Plan and is proposed to be Rural - General under the Draft Waitaki District Plan (**Draft Plan**).

Outstanding Natural Feature Overlay

5. The Marshalls **oppose** the proposed ONF placed on the Property in the Draft Plan.
6. The Operative District Plan includes a Significant Natural Feature notation on an upper portion of the Property. However, the Draft Plan has proposed a highly restrictive ONF classification to effectively all of the Property. The ONF rules proposed in the Draft Plan are significantly more restrictive than the Significant Natural Feature (SNF) rules in the Operative District Plan.

7. The Marshalls are concerned about the extent of the ONF on the Property. Almost the entirety of the Property is identified as an ONF in the Draft Plan in comparison to the SNF that applied to approximately a third of the Property in the Operative Plan. Further, the restrictive rule framework for the ONF as proposed will not allow for the reasonable use and management of natural and physical resources on the Property.
8. The Marshalls oppose the ONF identified on the Property in the Draft Plan because:
 - (a) the ONF rules apply a Prohibited Activity status to various activities in the ONF including the current forestry use of the Property;
 - (b) a Prohibited Activity status is the most restrictive activity status possible under the Resource Management Act. It is unnecessary and unreasonable to prohibit existing, lawful production forestry activities;
 - (c) the ONF overlay will restrict the reasonable and sustainable use of the Property for forestry and/or general agricultural purposes;
 - (d) the Property is already highly modified and for example, has tracks and harvest residue from previous forestry operations;
 - (e) in addition to being nearly all planted in Pinus Radiata (except for an area of buildings and grazing) the Property has significant weed (gorse) regrowth This is not noted in the Landscape Assessment that identified the site as Outstanding. There is no significant native vegetation on the Property;
 - (f) the new ONF overlay boundary identified for Puketapu runs approximately around the 100m height contour everywhere around the feature except around the Property where it comes down below the 40m contour. There is no explanation in the landscape assessment for why the ONF comes so much lower down the slopes of Puketapu on the Property, which is less visible from any public viewing space than most other land surrounding the feature;
 - (g) the natural character assessment for Puketapu notes that most of slopes have a Medium Low evaluation due to the degree of human interference from forestry and farming. That assessment describes the Property and does not explain why it has been included as the lowest point of the ONF overlay around Puketapu;
 - (h) the ONF overlay excludes the other forestry land that is more visible (for example from State Highway 1 and the Palmerston Township) and is higher up the slopes on Puketapu than on the Property (see diagram below);





Screenshot From Waitaki District Council District Plan Maps Showing Proposed ONF049 Boundary (Black Outline) Drawn to Exclude Existing Forestry on Puketapu (Blue) Except for the Subject Property (Green)

- (i) the inconsistency of:
 - (i) a Restricted Discretionary status for buildings in the ONF; and
 - (ii) Prohibited status for harvesting existing plantation forestry and/or developing new plantation forestry. Arguably, forestry is not going to be any taller than buildings that could be built with restricted discretionary consent;
 - (j) Existing forestry must be able to be maintained; harvested when mature and the option for replanting as forestry should be a permitted activity; and
 - (k) Forestry is already a feature recognised in the landscape assessment for Puketapu. The forestry has not detracted from the classification of the feature as 'outstanding'. Continuing the ability to harvest and replant plantation forestry must be consistent with the expectations for protecting that landscape and is also consistent with the underlying rural zoning.
9. The inconsistency between landscape recommendations relating to Puketapu in work commissioned by Waitaki District Council. For example:
- (a) The G. Densem Landscape Report (2004) for the Operative District Plan did not identify any ONFs for the Palmerston area and recommended Puketapu be classed as an SNF **above the 200m contour** only (emphasis added);
 - (b) The contradictions between the A. Steven Landscape Report (2020) and the G. Densem Landscape Report (2020) relating to how an ONF on Puketapu should be applied. The significant difference in approaches in boundary demarcation have had a major impact on the Marshalls' property in terms of how proposed ONF049 has been drawn;
 - (c) In the latest round of Council landscape assessments, Densem kept the ONF overlay off the Property but included other forestry blocks around Puketapu. Steven has taken the ONF above those other properties, which are much more prominent on Puketapu, but for some unexplained reason has moved the ONF down the slope to include all of the Marshall forestry block.
10. The Marshalls have independent landscape advice that also notes the inconsistency of the overlay mapping on the Property and particularly, the inclusion of forestry land which is excluded elsewhere. The advice also notes the Property's location on the

south/west slopes of Puketapu where the rural character on these lower slopes is inconsistent.

Relief sought

11. In relation to the proposed provisions in the Draft Plan, the Marshalls request that:
- (a) the ONF as proposed in the Draft Plan is redrawn and removed from the Property in its entirety, as per the approach taken in the Draft Plan for the other forestry land located on Puketapu;
 - (b) the General Rural zoning is retained on the Property; and
 - (c) the Prohibited activity status is removed from plantation forestry within either an ONF or a SNF, allowing existing forestry to be harvested when mature and replanted as a permitted activity (NFL-R14).

Harkness Henry
SPECIALIST LAWYERS



TIM FLETCHER
Solicitor



JOAN FORRET
Partner