

Under The Resource Management Act 1991

And

In the matter of a submission on the proposed Selwyn District Plan

**Evidence of Amelia Grace Ching on behalf of the
Director-General of Conservation / *Tumuaki Ahurei***

Submitter Number: DPR-0427

Hearing 1: Strategic Directions

Dated: 26 July 2021

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Table of Contents

Introduction.....	2
Code of Conduct.....	2
Scope	3
Material Considered.....	3
The Director-General's Submission	4
Background to Strategic Directions.....	5
<i>Strategic Directions and the National Planning Standards</i>	5
<i>Interpretation of Selwyn's Strategic Directions</i>	9
Statutory Context.....	10
Statutory Purpose	11
Natural Environment Strategic Directions	12
Conclusion.....	19

Introduction

1. My full name is Amelia Grace Ching.
2. I have been asked by the Director-General of Conservation *Tumuaki Ahurei o Te Papa Atawhai* ('DGC'), to provide planning evidence on the proposed Selwyn District Plan (the proposed Plan).

Qualifications and experience

3. I am employed by the Department of Conservation – Te Papa Atawhai ('DOC') in Christchurch as an RMA Planner. I have worked for DOC since March 2018, providing planning advice on resource consent applications, plan changes and plan reviews at District and Regional levels. Prior to this, I was employed as a Resource Management Consultant by Incite.
4. I hold a Master of Environmental Policy from Lincoln University (2013) and a Bachelor of Environmental Management and Planning from Lincoln University (2011). I am also an Intermediate Member of the New Zealand Planning Institute.
5. I have seven years' experience practising as a Resource Management Planner. During this time, I have worked on a variety of resource management matters largely in policy and plan development at both district and regional levels, particularly involving consultation, plan development, submission drafting, and Section 32 and 42A reporting. I have previously given evidence before Mackenzie District Council and participated in several Environment Court mediations.

Code of Conduct

6. I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014 (the Code). I have complied with the Code when preparing my written statement of evidence.
7. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
8. Unless I state otherwise, this evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope

9. I have been asked to provide evidence in relation to the notified Plan, the DGC's submission, and the DGC's further submission (DPR-0427).
10. My evidence is divided into the following parts, based on the submission:
 - a) The Director-General's Submission
 - b) Background to Strategic Directions
 - c) Statutory Context
 - d) Statutory Purpose
 - e) Natural Environment Strategic Directions
 - f) Strategic Direction SD-DI-02
11. I have included a collated list of my recommendations in **Appendix 1**.

Material Considered

12. In preparing my evidence I have read the following documents:
 - a) Proposed Selwyn District Plan Review
 - b) The DGC's submission dated 11 December 2020
 - c) The DGC's further submission dated 7 May 2021
 - d) The Strategic Directions s42A Report by Mr Love dated 9 July 2021
 - e) The Overview s42A Report by Mr Love dated 9 July 2021
 - f) The s32 Evaluation Report 2020
 - g) National Planning Standards 2019
 - h) National Planning Standards - Guidance for the District Plan Structure and Chapters standards
 - i) New Zealand Coastal Policy Statement 2010 (NZCPS)
 - j) National Policy Statement on Urban Development 2020
 - k) National Policy Statement for Freshwater Management 2020
 - l) The Canterbury Regional Policy Statement 2013 (CRPS)

Executive Summary

13. The DGC lodged a submission on the proposed Plan in December 2020. The submission requested amendments to the Strategic Directions provisions to give effect to the Resource Management Act 1991, New Zealand Coastal Policy Statement, and Canterbury Regional Policy Statement¹.
14. My evidence outlines the background behind Selwyn's Strategic Directions and the statutory framework that supports them.
15. Several background documents related to the Strategic Directions (including the s32 Report, Overview s42A Report, s42 Report, and Selwyn 2031 – District Development Strategy) provide different high level strategic statements and content. It is unclear how these link to the proposed Plan Strategic Directions Objectives or each other, and they fail to carry through on environmental issues.
16. The proposed Plan also includes an interpretation directive that all objectives and policies in the proposed Plan are to be read and achieved in a manner consistent with the Strategic Directions Objectives, giving the proposed Strategic Directions Objectives priority over other provisions in the proposed Plan.
17. Considering this interpretation directive and higher order documents, I consider the proposed Strategic Directions are required to do the following:
 - a) give effect to the higher order documents; and
 - b) address key strategic or significant matters for the district and guide decision making at a strategic level (National Planning Standards 2019 - District-wide Matters Standard (1)(b)).
18. I am concerned that the Strategic Directions fail to address environmental issues meaningfully. This is a significant failing, meaning that the Strategic Directions both fail to give effect to higher order requirements, and fail to establish a clear framework for subsequent plan provisions which do address those matters, including the Natural Environment Values chapters. I consider amendments are required to address this issue.

The Director-General's Submission

19. The DGC lodged a submission on the proposed Plan in December 2020. The submission requested amendments to the Strategic Directions provisions to give

¹ Submitter: DPR-0427 – Submission points: 021, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138)

effect to the RMA, NZCPS, and CRPS². The purpose of this submission was to raise concern with the relationship between the Strategic Directions Objectives and other provisions in the proposed Plan, particularly provisions relevant to the natural environment. This concern is not addressed in the s42A Report.

20. The DGC's submission also included specific submission points on SD-DI-O2 – District Wellbeing and Prosperity, SD-DI-04 – Our Environment, and proposed a new Strategic Directions Objective. These submission points were addressed in the s42A Report, and I cover the details of these submission points later in my evidence.
21. My evidence identifies potential issues with the interpretation and application of Strategic Directions in the planning framework and provides specific recommendations to address gaps in the Strategic Directions Objectives consistent with the DGC's specific submission points.

Background to Strategic Directions

22. In an effort to understand the purpose, intent and application of the proposed Strategic Directions Objectives, I firstly outline key contextual matters that I consider are relevant to the role of Strategic Directions in the planning framework.

Strategic Directions and the National Planning Standards

23. The National Planning Standards (NP Standards) came into force in May 2019 and are intended to improve efficiency and effectiveness of the planning system by providing national consistency in plan structure, format and content by standardising basic elements of RMA plans.
24. The NP Standards include mandatory directions and must be complied with through notification of a proposed district plan (as required by s58I of the RMA).
25. Chapter 7 (District-wide Matters Standard) of the NP Standards includes mandatory directions for District Plans. Of particular relevance to Strategic Directions are the following matters:

1. *If the following matters are addressed, they must be located under the Strategic direction heading:*
 - a. *an outline of the key strategic or significant resource management matters for the district*

² Submitter: DPR-0427 – Submission points: 021, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138)

- b. issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level*
- c. policies that address these matters, unless those policies are better located in other more specific chapters*
- d. how resource management issues of significance to iwi authorities are addressed in the plan.*

2. Rules must not be included under the Strategic direction heading.

3. An Urban form and development chapter must be included under the Strategic direction heading.

4. Each strategic direction matter must be its own chapter and be included alphabetically under the Strategic direction heading.

26. The NP Standards guidance that supports District Plans³ states that the Strategic direction heading provides a location for the high-level direction that district councils are working towards for their city and/or district. The guidance discusses Strategic directions as an area of emerging best practice in second-generation plans.
27. The Strategic direction heading requires an Urban form and development chapter. The NP Standards guidance states the expectation that the mandatory Urban form and development chapter will be “*where councils will put content relating to the National Policy Statement on Urban Development (NPS-UD)*”.
28. The NP Standards do not set out the meaning, intent or application of strategic directions or whether strategic directions have primacy over other objectives in proposed plans. In my opinion, the requirements of the NP Standards are limited to headings in the proposed Plan.

Selwyn 2031 & Strategic Directions

29. My understanding is the Strategic Directions Objectives in the proposed Plan were developed through the Selwyn 2031 – District Development Strategy⁴ (Selwyn 2031). The purpose of Selwyn 2031 was “*to provide an overarching strategic framework for achieving sustainable growth across the district to 2031*”.
30. Selwyn 2031 identifies the following five high-level Strategic Directions to guide Council’s future decision-making:

³ Guidance for the District Plan Structure and Chapters standards - <https://environment.govt.nz/publications/guidance-for-the-district-plan-structure-and-chapters-standards/>

⁴ Selwyn 2031 – District Development Strategy - https://www.selwyn.govt.nz/_data/assets/pdf_file/0008/147977/Selwyn-2031-Finalr.pdf

- A More Sustainable Urban Growth Pattern;
 - A Prosperous Community;
 - A Great Place to Live;
 - A Strong and Resilient Community; and
 - Sustainably Managing our Rural and Natural Resources.
31. Although the first four matters are expressly addressed in the proposed Strategic Directions, sustainably managing rural and natural resources is not.

Purpose of Selwyn's Strategic Directions

32. The proposed Plan includes several Strategic Directions Objectives under the titles District Identity; Infrastructure, Risk, and Resilience; Mana Whenua Values; and Urban Form and Development.
33. The SD-Overview chapter of the Strategic Directions outlines that the Strategic Directions set out the overarching direction for the District Plan.
34. This purpose is reiterated in the Overview s42A Report which identifies issues with the operative Selwyn District Plan. The Overview s42A Report⁵ discusses issues arising from an effects-based approach to planning, including that it has led to inappropriate outcomes and did not allow for a planned approach to the district's development. The Overview s42A Report considers that one of the reasons for this is that no common tone was set to guide all development within Selwyn and considers that the issue can be resolved by including Strategic Objectives within the proposed Plan that support the desired 'big picture' outcomes and provide an "overarching tone".
35. The Overview s42A Report⁶ also states: *"the Strategic Objectives will direct decision making by expressing the outcomes to be achieved by the Proposed Plan in addressing the key resource management issues for the district. They set up the framework for the District Plan and are supported by the chapter level objectives"*.
36. The intent of the Strategic Directions is also covered in the s32 Report, which states: *"The Strategic Directions Chapter provides an overview of the significant land use issues and the key outcomes for future land use in Selwyn. These strategic directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within*

⁵ Overview s42A Report – paragraph 3.8

⁶ Overview s42A Report – paragraph 8.7

Selwyn. They provide an overarching direction for other chapters through high level objectives for the district as a whole”.

37. The SD-Overview states that the Strategic Directions are intended to demonstrate the following:
 1. *commitment to, and articulation of Council’s partnership with Ngāi Tahu mana whenua;*
 2. *alignment with Council’s aspirations for the development and environmental quality of the District as expressed through its District Development Strategy;*
 3. *integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan;*
 4. *achievement of particular aspects of the use, development, or protection of natural and physical resources that have been elevated to matters of national importance by the Resource Management Act and those matters of national and regional significance by National and Regional Policy Statements;*
 5. *a prosperous economy through enabling a wide range of business activities;*
 6. *the management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.*

38. However, the actual Strategic Directions fail to address all of those matters, especially in regard to environmental quality and higher order documents. There is reference to integrated management in SD-DI-02 but no direction on what that integrated management is to achieve. SD-DI-04 addresses identifying and protecting places, landscapes and features, but only where they are significant to Selwyn’s character, cultural heritage, or are of spiritual significance to Ngāi Tahu (thereby excluding e.g., intrinsic values, biodiversity, natural character etc). This is a significant failing, meaning that the Strategic Directions both fail to give effect to higher order requirements, and fail to establish a clear framework for subsequent plan provisions which do address those matters, including the Natural Environment Values chapters.

39. I consider the most useful context for Selwyn's Strategic Directions Objectives is within the s32 Report. The s32 Report identifies issues and associates these issues to Strategic Objectives implying intended implementation. For example:
- *Incompatible development locating in close proximity to existing activities can undermine their ability to operate, or to operate to the most effective degree. An efficient framework, and usage of resources can lead to reduced economic potential for the District, and wasted resources (DI-O2)*
 - *Failure to recognise and plan for the interconnectedness of all things can lead to poor outcomes for our land and water resources (DI-O3)*
 - *Those places which hold significance to us if not identified and protected can be forever altered and lost to future generations (DI-O4)*
40. As outlined above, from the proposed Plan and other documents, the purpose of the proposed Strategic Direction chapter is to provide the "big picture" and "overarching tone", provide an overview of significant land use issues and the key outcomes for Selwyn's future, but most importantly it is to direct decision making.

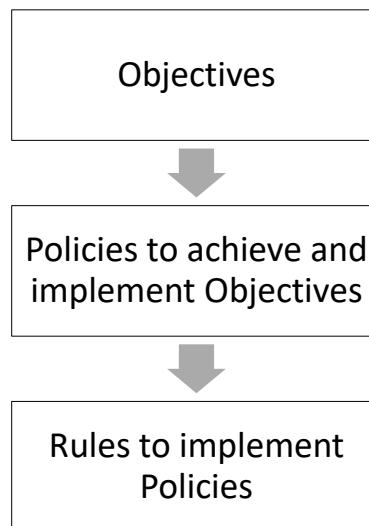
Interpretation of Selwyn's Strategic Directions

41. The SD-Overview chapter includes a statement outlining the status of the strategic direction objectives in the proposed Plan. It states that: *"for the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with the Strategic Directions Objectives"*. I refer to this as the 'interpretation directive'.
42. The SD-Overview chapter also states that no hierarchy applies between the stated Strategic Directions Objectives and therefore the Strategic Directions Objectives should be read as a whole.
43. As stated in paragraph 28, the NP Standards do not direct or require this interpretation of Strategic directions. However, it is clear that Selwyn's Strategic Direction Objectives are intended to have priority over the other objectives and policies in the proposed Plan. This is a particular issue for the Natural Environment Values provisions – in the absence of an applicable strategic direction, they will have to be "read and achieved" to be consistent with strategic directions which prioritise other values and do not give effect to high order provisions relating to the Natural Environment.

Statutory Context

44. The s42A Report identifies relevant sections of the RMA and refers to the s32 and Overview s42A Report for the higher order planning documents for the proposed plan. I consider it helpful to detail some of the relevant provisions of these higher order documents to understand the requirements of District Plans and the status of Strategic Directions in the planning hierarchy. In my opinion, the key provisions include:
- a) Section 31(1) of the RMA outlines the Council’s functions for the purpose of giving effect to the Act include:
 - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - b) Section 32 of the RMA requires examination of whether objectives are the “most appropriate way” to achieve the purpose of the Act.
 - c) Section 72 of the RMA outlines the purpose of the district plans – to assist territorial authorities to carry out their functions in order to achieve the purpose of the Act.

- d) Section 74 of the RMA requires a territorial authority when preparing and changing its district plan to do so in accordance with several matters including its functions under section 31; the provisions of Part 2 of the Act; a National Policy Statement, CRPS, and national planning standards; and any regulations.
- e) Section 75 of the RMA outlines the requirements for the contents of District Plans. A district plan must state the following:



- f) Section 75 includes content that may be included in District Plans. These include issues, methods, explanations, reasons and environment results. Section 75 also requires district plans to give effect to any national policy statement, any coastal policy statement, national planning stand, and any regional policy statement.
- g) Section 104 of the RMA outlines the matters relevant to the consideration of resource consent applications this includes relevant provisions of a plan or proposed plan (s104(1)(b)(vi)).
- h) Section 104D of the RMA outlines the particular restrictions for non-complying activities, including that a consent authority may grant resource consent for a non-complying activity only if it is satisfied that the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.

Statutory Purpose

- 45. Given the descriptions of the Strategic Directions Chapter in the s42A Report, s32 Report and the proposed Plan, it is evident that the Strategic Direction Objectives

are to sit above all objectives and policies in the proposed Plan and provide an “overarching tone” for the Plan.

46. Considering the statutory context and interpretation directive, the Strategic Directions Objectives should assist Council to carry out its functions for the purposes of giving effect to the Act, individually and collectively.
47. In my opinion there are two matters that need to be addressed because the supporting documentation (s32 Report and s42A Report) is unclear:
 - a) Whether the Strategic Directions Objectives give effect to the higher order documents; and
 - b) Whether the Strategic Direction Objectives are strategic objectives that address key strategic or significant matters for the district and guide decision making at a strategic level (District-wide Matters Standard (1)(b)).
48. As I’ve indicated, the development of the Strategic Directions chapter is not easily accessible or clear. The proposed Plan contains matters the Strategic Directions are seeking to “demonstrate”. These are repeated in the s32 Report which also contains issues. Selwyn 2031 includes high-level Strategic Directions to guide Council’s future decision-making and issues and actions. All of the documents have different high level strategic statements and content. It is unclear how these link to the proposed Plan Strategic Directions Objectives or each other, and they fail to carry through on environmental issues.
49. Other District Plans, like the Christchurch Replacement District Plan have the same interpretation directive as the Selwyn’s Strategic Direction Objectives i.e., overarching direction that has primacy over other plan provisions. The decision of the Independent Hearings Panel⁷ on the Christchurch Replacement District Plan may be of interest to the Panel.
50. Overall, my understanding of the statutory purpose of Strategic Directions Objectives are to give effect to higher order documents and are to address key strategic or significant matters for the district and guidance decision making at a strategic level.

Natural Environment Strategic Directions

51. As suggested above, it is difficult to understand how the Strategic Directions Objectives were intended to give effect to higher order documents as a detailed

⁷ <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Strategic-Directions-and-Strategic-Outcomes-Decision.pdf>

analysis has not been provided in supporting documentation. Although the s32 Report includes references back to Part 2 of the RMA in a table, no analysis is provided. In paragraph 38, I raised the significant failing of the Strategic Directions Objectives to give effect to higher order documents in relation to the natural environment. I explore this further below.

52. I consider the following provisions of higher order documents relevant:

- a) Section 5 of the RMA, which sets out that the purpose of the Act is to promote the sustainable management of natural and physical resources, as defined in that section.
- b) Section 6 of the RMA which requires all persons exercising functions and powers under the Act to recognise and provide for:
 - “(a) *the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins and protection of them from inappropriate subdivision, use, and development*”
 - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
 - (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna”, ...*
 - (f) *the protection of historic heritage from inappropriate subdivision, use, and development*”

as matters of national importance.
- c) Section 7(e) of the RMA which requires all persons exercising functions and powers under the Act to have particular regard to “*intrinsic values of ecosystems*”.
- d) Section 31(1) of the RMA being: “*the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of- ... (iii) the maintenance of indigenous biological diversity*”.
- e) Section 3.5(4) of the National Policy Statement for Freshwater Management 2020 states: “*Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*”

- f) CRPS Objective 9.2.1 Halting the decline of Canterbury's ecosystems and indigenous biodiversity: *The decline in the quality and quantity of Canterbury's ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.*
- g) CRPS Objective 9.2.2 Restoration or enhancement of ecosystems and indigenous biodiversity: *Restoration or enhancement of ecosystem functioning and indigenous biodiversity, in appropriate locations, particularly where it can contribute to Canterbury's distinctive natural character and identity and to the social, cultural, environmental and economic well-being of its people and communities.*
- h) CRPS Objective 9.2.3 Protection of significant indigenous vegetation and habitats: *Areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values and ecosystem functions protected.*
- i) CRPS Policy 9.3.1 Protecting significant natural areas
 - 1. Significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats against the following matters:*
 - a. Representativeness*
 - b. Rarity or distinctive features*
 - c. Diversity and pattern*
 - d. Ecological context*
 - The assessment of each matter will be made using the criteria listed in Appendix 3.*
 - 2. Areas or habitats are considered to be significant if they meet one or more of the criteria in Appendix 3.*
 - 3. Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.*
- j) CRPS Policy 9.3.2 Priorities for protection
 - To recognise the following national priorities for protection:*
 - 1. Indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains.*
 - 2. Areas of indigenous vegetation associated with sand dunes and wetlands.*

3. Areas of indigenous vegetation located in “originally rare” terrestrial ecosystem types not covered under (1) and (2) above.

4. Habitats of threatened and at risk indigenous species.

53. And within the coastal environment the following higher order provisions are relevant:

- a) NZCPS Objective 1: *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:*
- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
 - *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
 - *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*
- b) NZCPS Objective 2: *To preserve the natural character of the coastal environment and protect natural features and landscape values through:*
- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
 - *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
 - *encouraging restoration of the coastal environment.*
- c) NZCPS Policy 11 Indigenous biological diversity: *To protect indigenous biological diversity in the coastal environment: (a) avoid adverse effects of activities on: (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;...*
- d) NZCPS Policy 13 Preservation of natural character: *(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (a) avoid adverse effects*

of activities on natural character in areas of the coastal environment with outstanding natural character; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;...

- e) NZCPS Policy 14 Restoration of natural character: *Promote restoration or rehabilitation of the natural character of the coastal environment, including by : (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans....*
- f) NZCPS Policy 15 Natural feature and natural landscapes: *To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;...*
- g) CRPS Objective 8.2.4 Preservation, protection and enhancement of the coastal environment: *In relation to the coastal environment: 1. Its natural character is preserved and protected from inappropriate subdivision, use and development; and 2. Its natural, ecological, cultural, amenity, recreational and historic heritage values are restored or enhanced.*
- h) CRPS Policy 8.3.4 *To preserve and restore the natural character of the coastal environment by: 1. protecting outstanding natural features and landscapes including seascapes from inappropriate occupation, subdivision, use and development; 2. protecting and enhancing indigenous ecosystems and associated ecological processes; 3. promoting integrated management of activities that affect natural character in the coastal environment and the coastal marine area...*

54. The proposed wording of SI-DI-04 would only capture values which are “significant to Selwyn’s character, cultural heritage, or are of spiritual importance to Ngāi Tahu. This significantly restricts the scope of the provision, and would not give effect to:

- s6(c) and s7(e) of RMA;
- Section 3.5(4) of the NPSFM 2020;
- NZCPS Objectives 1 and 2, and Policies 11, 13, 14, and 15; and

- CRPS Objectives 9.2.1, 9.2.2, 9.2.3 and 8.2.4, and Policies 9.3.1, 9.3.2 or 8.3.4.

55. The DGC's submission sought to retain SD-DI-04 if a new strategic objective is inserted to address the gap in the strategic directions. The s42A Report⁸ discusses the DGC's submission on SD-DI-04 and the proposed new objective. The s42A Report⁹ considered the objective broad enough to encompass significant and other indigenous biodiversity through the use of the terms 'places, landscapes, and features' but recommended changes to include indigenous biodiversity for clarity.
56. The s42A Report considered "this amendment will better align with the section 6 requirements under the Act, which seeks to achieve the protection of significant biodiversity". The s42 Report recommendation reads as follows:

Our Environment

Places, landscapes, ~~and features~~, and indigenous biodiversity which are significant to Selwyn's character, cultural heritage, or are of spiritual importance to Ngāi Tahu, are identified, recognised for their values, and protected for future generations.

57. The s42A Report considers 'other' biodiversity that is not 'significant' is better addressed through the underlying Ecosystems and Indigenous Biodiversity Chapter of the Plan rather than as a Strategic Objective.
58. In my opinion, this amendment still fails to give effect to higher order documents because it only identifies and protects where values are significant to Selwyn's character, cultural heritage, or are of spiritual significance to Ngāi Tahu.
59. The s42A Report's position of relying on other provisions to address this matter also undermines the intended interpretation of Strategic Directions Objectives as the overarching direction in the proposed Plan and giving effect to higher order documents.
60. To establish a clear framework for subsequent plan provisions which do address specific matters, including the Ecosystems and Indigenous Biodiversity chapter, amendments to the Strategic Directions Objectives are required. I recommend amending the Our Environment section of the Strategic Directions as follows:

District Identity – Our Environment

SD-DI-04

⁸ S42 Report paragraph 10.4

⁹ S42 Report paragraph 10.4.1

~~Places, landscapes, and features which are significant to Selwyn's character, cultural heritage, or are of spiritual importance to Ngāi Tahu, are identified, recognised for their values, and protected for future generations.~~

Selwyn's natural environment is managed for future generations, including through:

- 1) identifying and protecting outstanding natural landscapes and features;
- 2) identifying and protecting areas of significant indigenous biodiversity;
- 3) maintaining indigenous biodiversity; and
- 4) preserving the natural character of the coastal environment.

61. I note that the 'non-natural' elements of the values I recommend be deleted are addressed in SD-DI-01, SD-DI-03 and SD-MWV-01. However, historic heritage values are not represented in my recommended objective or elsewhere in the Strategic Directions Objectives. Therefore, I recommend an additional objective as follows:

Character and Identity

Recognise and provide for the protection of Selwyn's historic and cultural heritage items, places and areas.

62. This objective aligns with Selwyn 2031 – District Development Strategy strategic direction '3. A Great Place to Live', and gives effect to s6(f) of the RMA and CRPS Objective 13.2.1 and Policies 13.3.1, 13.3.2 and 13.3.3.

Strategic Objective SD-DI-O2

63. The s42A Report discusses the DGC's submission¹⁰ on SD-DI-O2 and opposes the relief sought on the basis that it repeats the wording of s5 of the Act and "*does not add anything that is not already incorporated due to the proposed provisions needing to align with s5 of the Act*". As notified SD-DI-O2 reads:

District Wellbeing and Prosperity

Selwyn's prosperous economy is supported through the efficient use of land, resources and infrastructure, while ensuring existing activities are protected from incompatible activities.

64. I agree with the s42A Report that SD-DI-O2 covers reverse sensitivity issues because the issue that the objective is seeking to address is: "*Incompatible development locating in close proximity to existing activities can undermine their ability to operate, or to operate to the most effective degree. An efficient*

¹⁰ DPR-047-22

framework, and usage of resources can lead to reduced economic potential for the District, and wasted resources”.

65. I also agree that it is not appropriate or helpful to repeat the wording of s5 of the Act because this does not provide any local “strategic direction” to guide decision making.
66. The s42A Report discusses the proposed provisions needing to align with s5 of the Act or the specific provisions. It is unclear whether the s42A Report is referring to other Strategic Directions or other objectives in the proposed Plan. In any case, the concern is the objective itself is not clear on “the key strategic or significant matters for the district and guide decision making at a strategic level”.
67. In my opinion the second part of the proposed objective is a standard reverse sensitivity objective and doesn’t provide any strategic direction or guidance for decision makers. The key point in the DGC’s submission is the connection of the objective to its title “*District Wellbeing and Prosperity*”.
68. If reserve sensitivity issues are a significant resource management issue for Selwyn District, this may warrant a strategic direction objective in the proposed plan. I’m unclear whether this is the case. However, I consider the Objective is seeking to demonstrate the following points in the SD-Overview:

2. alignment with the Council’s aspirations for the development and environment quality of the District as expressed through its District Development Strategy, and

5. a prosperous economy through enabling a wide range of activities.
69. For SD-DI-O2 to deliver the strategic direction and “overarching tone” intended by the supporting documentation I recommend the following amendments to SD-DI-O2:

District Wellbeing and Prosperity

Selwyn’s prosperous economy is supported through the efficient use of land, resources and infrastructure, while ensuring existing activities are protected from incompatible activities.

Conclusion

70. The proposed Strategic Directions fail to address all of the matters they were intended to address as outlined in the proposed Plan, s32 Report, and s42A Report, especially in regard to environmental quality and higher order documents.

71. Strategic Directions are required to do the following:
- a) give effect to the higher order documents; and
 - b) address key strategic or significant matters for the district and guide decision making at a strategic level (National Planning Standards 2019 - District-wide Matters Standard (1)(b)).
72. Given the Strategic Directions fail to address the environmental issues and therefore fail to give effect to higher order requirements, I consider amendments are required to address this issue.

Amelia Grace Ching



26 July 2021

District Identity

This Chapter sets out the overarching direction for the District's Identity matters.

SD-DI - Objectives

Sensational Selwyn

- SD-DI-O1** Selwyn is an attractive and pleasant place to live, work, and visit, where development:
1. takes into account the character of individual communities;
 2. is well-connected, safe, accessible, and resilient; and
 3. enhances environmental, economic, cultural and social outcomes for the benefit of the entire District.

District Wellbeing and Prosperity

- SD-DI-O2** Selwyn's prosperous economy is supported through the efficient use of land, resources, and infrastructure, ~~while ensuring existing activities are protected from incompatible activities.~~

Integration and Land Use, Ecosystems, and Water - Ki Uta Ki Tai

- SD-DI-O3** Land and water resources are managed through an integrated approach, which recognises both the importance of ki uta ki tai to Ngāi Tahu and the inter-relationship between ecosystems and natural processes.

Our Environment

- SD-DI-O4** ~~Places, landscapes, and features which are significant to Selwyn's character, cultural heritage, or are of spiritual importance to Ngāi Tahu, are identified, recognised for their values, and protected for future generations.~~

Selwyn's natural environment is managed for future generations through:

1. identifying and protecting outstanding natural landscapes and features;
2. identifying and protecting areas of significant indigenous biodiversity;
3. maintaining indigenous biodiversity; and
4. preserving the natural character of the coastal environment.

Vibrant and Viable Centres

- SD-DI-O5** Selwyn's hierarchy of activity centres are the preferred location for shopping, leisure, cultural, entertainment, and social interaction experiences in accordance with their anticipated role within the Activity Centre Network.

Character and Identity

- SD-DI-O6** Recognise and provide for the protection of Selwyn's historic and cultural heritage items, places and areas.