

SCHEDULE OF AMENDMENTS

The amendments to the Selwyn District Plan are due to the following changes:

Name	Description
Weedons Substation	Alteration to Designation OR10
Minor Amendments	Various minor amendments included (Clause 16)

Please amend your District Plan by updating the following pages:

Rural Volume

Amendments from 24 April 2011 to 11 May 2011

Replace pages - Please recycle all pages removed

Part B3 People's Health, Safety and Values

Renumber point "(iii)" under Archaeological Sites to read "(b)" B3-021 – B3-022

Part C2 Tree Planting

Amend Footer to read "Tree Planting and Removal of Protected Trees" Entire Chapter

Part E2 Designations

Add additional information to OR10, Weedons Substation E2-029 – E2-030

Planning Maps

Replace and update Amended Map 13 (Weedons Substation OR10)

THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK

existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.

There are many sites and buildings with heritage values in the rural area. For example:

- Various styles of houses.
- Community buildings — schools, churches and halls which are often the last links or symbols of a once thriving town or settlement.
- Early farming or transport infrastructure: water races, bridges, roads, shelter belts; much of which is still used.
- A variety of exotic plants grown for shelter, amenity or to commemorate events.
- Industrial sites.

Heritage sites or buildings do not have to be old to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium.

Many of the District's heritage sites and buildings are located in the rural area. Land uses in the rural area, particularly beyond the Inner Plains (see Planning Maps) have not changed as quickly as in townships. When new buildings and structures are needed in rural areas, there is often sufficient space to put them alongside old ones, rather than demolishing and replacing old ones.

Damage to Sites with Heritage or Cultural Values

Sites and buildings with heritage or cultural values may be lost or damaged by natural forces such as fire, earthquake, weather or diseases in plants. Human and animal activities can also affect sites and buildings. Examples include earthworks, additions, alterations or modification to buildings or parts of buildings which are not in keeping with the original style, removing buildings, ruins or trees or disturbing wāhi taonga and wāhi tapu sites.

Old buildings and structures can also become derelict, particularly when they are no longer used or maintained. Many of the heritage buildings in the rural area are lost because they become derelict rather than being intentionally destroyed.

Protecting Heritage and Cultural Values

As well as the specific duties under section 6 of the Act, maintaining sites and buildings with heritage values in Selwyn District can:

- Help teach people about their past;
- Foster people's sense of identity and community;
- Provide economic opportunities in heritage, tourism, recreation, restoration and marketing; and
- Recognise and provide for the protection of heritage and cultural sites.

Protecting sites and structures with heritage and cultural values involves costs:

- Many sites and structures are privately owned or on private land. Protecting them may sometimes prevent the landholder from using the site or structure for other purposes, although adapting heritage buildings for new uses is common.
- Heritage buildings and structures need to be maintained to ensure their retention.

- Using heritage buildings can be costly as when the use of any building changes, the building must be upgraded as is reasonably practicable to the same level as for a new building to comply with the New Zealand Building Code.

Any measures in the District Plan to protect the heritage and cultural values of sites must:

- Recognise the costs to landholders if they cannot reasonably use buildings or sites.
- Be practical, easy and inexpensive for landholders to comply with.
- Encourage the ongoing use and maintenance of buildings and structures.

Part of promoting sustainable management of natural and physical resources is enabling:

“people and communities to provide for their economic, cultural and social well-being and for their health and safety...” (section 5(2)).

In addition, sections 6 (e) and (f) of the Act relate to the recognition of the relationship between Maori and their culture, and the protection of historic heritage from inappropriate subdivision use and development. In addition, section 32 of the Act requires a council to assess the costs and benefits of any rule in a District Plan.

Archaeological Sites

An archaeological site is defined in section 2 of the Historic Places Act 1993 as:

"Archaeological site" means any place in New Zealand that–

- (a) Either -
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand”.

Archaeological sites may be Maori or European in origin and may also be recognised as having spiritual or cultural values such as wāhi tapu sites. There are various types of archaeological sites, some of which include midden and pa sites, terraces, garden areas, kumara pits, battle grounds, areas of early settlement by Maori and Europeans, early industrial areas, rock art sites and shipwrecks.

Section 10 of the Historic Places Act 1993 directs that an authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity. Under the RMA 1991, a District Council shall have particular regard to the recognition and protection of heritage values of sites, buildings, places and areas (section 6(f)). This requirement in the Act compels a council to identify known sites through the Plan and protect them from use and development through various methods. For this purpose, Appendices 3 and 5 include archaeological sites recorded in the NZAA (New Zealand Archaeological Association) site recording scheme.

Role of District Councils

Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of district councils under section 31 of the Act. District councils are also Heritage Protection Authorities under section 193 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values,

2 RURAL RULES — TREE PLANTING AND REMOVAL OF PROTECTED TREES

Notes

1. Any earthworks associated with tree planting or harvesting must comply with Rule 1 – Earthworks.
2. Plantations on the Plains must comply with Rule 9.13 – Vehicle Movements.
3. Removal of indigenous vegetation must comply with Rule 9.21 – Clearance of Indigenous Vegetation and Indigenous Plant Species.
4. The burning of vegetation is managed through regional rules. Therefore, Environment Canterbury should be contacted.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities — Shelterbelts & Amenity Planting

- 2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:
- 2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:
 - Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziessi*)
 - Mountain pine (*Pinus mugo/unaciata*)
 - 2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.
 - 2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:
 - (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
 - (b) Set back a minimum distance of 300m from the road boundary;
 - 2.1.1.4 The tree(s) are planted at least:
 - (a) 20m from the edge of any waterbody listed in Appendix 17; and
 - (b) 10m from the edge of any other waterbody (excluding aquifers).

Note: For the purposes of Rule 2.1.1.4, the edge of any lake or wetland is measured from:

The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or

If the lake level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.

The edge of any other waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- “the space of land which the waters of the river cover at its fullest flow, without overtopping its banks.”

2.1.1.5 No tree shades:

- (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
- (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year;

2.1.1.6 No tree is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11;

2.1.1.7 Any tree is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19;

2.1.1.8 In any area listed in Appendix 5 and shown on the Planning Map as a Silent File Area, any disturbance of soil or earth by the tree planting(s) is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;

2.1.1.9 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;

2.1.1.10 In the area shown on the Planning Maps as the Port Hills Zone, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.

Restricted Discretionary Activities – Shelterbelts & Amenity Planting

2.1.2 Planting any tree species which does not comply with Rule 2.1.1.1 shall be a restricted discretionary activity.

2.1.3 Under Rule 2.1.2, the Council shall restrict its discretion to consideration of:

2.1.3.1 The potential for wilding spread from the species planted on that site;

2.1.3.2 The effectiveness of any proposed wilding management plan;

- 2.1.3.3 The design and siting of any amenity plantings, shelterbelts or visual screening in the High Country (outside the area of Outstanding Landscape) to:
- (a) Reflect and complement the landform patterns and shapes of the landscape; and
 - (b) Maintain a landscape where plantations are carefully negotiated with existing land uses, so as to avoid a continuously forested landscape; and
 - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist by ensuring plantations are setback from the road, Midland Railway Line and plantation blocks are spaced to maintain views between them.
- 2.1.3.4 Whether the area contains any “Significant Ecological sites” worthy of protection under the criteria listed in Appendix 12, and if so,
- (a) Whether the plantation may affect the site; and
 - (b) How the site may be protected.
- 2.1.3.5 Any potential adverse effects of planting the area on any rainfed wetland or tarn and how those effects may be mitigated.
- 2.1.3.6 Approval of a fire management plan.
- 2.1.3.7 Any positive effects which may offset any adverse effects.
- 2.1.3.8 Any monitoring or review conditions.

Note: *In using its discretion under Rule 2.1.3., the Council will consider the recommendations in N.J. Ledgard & E.R. Langer (1999) “Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced Conifers”, where appropriate.*

- 2.1.4 Planting any tree in a position which does not comply with Rule 2.1.1.4 shall be a restricted discretionary activity.
- 2.1.5 Under Rule 2.1.4 the Council shall restrict its discretion to consideration of the effects of the proposed planting as to shading.
- 2.1.6 Any tree planting which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.
- 2.1.7 Under Rule 2.1.6 the Council shall restrict its discretion to consideration of:
- 2.1.7.1 The effects of the proposed shelterbelt on restricting views of the Upper Waimakariri Basin from SH 73 or the Midland Railway including (but not limited to);
 - (a) Whether expansive views either side of the shelterbelt would remain;
 - (b) Whether the shelterbelt will screen the view of any lake, Silent File area, Wāhi Taonga Site, Wāhi Taonga Management Area, Mahinga Kai Site, or any area of Outstanding Landscape.
 - 2.1.7.2 The length of the shelterbelt;

- 2.1.7.3 The need to provide effective stock or crop shelter; and
- 2.1.7.4 Any positive effects which may offset any adverse effects.
- 2.1.8 Any activity which does not comply with Rule 2.1.1.8 or 2.1.1.9 shall be a restricted discretionary activity.
- 2.1.9 Under Rule 2.1.8 the Council shall restrict its discretion to all of the following matters:
 - 2.1.9.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
 - 2.1.9.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
 - 2.1.9.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 2.1.9.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 2.1.9.5 Any positive effects which may offset any adverse effects; and
 - 2.1.9.6 Any monitoring or review conditions.

Discretionary Activities – Shelterbelts & Amenity Planting

- 2.1.10 Any shelterbelt or amenity planting that does not comply with Rule 2.1.1.2 shall be a discretionary activity if any one of the following standards and terms is met:
 - 2.1.10.1 The shelterbelt or amenity planting is planted for landscape enhancement or beautification, using indigenous species which are found in that area;
 - 2.1.10.2 The shelterbelt or amenity planting is planted for soil conservation purposes;
 - 2.1.10.3 The shelterbelt or amenity planting is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site;
 - 2.1.10.4 The planting is a shelterbelt and is located within a Forestry Exclusion Area; or
 - 2.1.10.5 The planting is amenity planting and is located within an area of Outstanding Landscape in the High Country.
- 2.1.11 Any activity which does not comply with Rule 2.1.1.3 shall be a discretionary activity.

Non-Complying Activities – Shelterbelts & Amenity Planting

- 2.1.12 Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.10 or 2.1.10 shall be a non-complying activity.

2.2 PLANTATIONS

Permitted Activities — Plantations

- 2.2.1 The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:
- 2.2.1.1 The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills, excluding vineyards and orchards located within the Visual Amenity Landscape;
 - 2.2.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
 - 2.2.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the plantation does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
 - 2.2.1.4 Any tree is planted at least:
 - (a) 20m from the edge of any waterbody listed in Appendix 17; and
 - (b) 10m from the edge of any other waterbody (excluding aquifers)]

Provided that Rules 2.2.1.4(a) and 2.2.1.4(b) do not apply to any trees planted for the purpose of bank stabilisation or prevention of soil erosion.
 - 2.2.1.5 No tree shades:
 - (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
 - (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year.
 - 2.2.1.6 No tree of the plantation is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11; and
 - 2.2.1.7 Any plantation is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19.

Restricted Discretionary Activities — Plantations

- 2.2.2 The planting or harvesting of plantations in areas shown on the Planning Maps as the Port Hills (excluding the Summit Road Protection Areas), Malvern Hills, High Country or the Visual Amenity Landscape on the Port Hills shall be a restricted discretionary activity if all of the following standards and terms are met:

2.2.2.1 The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country; and

2.2.2.2 In the area shown on the Planning Maps as the High Country, trees planted do not include any of the following species:

- Lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylvestris*)
- Corsican pine (*Pinus nigra*)
- Douglas fir (*Pseudotsuga menziessi*)
- Mountain pine (*Pinus mugo/unaciata*)

2.2.3 Under Rule 2.2.2 the Council shall restrict its discretion to consideration of:

2.2.3.1 The design and siting of any plantation on the Port Hills to:

- (a) Maintain the uninterrupted skyline of the summit of the Port Hills as viewed from the Summit Road or any road on the Plains;
- (b) Avoid screening views of existing landforms and natural features, including Gibraltar Rock and Cooper's Knob from the Summit Road or any road on the Plains;
- (c) Avoid screening views from the Summit Road;
- (d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;
- (e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;
- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;
- (g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;
- (h) Provide for the re-vegetation of any earthworks;
- (i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;
- (j) To avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours.

2.2.3.2 The design and siting of any plantation on the Malvern Hills to:

- (a) Maintain the distinctiveness of the skyline and ridges of the Malvern Hills;
- (b) Avoid screening the rocky outcrops at Glenroy or the volcanic ridge from Mt Misery to Windwhistle, as viewed from any road; and
- (c) Reflect and complement the landform patterns and shapes of the landscape;

- 2.2.3.3 The design and siting of any plantation in the High Country (outside the area of Outstanding Landscape) to:
- (a) Reflect and complement the landform patterns and shapes of the landscape;
 - (b) Maintain a landscape where plantations are carefully integrated with existing land uses, so as to avoid any semblance of continuous afforestation; and
 - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist, by ensuring plantations are setback from the road and plantation blocks are spaced to maintain views between them.
- 2.2.3.4 Whether the area contains any “Significant Ecological sites” worthy of protection under the criteria listed in Appendix 12; and if so,
- (a) Whether the plantation may affect the site; and
 - (b) How the site may be protected;
- 2.2.3.5 Any potential adverse effects of planting the area on any rain fed wetland or tarn on the site and how those effects may be mitigated;
- 2.2.3.6 Any measures to mitigate potential soil erosion from earthworks associated with access tracks or harvesting;
- 2.2.3.7 Any effects of the proposed mode and route of transport, and any improvements required to the road network to allow access into and out of the site for planting or harvesting trees.
- 2.2.3.8 The timing and conditions for replanting or rehabilitating the site and surrounding area once the plantation is harvested, and any staging of the site rehabilitation for harvesting a large plantation;
- 2.2.3.9 Approval of a fire management plan;
- 2.2.3.10 Any positive effects which may offset any adverse effects; and
- 2.2.3.11 Any monitoring or review conditions.
- 2.2.4 Any plantation which does not comply with Rule 2.2.2.2 shall be a restricted discretionary activity.
- 2.2.5 Under Rule 2.2.4, the Council shall restrict its discretion to consideration of:
- 2.2.5.1 All of the matters listed in 2.2.3.1 to 2.2.3.11;
 - 2.2.5.2 The potential for wilding spread from the particular species planted; and
 - 2.2.5.3 The effectiveness of any proposed wilding management plan.

Note: Under Rule 2.2.4 the Council retains its discretion to identify affected parties or require notification of the resource consent application, pursuant to sections 93, 94, 94A, 94B, 94C and 94D of the Act. In using its discretion the Council shall consider the recommendations in N.J. Ledgard and E.R. Langer (1999) “Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced conifers”, where appropriate.

- 2.2.6 Any activity which does not comply with Rules 2.2.1.2 or 2.2.1.3 shall be a restricted discretionary activity.
- 2.2.7 Under Rule 2.2.6, the Council shall restrict its discretion to the consideration of:
- 2.2.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
 - 2.2.7.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
 - 2.2.7.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 2.2.7.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 2.2.7.5 Any positive effects which may offset any adverse effects; and
 - 2.2.7.6 Any monitoring or review conditions.
- 2.2.8 Any plantation which does not comply with Rule 2.2.1.5 shall be a restricted discretionary activity.
- 2.2.9 Under Rule 2.2.8 the Council shall restricts its discretion to consideration of effects of the proposed planting as to shading.

Discretionary Activities – Plantations

- 2.2.10 Any plantation which does not comply with Rule 2.2.2.1 shall be a discretionary activity if any one of the following standards and terms is met:
- 2.2.10.1 The plantation is planted for landscape enhancement or beautification, using indigenous species which are found in that area, and will not be harvested;
 - 2.2.10.2 The plantation is planted for soil conservation purposes and will not be harvested; or
 - 2.2.10.3 The plantation is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site.
- 2.2.11 Any plantation which does not comply with Rule 2.2.1.4 shall be a discretionary activity.

Non-Complying Activities – Plantations

- 2.2.12 Any plantation which does not comply with Rule 2.2.1.6 shall be a non-complying activity.
- 2.2.13 Any plantation which does not comply with Rule 2.2.1.7 shall be a non-complying activity.

- 2.2.14 Any plantation located within an area of Outstanding Landscape, excluding the Port Hills, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.
- 2.2.15 Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity.

2.3 PROTECTED TREES

Permitted Activities – Protected Trees

- 2.3.1 In relation to trees listed in Appendix 4, the following activities shall be permitted activities:
- 2.3.1.1 Any examination, tissue sampling, and diagnostic work recommended by an approved Council arborist to determine the safety, health and general condition of the tree, and carried out by or under the supervision of that arborist.
 - 2.3.1.2 Normal cultivation of the soil for recreational, horticultural or agricultural purposes or the growing of crops or ornamental vegetation within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.
 - 2.3.1.3 Maintenance pruning of any listed tree is permitted where it meets the following:
 - a) involves pruning branches in the bottom third of the tree only; and
 - b) only branches 50mm in diameter or less may be pruned; and
 - c) pruning is by the use of secateurs, loppers or handsaws (no chainsaws).
 - 2.3.1.4 The use of the land immediately surrounding the listed tree is permitted, provided that the health of the tree is not adversely affected and that:
 - Above ground level
 - a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.
 - b) there is no construction, addition or replacement of any building within 10 metres from the base of the tree or within the crown periphery (drip-line), whichever is the greater.
 - c) there is no new impervious surfacing, sealing, paving, soil compaction, or alteration of more than 75mm to the ground level (existing prior to works commencing) within 10m from the base of the tree or within the crown periphery (drip-line), whichever is the greater.
 - d) there is no storage, application or deposition of any chemical or substance that could cause harm to the tree.

Below ground level

- e) there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.

2.3.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75mm of the depth to which the excavations were originally formed or is not extended horizontally more than 75mm from their original circumference/location.

2.3.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

Controlled Activities – Protected Trees

2.3.2 In relation to trees listed in Appendix 4, the following activities shall be controlled activities:

2.3.2.1 Removal, remedial work or pruning of a hazardous or dangerous tree provided that a hazard assessment of the tree has been done by an approved council arborist and the tree is deemed potential hazardous or dangerous.

2.3.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network utility operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.

2.3.3 Under Rule 2.3.2 the Council shall restrict its discretion to consideration of:

2.3.3.1 The condition and future useful life expectancy of the tree including any potential hazard to persons or property.

2.3.3.2 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.

- 2.3.3.3 Whether the tree is currently causing, or likely to cause, significant damage to buildings, services, property or heritage item/s, whether public or privately owned.

Restricted Discretionary Activities — Protected Trees

- 2.3.4 In relation to trees listed in Appendix 4, the following activities shall be restricted discretionary activities:
- 2.3.4.1 Any activity which does not comply with Rule 2.3.1.1., 2.3.1.2 or 2.3.1.3.
 - 2.3.4.2 Any activity which does not comply with Rule 2.3.1.4 in relation to any tree listed as a Category B tree in Appendix 4.
 - 2.3.4.3 Fixing of any structure or object to any part of a listed tree or any operation which could wound the bark or wood tissue of any part of the tree.
 - 2.3.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network utility operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.
 - 2.3.4.5 Destruction or removal of any tree listed as a Category B tree in Appendix 4.
- 2.3.5 Under Rule 2.3.4 the Council shall restrict its discretion to consideration of:
- 2.3.5.1 Any adverse effects of the proposed activity on the values of the listed tree.
 - 2.3.5.2 For removal of a tree: the condition of the tree, including whether it poses a danger to people or property, or whether its condition is such that it is unable to be retained.
 - 2.3.5.3 The costs to the applicant of not allowing the proposed activity.
 - 2.3.5.4 Whether the applicant has the ability to undertake a complying development without the work detrimentally affecting the tree.
 - 2.3.5.5 The effect of any pruning, damage or disturbance to the crown or root system of the tree on its appearance and health.
 - 2.3.5.6 The effect of any building or structure on the visibility of the tree from a road or public place.
 - 2.3.5.7 Whether the tree is currently causing, or likely to cause, significant damage to buildings, services, property or heritage item/s, whether public or privately owned.
 - 2.3.5.8 Whether the tree or trees seriously restrict the development of the site for its zoned purposes.

- 2.3.5.9 Whether the tree or trees inhibits the growth of more desirable specimens nearby.
- 2.3.5.10 Whether the tree still retains the essential characteristics for which it was originally protected.
- 2.3.5.11 Whether a tree to be removed is capable of being successfully transplanted.
- 2.3.5.12 Any substitute or compensating tree planting proposed.
- 2.3.5.13 Whether the particular species of tree has been legally declared a noxious plant.

Non-Complying Activities – Protected Trees

- 2.3.6 In relation to trees listed in Appendix 4, the following activities shall be non-complying activities:
 - 2.3.6.1 The use of the land immediately surrounding any tree listed as a Category A tree in Appendix 4, that does not meet the provisions of rule 3.2.1.4 above.
 - 2.3.6.2 Destruction or removal of any tree listed as a Category A tree in Appendix 4.

Notes

1. Refer to the listing of protected trees in Appendix 4 to obtain the category of each tree.
2. Where a listed protected tree has been removed (with the approval of the Council) or is in a dangerous or diseased condition such that its continued protection cannot be justified, it shall be deleted from the list without further formality.
3. The description of the location of each protected tree in Appendix 4 is as at date of this part of the Plan becoming operative. Any subsequent change to a street address or legal description shall not affect the application of the specific rules to that protected tree. Street addresses and legal descriptions will, from time to time, be updated without further formality.

2.4 MAHINGA KAI

Permitted Activities – Mahinga Kai

- 2.4.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site, any damage to, or removal of, indigenous vegetation shall be a permitted activity, provided that it is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Mahinga Kai

- 2.4.2 Any activity which does not comply with Rule 2.4.1 shall be a restricted discretionary activity.

2.4.3 Under Rule 2.4.2, the Council shall restrict its discretion to consideration of:

2.4.3.1 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local runanga.

Cross-References

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
2.2	Plantations	1.1, 1.2, 1.4, 1.5, 2.1, 4.2	1.1.2, 1.2.1 and 1.2.2, 1.4.1, 4.2.1,	1.1.4, 1.2.2 and 1.2.3 1.4.1 to 1.4.3, 1.4.6, 1.4.10, 1.4.13, 1.4.15, 1.4.18, 1.4.19, 1.4.21, 1.4.22, 1.4.25 to 1.4.28, 1.4.30 to 1.4.32. 4.2.1
2.3	Protected Trees	3.3	3.3.3	3.3.11 to 3.3.14
2.4	Mahinga Kai	3.3	3.3.1	3.3.2, 3.3.3(b) and 3.3.5

Reasons for Rules

Rule 2 manages potential effects from amenity tree planting, shelterbelts, plantations and removal of protected trees. The District Plan has rules to manage these effects because they have effects which occur on other property or on other parts of the environment. They are not usually direct costs to the person planting the trees.

The rules allow amenity tree planting, shelterbelts and visual screening as permitted activities (no resource consent needed) in most parts of the Rural Zone, subject to conditions. The conditions relate to: shading on roads and adjoining properties; ensuring that planting positions protect the natural character of the edge of waterbodies protecting Wāhi Tapu and Mahinga Kai Sites, and Wāhi Tapu Management and Silent File Areas; avoiding wilding tree spread, and protecting landscape values in the High Country. Council will waive the resource consent processing fees for applications for amenity planting or shelterbelts under rules 2.1.10 or 2.1.11. The waiver includes the deposit and all additional costs up until the release of the Council's decision.

The rules allow plantations as a permitted activity (no resource consent needed) on the Plains, subject to similar conditions as those for shelterbelts, amenity planting and visual screening. On hill and high country (including the Port Hills) plantations require a resource consent. The consent is non-notified and does not need the written approval of affected parties, provided the plantation complies with standards and terms, designed to avoid effects on other people's property such as shading and wilding spread. In those cases, there is no need for the resource consent to be notified because there are no effects on other people. The effects which are permissible on other

parts of the environment (such as landscape values and waterbodies) are already specified in the Plan policies, which have been through a public process. The Council and the resource consent applicant work together to address the effects which are listed as matters of discretion in Rule 2.2.3. These matters are specific to the individual sites, so are managed through a resource consent process, rather than as conditions by which activities are permitted.

With respect to the Summit Road Protection Area of the Port Hills, the rules do not encourage any tree planting, for amenity, shelter-belt or plantation purposes. This Protection Area is recognised for its high scenic values and views which may be lost through the planting of trees.

Resource consent is also required for plantations on Wāhi Tapu and Mahinga Kai sites, and in Wāhi Taonga Management and Silent File areas. The local runanga will be considered an affected party to allow for their input on how the runanga may be affected.

Where a plantation does not comply with the standards and terms for a restricted discretionary activity, it is either a discretionary activity or a non-complying activity. In these cases, the Council may notify the resource consent application or seek written approval from affected parties, because the plantation may affect other people's property or be contrary to the policies in the Plan.

The one area in the District where plantations are not encouraged is in the area of Outstanding Landscape in the High Country. This area is valued as a tussock landscape with limited pasture improvement. The Plan policies are to manage this area as a pastoral landscape. The rules do provide for plantations in this area as a discretionary activity if they comprise indigenous species planted for landscape enhancement; or are plantations planted for soil conservation or to manage the spread of wilding trees or other exotic plant pests.

Rule 2.3 manages activities that could affect trees which are listed in Appendix 4 as having significant values. The rule allows these trees to have limited pruning as a permitted activity (no resource consent needed) and some limited works to occur close to listed trees. Removing the tree or activities that could adversely impact the tree for any other reason requires a resource consent. In this instance, the Plan policies recognise that trees may need to be removed in some cases, for example where they pose a danger to people or property.

An explanation of the tāngata whenua sites and areas is given in the reasons for the Earthworks Rules.

Des No.	Map Ref	Site Name	Designation Purpose	Location	Zone	Legal Description and Gazette (where known)	Comments/ Conditions
OR8	9	Motukarara Substation	The reception, transformation from transmission voltage to distribution voltage, and distribution of electrical power and energy	Fiddlers Road, Motukarara	Rural Inner Plains	Part Res 959 Area – 1153m ²	
OR9	13	Springston Substation	The reception, transformation from transmission voltage to distribution voltage, and distribution of electrical power and energy	Shands Road/ Rolleston Road/Lincoln Road, Springston	Rural Outer Plains	RS 40051 Area - 1.0354ha	
OR10	13	Weedons Substation	The reception, transformation from transmission voltage to distribution voltage, and distribution of electrical power and energy	Weedons Ross Road, Weedons	Rural Inner Plains	Lot 1 DP 49211 and Lot 2 DP 432455 Area - 0.4859ha	Nil
OR11	14, (123 & 124?)	Prebbleton Substation	The reception, transformation from transmission voltage to distribution voltage, and distribution of electrical power and energy	Corner of Birchs Road and Hamptons Road	Rural Inner Plains	Lot 1 DP 22302 Area – 1660m ²	<p>Conditions including the following:</p> <ol style="list-style-type: none"> 1. Limited hours of operation for one of the substations transformers if specific noise standards cannot be complied with; 2. Construction noise; 3. Management of dust and sediment during construction;

Des No.	Map Ref	Site Name	Designation Purpose	Location	Zone	Legal Description and Gazette (where known)	Comments/ Conditions
							<p>4. Management of hazardous substances during construction;</p> <p>5. Electric and magnetic fields – compliance with New Zealand Standards;</p> <p>6. Radio frequency levels – compliance with the New Zealand Standards.</p>
New Zealand Railways Corporation							
RC1	Various	Main South Line and Midland Line	Railway	Throughout Selwyn District	Various	Various	
Telecom New Zealand Limited							
TE12	49	Arthurs Pass Rural Radio Station	Telecommunications Purposes	West Coast Road/State Highway 73, Arthurs Pass	Rural High Country	Railway Lease No. 42116 Grid Reference – S59/060275 Area - 10m ²	NOT OPERATIVE
TE13	135	Bealey Spur Radio Station	Telecommunications Purposes	Cloudesley Road, Bealey Spur	Rural High Country	Pt Res 3286, Crown Land, Block XV, Bealey Spur District Grid Reference – S66/115176 Area - 400m ²	NOT OPERATIVE
TE14	13	Burnham Exchange	Telecommunications Purposes	Godley Road, Burnham	Rural Outer Plains	Pt RS 13523 Area - 276m ²	NOT OPERATIVE

SCHEDULE OF AMENDMENTS

The amendments to the Selwyn District Plan are due to the following changes:

Name	Description
Weedons Substation	Alteration to Designation OR10
Minor Amendments	Various minor amendments included (Clause 16)

Please amend your District Plan by updating the following pages:

Rural Volume

Amendments from 24 April 2011 to 11 May 2011

Replace pages - Please recycle all pages removed

Part B3 People's Health, Safety and Values

Renumber point "(iii)" under Archaeological Sites to read "(b)" B3-021 – B3-022

Part C2 Tree Planting

Amend Footer to read "Tree Planting and Removal of Protected Trees" Entire Chapter

Part E2 Designations

Add additional information to OR10, Weedons Substation E2-029 – E2-030

Planning Maps

Replace and update Amended Map 13 (Weedons Substation OR10)

THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK