

PROPOSED ASHBURTON DISTRICT PLAN

Section 3: Rural Zone
Geoconservation Sites

Report No 24

Prepared by

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For

Ashburton District Council

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1.0 INTRODUCTION

- 1.1 This report has been commissioned by the Ashburton District Council (ADC) in accordance with Section 42A of the Resource Management Act 1991 (RMA). It considers all submissions received on certain parts of Section 3: Rural of the Proposed District Plan and makes recommendations on those submissions.
- 1.2 This report only includes consideration of any submission points that seek changes to rules and standards that manage Geoconservation sites, as listed below:
- 3.1 Introduction and 3.2 Issues, where the submission points generally relate to geoconservation.
 - Objective 3.3 and Policies 3.3C and D.
 - Objective 3.5 and Policies 3.5A and 3.5C.
 - Anticipated Environmental Results and Methods of Implementation, where the submission points generally relate to geoconservation.
 - 3.9 Site Standards and associated reasons for rules: 3.9.12 Earthworks
 - Appendix 3.3: Geoconservation Sites
 - Planning maps
- 1.3 The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. The purpose of this report is to bring to the attention of the Hearings Panel the relevant information and issues regarding this section of the proposed District Plan. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusion following consideration of all the evidence to be presented at the hearing. It should also be noted that subsequent reports prepared on other topics may include recommendations that differ due to additional information becoming available during the course of hearings.
- 1.4 This report has been prepared by Claire Kelly. Please refer to the Section 42A Preface Report for more information on the report author, along with background to the development of the Proposed District Plan.

2.0 HOW TO READ THIS REPORT

- 2.1 This report is structured as follows:
- Background to the plan section
 - Analysis of submissions, including recommendations and reasons
 - Statutory considerations
- 2.2 Appendices attached to this report include:

- **Appendix One:** Summary of Recommendations on Submissions and Further Submissions
- **Appendix Two:** District Plan Amendments
- **Appendix Three:** Report by Riddolls Consultants Ltd

3.0 BACKGROUND

3.1 This report relates to parts of Section 3: Rural Zones of the proposed District Plan, in as far as they relate to Geoconservation Sites. These aspects of the Plan seek to identify and conserve sites deemed to have particular local, national and international geoconservation value. In part, my recommendations rely on technical advice from Riddolls Consultants Ltd (report contained in Appendix 3), particularly where the submissions relate to the removal of sites from the Plan as well their report that was included in the section 32 documentation.

4.0 ANALYSIS OF SUBMISSIONS

- 4.1 A range of submissions and further submissions were received on this part of Section 3 of the proposed District Plan. Consideration of these submissions has been undertaken by topic or issue with submitters grouped as appropriate. The following analysis focuses on those parts of the submissions that seek specific outcomes and does not discuss any parts of submissions that comment on aspects of the Plan in passing or provide general discussion. My analysis of submissions below is generally in relation to broad issues or topics raised, with some specific relief sought being mentioned where necessary. Based on this analysis, included in Appendix One to this report are my specific recommendations on each submission point (accept, accept in part, or reject).
- 4.2 Some of the provisions that manage geoconservation values did not attract submissions and therefore these aspects of the proposed District Plan have not been discussed below, and I recommend that they be accepted as notified.

Section 3: General Issues

- 4.3 The submission from John Robert Waugh¹ supports the provisions in the proposed Plan and seeks that they be retained. This support is acknowledged, although it is noted that recommendations on other submissions may lead to changes to these provisions.
- 4.4 The submissions from Castleridge Station and DC and FR Ensor² contain a point which expresses an interest in geoconservation site issues but does not request any specific relief. This interest is noted.
- 4.5 Two submissions include comments in relation to the coastal donga features and seek that these be recognised. The submission from David Thomas Howden³ seeks

¹ Submission 18, point 3

² Submission 331, point 2, and Submission 479, point 1.

that at least one donga be selected for research and enhancement. At present the proposed Plan identifies three dongas to which rules would apply, providing some level of protection. The District Plan however is not able to direct research to be undertaken, this would need to be achieved through other Council processes or be led by another organisation. I also find it difficult to envisage how a geological feature could be enhanced.

- 4.6 The submission from Forest and Bird⁴ seeks that the importance of coastal dongas be recognised in detailing the geological sequence of the Canterbury Plains: this comment is in the context of the introduction to the section. The introduction is deliberately general and I do not consider that there is any need to alter it to provide such a level of specificity. However, I do note that the coastal dongas are listed in the Plan and standards that manage activities such as earthworks and the planting of trees apply to these sites.
- 4.7 Therefore, I recommend that these submissions be accepted in part, given that the Plan recognises the importance of the dongas by listing in the Plan and making activities within them subject to specific standards.

Section 3.4: Objectives and Policies

- 4.8 Policy 3.3C states:

Use the following criteria to identify areas with geoconservation values:

- *Geological significance: the importance of the feature to the understanding of the geology or evolution of life forms in New Zealand or the Earth*
- *Rarity: the rarity of the site type and feature*
- *Scientific Potential: the extent to which potential is there to expand information and understanding of site geology of NZ and history of its biota through scientific techniques*
- *Representativeness: extent to which a landform or exposure is a good example of the type of feature*
- *Diversity within feature: number of different geological features or components present*
- *Visual contribution to landscape: the visual impact or contribution of the landform or feature in the wider landscape*
- *Intactness: the extent to which the intrinsic attributes of the feature have been damaged by nature or humans*

³ Submission 326, point 3.

⁴ Submission 640, point 9.

- *Education and Interpretation value: the potential to interpret the feature and enhance understanding and appreciation of its formation*
- *Historical and Community association: the extent to which a feature has historical connotations or is known or valued by the community.*

4.9 Three submissions were received in relation to Policy 3.3C from the Department of Conservation, Federated Farmers and Castleridge Station⁵. The Department of Conservation submission simply supports the policy and the criteria it contains. This support is acknowledged.

4.10 The submission points from Federated Farmers include a number of comments:

- Delete bullet points 4, 5, 6, 8 and 9⁶.
- Reference Geopreservation Sites 17 and 24 as 'mundane', rather than 'outstanding'⁷.
- A number of criteria under Policy 3.3C are questionable for the entire Hakatere-Lake Heron Basin geoconservation area (site 24).⁸

4.11 The submission does not explain why it seeks the removal of the bullet points or the referencing as 'mundane'. While there are no specific 'tests' under the RMA that relate to geoconservation sites, they do have relevance in the Ashburton context in terms of both natural character values and also as elements of outstanding natural landscapes (matters under s.6 (a) and (b) respectively). This is made clearer by way of explanation and proposed amendments to the policy framework as sought by the Council's own submission on the proposed Plan (ref Submission 639, Points 109 to 116). Geoconservation sites are tested against criteria developed by technical experts, in this instance Riddolls Consultants. It would not be appropriate to remove criteria (bullet points) from policy 3.3C as the policy would then not reflect the consideration given by the experts. Furthermore, geoconservation sites are given an overall score, therefore they do not need to meet or score highly under every criterion but must achieve over a threshold to be listed in the Plan.

4.12 Although some may constitute distinctive elements of an outstanding natural landscape, the proposed Plan does not refer to geoconservation sites as being "outstanding", only that they meet the criteria to be listed in the Plan. Indeed the two sites referred to, G17 (Mt Somers) and G24 (Hakatere-Lake Heron basin), scored highly across all criterion. However, the submitter may have read the word 'outstanding' in Appendix 3-3 where the description of Hakatere-Lake Heron Basin refers to '...an outstanding variety of geological features previously described as an outstanding natural landscape in the District Plan'. The word 'outstanding' could be

⁵ Submission 553, points 14 and 43, Submission 638, point 12 (supported by further submission F75 from Forest and Bird), and Submission 331, point 7.

⁶ Submission 553, point 14

⁷ Submission 553, point 14

⁸ Submission 553, point 43

replaced with ‘exceptional’ in that context but it would have essentially the same meaning. I do agree however, that the second half of the sentence is potentially confusing and the words ‘previously described as an outstanding natural landscape in the District Plan’ should be removed. Therefore as no quantifiable reference is made to the ranking of the sites, I consider the inclusion of the word ‘mundane’ is unnecessary and possibly misleading. It would be unlikely that a site listed in the Plan would be mundane as the intention of the criteria is to conserve sites that are unusual, rare or highly legible. I therefore recommend that this submission point be accepted in part.

- 4.13 The submission also raises concerns over the application of criteria to the entire Hakatere-Lake Heron Basin geoconservation site; in particular what activities would diminish the feature, whether there are other rules that apply to these activities and the costs and benefits of consents. Despite the large scale of the Hakatere-Lake Heron basin geoconservation site, many activities could impact on the geological feature itself e.g. large scale earthworks, or on the legibility of the site i.e. forestry. I do acknowledge that for many activities including earthworks in the Rural C zone, consent is already required for earthworks that exceed 50m² or 50m³ irrespective of whether the activity is within a geoconservation site or not. However the General Rural report recommended that the permitted volume/area of earthworks in the Rural C Zone be increased to 100m³/100m² but that the volume/area of earthworks permitted in a geoconservation site remains at 50m³/50m² and that apply to any geoconservation site, in any rural zone. This volume/area was discussed and agreed with Riddolls Consultants in preparing the proposed Plan, and it was considered that it provides for minor works without undermining the values of any geoconservation site. However, any greater volume or area should be assessed through the consent process, and I agree with this approach. Therefore for the reasoning set out above, I recommend that this submission point be rejected.
- 4.14 The submission from Castleridge Station simply states “*A blanket site is not appropriate and the Council should make the site boundaries specific to the features being protected not the entire area*”. It is not entirely clear how this relates to the policy which sets out the criteria to be used to determine sites. The sites are intended to have clear boundaries that define the area that contain the values identified under the criteria in Policy 3.3C. In this instance, the entire Hakatere-Lake Heron basin is identified as an important geoconservation site due to the features contained within it i.e. moraines as identified by the Riddolls in their report contained in Appendix 3-3.
- 4.15 Policy 3.3D states:
- In considering:-*
- *whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3C;*
 - *whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and*

- *resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values,*

The Council shall have regard to:

- *the economic effects on the landholder;*
- *the resources required to implement protection;*
- *the compatibility of the existing land use with the values identified;*
- *the degree of modification of the site;*
- *the restoration potential of the site;*
- *the long term ecological viability of the site;*
- *the range of alternative protection mechanisms available and their relative costs and benefits;*
- *in the case of resource consent applications, the relevant assessment matters*

- 4.16 Three submissions were received in relation to policy 3.3D, from Federated Farmers⁹, the Department of Conservation¹⁰, and Forest and Bird¹¹.
- 4.17 The Federated Farmers submission seeks to delete the bullet point “*the long term ecological viability of the site*” because it is not a geological form or function. This policy sets out the matters that Council will have regard to when: considering whether to list sites in the plan, apply rules to those sites, or processing resource consents. These considerations are not just about geological form or function but are about wider issues to consider when determining how to manage sites identified under the criteria set out in Policy 3.3C. I consider it would be inappropriate to remove this bullet point entirely as, given that policy context, it is appropriate to consider viability. By this, I mean whether there are factors such as natural erosion processes or landslips that may affect or have affected the long term viability of the site or its integrity. I therefore recommend that this bullet point be changed to refer to “geological” viability.
- 4.18 The submissions from the Department of Conservation (DOC) and Forest and Bird are very similar. They both suggest the addition of some new bullet points and the deletion of some of the existing points. DOC seems to think this policy is about the identification of outstanding natural features and landscapes under section 6(b) of the Act. However, this policy is not directly about 6(b) sites as these are separately identified in the Plan. As noted earlier, changes sought to the policy framework,

⁹ Submission 553, point 15

¹⁰ Submission 638, point 13

¹¹ Submission 640, point 27.

through the Council's own submission, seek to make the rationale for geoconservation controls much clearer. Geoconservation is also about general natural character issues which are wider considerations under the Act. In relation to the specific amendments suggested;

- I agree that it would be appropriate to add a bullet point addressing threats or risks.
- I agree that it would be appropriate to add a bullet point addressing potential benefits.
- I agree that it would be appropriate to delete the bullet point addressing restoration potential, as that is not relevant to the consideration of geoconservation sites.
- I disagree with deleting the bullet points that address compatibility and degree of modification, as these are relevant considerations when looking at applying rules and considering resource consent applications. For example, whilst a geoconservation site may meet the criteria under Policy 3.3C, if it has existing use rights to be quarried then the ability to protect the site may have been lost. It also provides for situations where a site has been listed in the Plan but subsequent modification either by humans or natural processes has affected its value, and this can be considered at the time of resource consent.
- I disagree with deleting the bullet point on ecological viability, but as discussed above, believe the bullet point should refer to 'geological' viability as this is a relevant consideration.

4.19 With regard to the wording at the beginning of the policy, I disagree with removing the bullet point that provides for consideration of whether or not to apply rules in the District Plan to 'avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C'. The policy sets the framework for the application of rules and standards in the Plan and provides guidance and reassurance to plan users of the matters that Council has considered. Furthermore, I do not agree that the bullet point that reads 'resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values.....' should be deleted. In my opinion, the Plan should clearly state the matters that Council may consider at the time of considering effects of activities on geoconservation value as this also provides guidance to applicants in preparing applications.

4.20 However, in my opinion, the last bullet point that reads that the Council shall have regard to 'in the case of resource consent applications, the relevant assessment matters', should be deleted as it is unnecessary.

4.21 Consequently, I recommend the Policy 3.3D be amended as follows:

In considering:

- *whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3C;*

- *whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and*
- *resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values,*

The Council shall have regard to:

- *the economic effects on the landholder;*
- *the threats or risks to the identified values;*
- *the resources required to implement protection;*
- *the potential benefits of including the site in the Plan;*
- *the compatibility of the existing land use with the values identified;*
- *the degree of modification of the site;*
- ~~*the restoration potential of the site;*~~
- *the long term ~~ecological~~ geological viability of the site;*
- *the range of alternative protection mechanisms available and their relative costs and benefits;*
- ~~*in the case of resource consent applications, the relevant assessment matters*~~

4.22 Objective 3.5 states:

Provide for and manage the effects of extractive activities, including earthworks whilst protecting the amenity values of the rural environment and rural resources.

Policy 3.5A states:

Control the potential effects of mineral extraction, including mineral prospecting, in order to ensure that the operations avoid, remedy or mitigate any adverse effects on the amenity values and environment of rural areas and on Takata Whenua values.

Policy 3.5C states:

Control earthworks within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant nature conservation value

4.23 This objective and its subsequent policies have been discussed in the General Rural Report but as many of the submissions on these provisions relate to geoconservation, part of that the discussion is reiterated in this report for completeness.

4.24 Forest and Bird¹² seek to include specific mention of areas such as Outstanding Natural Landscapes, Geoconservation Sites and Areas of Significant Conservation Value in Objective 3.5 and Policy 3.5A. Policy 3.5A refers to mineral extraction whereas Policy 3.5C makes reference to the protection of such areas but in doing so

¹² Submission 640, points 30 and 31

refers to the control of ‘earthworks’. Arguably this could capture extractive activities, but in my view this could be made more explicit and reflect the controls proposed for that activity, which essentially require discretionary activity consent in the rural zones, beyond mineral prospecting. I suggest Policy 3.5C could be amended as below.

- 4.25 Federated Farmers¹³ oppose the inclusion of landscapes and the blanket use of geoconservation sites in Policy 3.5C but do not provide any reasons. This is opposed by Department of Conservation¹⁴. TrustPower¹⁵ oppose Policy 3.5C and seek that it refers to the Rural Zone only and does not seek to protect specific areas such as geoconservation sites.
- 4.26 With regard to removing reference to specific areas, I do not consider this to be appropriate. The Council has an obligation under s6 to ‘protect’ outstanding natural landscapes, of which geoconservation sites and biodiversity are important elements, as discussed earlier in this report. Therefore specific consideration should be given to these matters because as DOC rightly points out, there is the potential for their values to be compromised by extractive activities.

Policy 3.5C

Control earthworks including mineral extraction within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant nature conservation value.

Section 3.9: Rules

- 4.27 The submission from Federated Farmers¹⁶ states that “*The Council needs to demonstrate that any activity would destroy large-scale geoconservation features such as Sites 17, 24 and 36 and therefore a need for rules*”. These sites are the Mount Somers Landform, the Hakatere – Lake Heron Basin, and the Range Front respectively, being the larger identified geoconservation sites.
- 4.28 I do not consider it to be necessary to demonstrate that these large scale features would be destroyed by activities as suggested by the submitter. The rules referred to control a range of activities that have the potential to adversely affect the identified values of geoconservation sites e.g. fill, deposition, most earthworks and to a lesser extent buildings in the Rural C Zone. It is that potential that supports the inclusion of rules, none of which prevent any activity, but do require assessment through the resource consent process. As discussed above in paragraph 4.11, these sites scored highly across the criteria developed by Riddolls Consultants, geological experts, who have rigorously applied criteria to the sites listed in the Plan under Appendix 3-3. Therefore I question the submitter’s comment that such sites have not been agreed, as this is the purpose of assessing them and recording them in the proposed Plan.

¹³ Submission 553, point 49

¹⁴ Further Submission F12

¹⁵ Submission 598, point 16

¹⁶ Submission 553, point 130.

This has given landholders and property owners the opportunity to question the inclusion of sites, as some have chosen to do.

- 4.29 However, in my opinion, it is important to have rules to trigger consideration of activities and the potential effects that they could have on the values of geoconservation sites. There are activities that could have a significant impact on these sites, despite their scale, and these should be avoided where possible, for example the planting of trees or large-scale earthworks.
- 4.30 The submission from Federated Farmers¹⁷ seeks to amend the provisions of site standard 3.9.12 c) as they relate to the Heron Basin site and the use of the term “site” in the Plan. The provisions in this rule set a restriction on the quantity / area of permitted earthworks. Site Standard 3.9.12 c) states:
- c) Earthworks (the sum of the cut volume plus fill volume on a site during any 12 month period) in any part of the Rural B zone identified as a geoconservation site shall not exceed 50m³ (volume) or 50m² (area) in any one hectare in any continuous period of 5 years, other than the repair and maintenance of operational tracks; and*
- 4.31 As currently stated in the proposed Plan, Part c) of the rule relates only to geoconservation sites in the Rural B zone. The Hakatere-Lake Heron Basin site is in the Rural C zone and so not covered by that part of the rule. The Rural C zone has a general restriction to “50m³ (volume) or 50m² (area) in any one hectare in any continuous period of 5 years” throughout the zone irrespective of whether it is in a geoconservation site or not, through part a) of the rule.
- 4.32 However, as noted earlier, the General Rural report recommended that the permitted volume/area of earthworks in the Rural C Zone be increased to 100m³/100m² and the standard be reworded such that exceptions were listed below the standards that apply to the Rural A, B and C Zones generally. As such, the report recommended that the volume of earthworks permitted in a geoconservation site remain at 50m³/50m² and that apply to any geoconservation site, in any rural zone. This volume/area was discussed and agreed with Riddolls Consultants in preparing the proposed Plan, and it was considered that it provides for minor works without undermining the values of any geoconservation site. However, any greater volume or area should be assessed through the consent process, and I agree with this approach. Federated Famers consider that this is a constraint on productive activities but I question this, given the small number of geoconservation sites in the Rural B Zone. I would also note at this point that the definition of earthworks excludes activities such as ploughing and the digging of post holes, for example.
- 4.33 However, I can appreciate that the Heron basin site is significantly larger than many other geoconservation sites, but I do not consider it appropriate to change the rule, from that proposed in the General: Rural report, as it is a trigger for consideration of potential adverse effects on a geoconservation site. Earthworks and quarrying, in particular, have the potential to destroy the integrity and values of a geoconservation

¹⁷ Submission 553, point 98.

site and therefore such activities should be carefully managed. However, I agree with Riddolls Consultants (report in Appendix 3) that some earthworks and quarrying can occur within these sites subject to control and careful management i.e. by way of consent. I would also note that requiring consent under the standard does not mean that consent would not be granted, but that effects can be appropriately considered and conditions applied to manage potential effects. Whilst requiring consent means a cost to the community, this needs to be balanced against the conservation of geological values and features, which in Ashburton are an important element contributing to identified outstanding natural landscapes and to natural character values. I consider this to be appropriate given the sensitivity of geoconservation sites to significant modification and their contribution to the values I have described.

- 4.34 The issue of the definition of “site” was addressed in the Definitions report (Hearings Report 7) which included the following discussion:

The submission from Federated Farmers refers to this definition in two places. In relation to the earthworks rule in the Rural Zone chapter, the submission opposes the “use of the term site as defined in this plan” but does not identify any particular concerns. Later in the submission however, more detail is given about the desire to move the definition of “site” away from legal titles as “geoconservation site” is not defined and can range in size. I understand the submitters concern as clause 3.9.12 c) is not clear in this regard.

I do not consider it is necessary to define “geoconservation site” as these are clearly identified in the table in Appendix 3-3 to the Rural Zone chapter, and also identified spatially on the Planning Maps. Likewise I do not consider it necessary to amend the definition of “site” as requested as it does not rely solely on delineation by legal boundaries (as this was amended in the proposed version of the definition). However I do consider it is necessary to remove ambiguity in the rule by amending the wording to relate specifically to earthworks within the geoconservation site (whatever its size or shape) rather than within wider site areas. This matter will be covered further in the report on the Rural Zone chapter.

- 4.35 Having looked further at clause c) it is quite clear to me that it applies to earthworks in the geoconservation site not in any property affected by that site. However for the purposes of clarity, I recommend that the standard be amended to read ‘identified as a geoconservation site in Appendix 3-3 and as shown on the Planning Maps’

3.9.1213 Earthworks (inclusive of changes recommended in the Rural: General Report)

a) Earthworks (the sum of the cut volume plus fill volume on a site during any 12 month period) in the Rural C zone shall not exceed ~~50~~100m³ (volume) or ~~50~~100m² (area) in any one hectare in any continuous period of 5 years other than the repair and maintenance of operational tracks (except within the Mt Hutt ski-field area); This clause shall not apply to the Mt Hutt ski-field area; ~~and~~

b) Earthworks in the Rural A and B zones (excluding dig and fill for drainage works), earthworks shall not exceed a maximum volume of 5000m³ over an area no greater than 2000m² on any one site per annum.

Except that:

- ~~b) Earthworks shall not be located on slopes with an angle greater than 20° (measured as an average slope angle over any 100m length slope), other than the repair and maintenance of operational tracks (except within the Mt Hutt ski-field area); This clause shall not apply to the Mt Hutt ski-field area; and~~
- e) Earthworks (the sum of the cut volume plus fill volume on a site during any 12 month period) in any part of the Rural B zone identified as a geoconservation site in Appendix 3-3 and as shown on the Planning Maps, shall not exceed 50m³ (volume) or 50m² (area) in any one hectare in any continuous period of 5 years, other than the repair and maintenance of operational tracks; and

Appendix 3-3: Geoconservation Sites

- 4.36 A range of submissions were received in relation to Appendix 3-3 which sets out the list of Geoconservation Sites identified on the Planning Maps.
- 4.37 David Thomas Howden¹⁸ seeks that the Council accept all proposed new sites to be added to the existing list and delete those not in Ashburton 'County'. I acknowledge the support of the submitter for the proposed new sites but am not aware of the inclusion of sites outside of the District.
- 4.38 The submission from Federated Farmers¹⁹ identifies that the map references in the appendix are now out of date. However, I note that the list of Geoconservation Sites in Appendix 3-3 does not have a map reference column and I recommend that for ease of reference that a new column be inserted titled "Map reference" that contains a link to each appropriate planning map (as is done for other appendices e.g. utilities).
- 4.39 The submission from TrustPower²⁰ seeks an amendment to the lines identifying the Rakaia River Braids geoconservation site where this overlaps with the area mapped as the Highbank Power Station scheduled activity area. I agree that it is unnecessary to have such overlap and that the Geoconservation site should not cover the scheduled area. The schedule identifies an area for specific activities that has been historically altered and is not representative of the values of the wider site. While I recommend that such a change occur, this will be picked up in a later hearings report dealing with mapping issues.
- 4.40 The submission from Barrosa Station²¹ seeks to remove the Station's land from proposed geoconservation site 24. The submission states "*Remove that part of Barrosa Station included in the site from Geopreservation Site 24 from the proposed site because the identified features in the Section 32 photomaps of the site are not on Barrosa Station*".

¹⁸ Submission 326, point 1

¹⁹ Submission 553, point 128 (opposed by further submission F75 from Forest and Bird).

²⁰ Submission 598, point 75 (opposed by further submission F75 from Forest and Bird).

²¹ Submission 631, point 2 (opposed by further submission F75 from Forest and Bird).

- 4.41 It is unclear what photomaps are being referred to by the submitter but it is assumed that it is Figure 6 and/or Figure 7 in the Riddolls Consultants report included in the Section 32 documentation. These figures are simply indicative of the nature of the site/area and are not intended to show the whole of the area. They are not definitive of the area and the delineation of the site overall has been undertaken by experts against the criteria.
- 4.42 I am guided in my opinion on this matter by the expert advice from Riddolls Consultants (appended to this report as Appendix 3). The Riddolls report is very clear that Site 24 (Hakaterere-Lake Heron Basin) is an important geoconservation site that contains excellent glacial deposition features but that is also vulnerable to unsympathetic development, which could destroy or obscure some geologic features. The overall boundary of the site was drawn on geological criteria from mapping by GNS Science and generally followed the boundary between Quaternary deposits and older rocks, to ensure the inclusion of all the important features.
- 4.43 However, by its nature a line on a map is arbitrary: it has to be drawn somewhere. Therefore, whilst the Riddolls would not support the wholesale exclusion of land such as Barrosa Station from Geoconservation Site 24, they are amenable to the idea that the boundaries of the site on Barrosa Station could be adjusted. This would require detailed field work to ensure that important features were not excluded.
- 4.44 Therefore, guided by this expert advice, I would suggest that without good reason for the boundaries to be modified, that the submission point be rejected. However, the Hearing Panel may be minded to direct Riddolls Consultants to undertake detailed fieldwork to modify the boundaries if the submitter provides compelling evidence at the hearing. I note at this point that Barrosa Station is likely to attend the Federated Farmers special hearing next year.
- 4.45 The email from Alan Bruce Totty²² seeks an amendment to the description for site 26, to alter the reference to 1860's to 1880's. I understand that this is an appropriate factual correction.
- 4.46 The submission from David Thomas Howden²³ seeks the mention of broom, gorse, wilding trees and unsympathetic planting in the mitigation of seven specified sites. The mitigation referred to by the submitter relates to a part of the technical report prepared by Riddolls Consultants (see section 32 documentation), which is not part of the District Plan. That technical report represents the results of their investigation and it is not necessary or appropriate to amend it as part of this hearing process. Appendix 3-3 contains a brief description of the geoconservation sites and their features. It is not intended to be extensive or to describe all possible risks or mitigation of risks. Whilst I agree with the submitter that there are risks to these sites from weed species, there is no need to add these risks to the descriptions for these particular sites as that would then call into question the need to expand the description for all sites.

²² Submission 294, point 2.

²³ Submission 326, point 2.

- 4.47 The submission from DC and FR Ensor²⁴ questions the inclusion of geopreservation site G29. The submitter contends that the site, which has been historically quarried, is more valued as a mineral resource than as a feature to be provided protection from development. Submissions were also received from Jason Palmer and David Alabaster²⁵ seeking that this listing be removed.
- 4.48 This site is a limestone feature located on a tributary to the Rakaia River and known as Redcliffs Gully. It is ranked in the Riddolls Consultants report as 20th in significance in the District, an important feature in relation to lithology and landform, and particularly important because of its rarity in the District.
- 4.49 The site has clearly been identified as having significance as a geomorphological feature and while it may represent a mineral resource, it also has value for other reasons. The report prepared by Riddolls Consultants (contained in Appendix 3) confirms that the site has important values, however it also suggests that the site can be quarried provided ‘allowance is made in extraction-planning to leave a representative amount of material at termination’.
- 4.50 I therefore recommend that Site 29, given its value as a geoconservation site, remain listed in the Plan but that negotiations occur between the Council and the submitter to ensure part of the site remains as a ‘representative example’. Alternatively, I understand that quarrying is currently being undertaken on the site but that there is no record of consent and existing use rights would likely only apply to the extent of the quarry as it exists at this time. I presume therefore that any extension to the quarry would require consent under the standards in the proposed Plan and as such a condition of consent could provide for the conservation of part of the site.
- 4.51 The submitter also questions why is this intensively developed area with modified covers, multiple tracks and fences deemed to have some value as a Geopreservation site when there are vast areas of unimproved tussock country within the Ashburton District?
- 4.52 There appears to be some confusion here between geoconservation sites and areas of significant nature conservation value. Geoconservation sites listed in the Plan have been identified for their geological values and areas of significant nature conservation values have been identified and listed in the Plan because they contain important indigenous biodiversity. This site (G29) has been identified by Riddolls Consultants as a geoconservation site for its uniqueness in the District and its legibility: it is an ‘in-faulted block of Tertiary age sediments, overlain by high level glacial moraine deposits which are faulted. The rocks infill a prominent notch in the front range fans along the south bank of the Rakaia’. Therefore it is unlikely that such a site would be found elsewhere in the District. Furthermore, changes in vegetation, tracks and fences have obviously not been deemed to have affected the geological values of the site.

²⁴ Submission 479, points 2 and 3 (opposed by further submission F75 from Forest and Bird).

²⁵ Submission 534, point 1 (opposed by further submission F75 from Forest and Bird), and submission 537, point 1 (opposed by further submission F75 from Forest and Bird).

5.0 STATUTORY CONSIDERATIONS

- 5.1 The relevant statutory considerations in relation to these submissions are whether the outcomes will be consistent with sections 31 and 32 of the Act, along with Part II of the Act. I consider that the recommendations above are both effective and efficient and will ensure that the methods contained in this section are the most appropriate method for achieving the objectives of the Plan. I consider that this section of the Plan is appropriate under Part II of the Act in achieving sustainable management within the Ashburton District.

6.0 RECOMMENDATIONS

- 6.1 Based on the discussion above, I consider that, subject to the recommended changes to text set out below, this section of the proposed District Plan should be accepted.

PROPOSED ASHBURTON DISTRICT PLAN – HEARINGS REPORT 24
SECTION 3: RURAL ZONES – GEOCONSERVATION SITES

APPENDIX ONE: SUMMARY OF RECOMMENDATIONS ON SUBMISSIONS

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S18	John Robert Waugh	3	Keep the provisions in the draft District Plan relating to the protection of geological and geomorphological features such as glacial moraines, kettle holes etc.	Accept in part Para 4.3
S294	Alan Bruce Totty	2	Amend the description of Site 26 in Appendix 3-3 Geoconservation Sites to read.... Exposure in the.....diamonds in the 1860's <u>1880's</u> .	Accept Para 4.45
S331	Castleridge Station Ltd	2	Expresses an interest in geoconservation sites and Rural Zone C.	Reject Para 4.4
S331	Castleridge Station Ltd	7	A blanket site is not appropriate and the Council should make the site boundaries specific to the features being protected not the entire area.	Reject Para 4.14
S326	David Thomas Howden	1	Accept all proposed new sites to be added to the existing list and delete those not in Ashburton County.	Accept in part Para 4.3
S326	David Thomas Howden	2	Mention broom, gorse, wilding trees and unsympathetic planting in the mitigation of the following sites: 3A12 P-W 3A8 R7 3A10 R-10 3A13	Reject Para 4.46
S326	David Thomas Howden	3	Select at least one donga site for research and enhancement.	Reject Para 4.5
S479	DC and FR Ensor	1	DC & FR Ensor would welcome the opportunity to participate in further consultation regarding the District Plan review, not only in respect of the topics identified but also other topics under review as they relate to DC & FR Ensor.	Reject Para 4.4
S479	DC and FR Ensor	2	As the owners of the land that includes the Geopreservation Site G29 we have serious issues with this land being included in any District Plan for any other reason than identifying the	Accept in part Para 4.47

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			limestone outcrop as an area that should be earmarked for future development. The economic value of this limestone far outweighs any perceived environmental values that it may have; it has been quarried extensively for a long period of time and is definitely not in an undisturbed state.	
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	2	Oppose	Accept in part
S479	DC and FR Ensor	3	Geoconservation Site 29 covers a huge area of our land. Why is this intensively developed area with modified covers, multiple tracks and fences deemed to have some value as a Geopreservation site when there are vast areas of unimproved tussock country within the Ashburton District?	Reject Para 4.51
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	3	Oppose	Accept in part
S534	Jason Palmer	1	To not include the existing limestone quarry and resource at Redcliffs Gully as an Geoconservation site and not designate the surrounding land in Redcliffs Gully as Geoconservation Area.	Accept in part Para 4.47
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	1	Oppose	Accept in part
S537	David Alabaster	1	To not include the existing limestone quarry and resource at Redcliffs Gully as an Geoconservation site and not designate the surrounding land in Redcliffs Gully as Geoconservation Area.	Accept in part Para 4.47
F75	Royal Forest and Bird Protection Society of New Zealand Inc.	1	Oppose	Accept in part
S553	Federated Farmers of New Zealand	14	Delete bullet points 4,5,6,8 and 9 of Policy 3.3C and reference Geopreservation Sites 17 and 24 as 'mundane', rather than 'outstanding'	Accept in part Para 4.11

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S553	Federated Farmers of New Zealand	15	Policy 3.3D to be amended as follows: Delete bullet point 'the long term ecological viability of the site' because it is not a geological form or function.	Accept in part Para 4.17
S553	Federated Farmers of New Zealand	43	A number of criteria under Policy 3.3C are questionable for the entire Hakatere-Lake Heron Basin geoconservation area (site 24). Questions that need to be asked include: What activity would be of a scale or intensity to diminish the geological features of the basin? Are there rules covering these activities? And make geoconservation an assessment matter for these activities. The cost: benefit of consents not otherwise required by the existing rules?	Reject Para 4.10
S553	Federated Farmers of New Zealand	49	Landscapes and blanket use of geopreservation sites should not be included under Policy 3.5C Extractive Activities.	Reject Para 4.25 Error! Reference source not found.
F12	<i>Department of Conservation</i>	49	<i>Oppose</i>	<i>Accept</i>
S553	Federated Farmers of New Zealand	98	Amend the provisions in 3.9.12 c), particularly the Heron Basin geoconservation site, and the use of the term “site” as defined in this Plan.	Accept in part Para 4.30
S553	Federated Farmers of New Zealand	128	All map references should be struck out, including s32, and replaced by the new Topo map series of maps and held or made available through the District Council.	Accept in part Para 4.38
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	128	<i>Oppose</i>	<i>Accept in part</i>

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S553	Federated Farmers of New Zealand	130	The Council needs to demonstrate that any activity would destroy large-scale geoconservation features such as Sites 17, 24 and 36 and therefore a need for rules.	Reject Para 4.27
S598	TrustPower Limited	75	Amend the lines marking the Rakaia River as an area of significant nature conservation value and as a geoconservation site on Planning Map R39 so that they accurately follow the bed of the Rakaia River and do not intersect the area mapped as the Highbank Power Station scheduled activity area.	Accept, but defer implementation to mapping report Para 4.39
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	75	<i>Oppose</i>	<i>Reject</i>
S631	Barrosa Station Limited	2	Remove Barrosa Station land from proposed Geopreservation site 24.	Reject Para 4.40
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	2	<i>Oppose</i>	<i>Accept</i>
S638	Department of Conservation	12	Retain the wording of Policy 3.3C in its current form.	Accept in part Para 4.8
F75	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>	12	<i>Support</i>	<i>Accept in part</i>
S638	Department of Conservation	13	Replace the relevant parts of Policy 3.3D with proposed part of Policy 3.2D outlined below: <u>The Council shall have regard to:</u> <ul style="list-style-type: none"> • <u>the economic effects on the landholder</u> • <u>the threats or risks to the identified values</u> • <u>the resources required to implement protection</u> • <u>the potential benefits of including the site in the Plan</u> • <u>the range of alternative protection mechanisms available and</u> 	Accept in part Para 4.18

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Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
			<p><u>their relative costs and benefits to ensure their values are recognised and protected</u></p> <ul style="list-style-type: none"> • <u>in the case of resource consent applications, the relevant assessment criteria.</u> 	
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	9	Recognise the importance of coastal dongsas in detailing geological sequence of the Canterbury Plains.	Accept in part Para 4.6
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	27	<p>Amend Policy 3.3D to read:</p> <p><u>In considering whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3B, the Council shall have regard to:</u></p> <ul style="list-style-type: none"> • <u>the economic effects on the landholder (if these are relevant in terms of section 7(b) RMA).</u> • <u>threats to the identified values</u> • <u>the resources required to implement protection</u> • <u>the potential benefits of including the site in the Plan</u> • <u>the appropriateness and range of alternative protection mechanisms available and their relative costs and benefits, to ensure their values are recognised and protected</u> • <u>in the case of resource consent applications, the relevant assessment criteria.</u> 	Accept in part Para 4.18
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	30	<p>Amend the wording of Objective 3.5 to read:</p> <p>Provide for and manage the effects of extraction activities, including earthworks, whilst protecting <u>Areas of Significant Conservation Value, Geoconservation Sites, Outstanding Natural Landscapes</u> and the amenity values of the rural environment and rural resources.</p>	Reject Para 4.24

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SECTION 3: RURAL ZONES – GEOCONSERVATION SITES

Submission Number	Submitter Name	Point Number	Decision Sought	Recommendation
S640	Royal Forest and Bird Protection Society of New Zealand Inc.	31	Amend Policy 3.5A to read: Control the potential effects of mineral extraction, including mineral prospecting, in order to ensure that the operations avoid, remedy or mitigate any adverse effects on <u>Outstanding Natural Landscapes, Areas of Significant Conservation Value and Geoconservation Sites</u> , amenity values and environment of rural areas and on Takata Whenua values.	Reject Para 4.24

APPENDIX TWO: DISTRICT PLAN AMENDMENTS

Section 3: Rural Zones

Amend Policy 3.3D as follows:

In considering:

- whether to list in the District Plan those areas identified as having geoconservation value under Policy 3.3C;
- whether to include rules in the District Plan to avoid, remedy or mitigate adverse effects on the values of those areas identified as having geoconservation value under Policy 3.3C, and
- resource consent applications where the Council has discretion to consider the effects of activities on geoconservation values,

The Council shall have regard to:

- the economic effects on the landholder;
- the threats or risks to the identified values;
- the resources required to implement protection;
- the potential benefits of including the site in the Plan;
- the compatibility of the existing land use with the values identified;
- the degree of modification of the site;
- ~~the restoration potential of the site;~~
- the long term ~~ecological~~ geological viability of the site;
- the range of alternative protection mechanisms available and their relative costs and benefits;
- ~~in the case of resource consent applications, the relevant assessment matters~~

Amend Policy 3.5C as follows:

Policy 3.5C

Control earthworks including mineral extraction within the District to ensure minimal adverse effects on amenity values and land stability, whilst protecting important geoconservation sites, landscapes, riparian areas and areas of significant nature conservation value.

Amend Site Standard 3.9.12 as follows:

3.9.1213 Earthworks

a) ~~Earthworks (the sum of the cut volume plus fill volume on a site during any 12 month period) in the Rural C zone shall not exceed 50100m³ (volume) or 50100m² (area) in any one hectare in any continuous period of 5 years other than the repair and maintenance of operational tracks (except within the Mt Hutt ski field area);~~ This clause shall not apply to the Mt Hutt ski-field area; ~~and~~

b) Earthworks in the Rural A and B zones (excluding dig and fill for drainage works), earthworks shall not exceed a maximum volume of 5000m³ over an area no greater than 2000m² on any one site per annum.

Except that:

- ~~b) Earthworks shall not be located on slopes with an angle greater than 20° (measured as an average slope angle over any 100m length slope), other than the repair and maintenance of operational tracks (except within the Mt Hutt ski-field area); This clause shall not apply to the Mt Hutt ski-field area; and~~
- ~~e) Earthworks (the sum of the cut volume plus fill volume on a site during any 12-month period) in any part of the Rural B zone identified as a geoconservation site shall not exceed 50m³ (volume) or 50m² (area) in any one hectare in any continuous period of 5 years, other than the repair and maintenance of operational tracks; and~~

d) Earthworks shall not occur:

- *no earthworks shall occur in the areas identified on the Planning Maps as being of significant nature conservation value, except that this shall not apply to the maintenance of existing tracks up to 6 metres in width in Areas 17 and 36 in the locations identified in Appendix 3-2, including but not limited to earthworks and the clearance of vegetation.*
- *no earthworks shall occur in, or within 20m of any naturally-occurring wetland; (Except as provided for under Zone Standard 3.10.7)*
- *no earthworks shall occur within 100m of any lake, or 20m of any river or stream.*

The Council shall restrict the exercise of its discretion in relation to these matters to their effect on natural character, nature conservation and landscape values; natural hazards, Takata Whenua values, and effects on public access, recreation and enjoyment of riparian margins, where appropriate.

Note: "Earthworks" does not apply to digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, or drilling bores.

Amend Appendix 3-3 as follows:

- Insert a new column entitled "Map reference" and include the appropriate planning map reference/s for each site in this column and set this up as an automatic link to the planning maps.

Site	Site Name	Location	Description	Map Reference
...				
24	Hakatere-Lake Heron Basin	Basin from Hakatere north to Lake Heron and south to Potts River.	This intermontane basin has an outstanding variety of geological features previously described as being an outstanding natural landscape in the District Plan. In particular....	<u>R34, R35, R36, R40 and R41</u>
..				

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26	Diamond Slip	Diamond Creek, Mt Alford, K36 853357	Exposure in the Surrey Hills Tuff which contains crystals of bipyramidal quartz, which were mistaken for diamonds in the 1860s 1880s.	<u>R37</u>
...				

APPENDIX THREE: REPORT BY RIDDOLLS CONSULTANTS LTD