

Appendix 3: Supporting Technical Report

BEFORE THE HEARINGS PANEL

IN THE MATTER of the Resource
Management Act
1991

AND

IN THE MATTER of the Proposed
Selwyn District Plan

**STATEMENT OF EVIDENCE OF PAUL ANDREW SMITH
ON BEHALF OF SELWYN DISTRICT COUNCIL**

Proposed Selwyn District Plan - Natural Character Chapter

9 March 2022

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INTRODUCTION

Qualifications and Experience

1. My full name is Paul Andrew Smith. I am a Landscape Architect employed by Rough Milne Mitchell Landscape Architects (formerly Rough & Milne Landscape Architects), which is a Christchurch based Landscape Architecture consultancy that was established in 2010.
2. I hold a Bachelor of Landscape Architecture (Hons) degree from Lincoln University and am a Registered Member of the New Zealand Institute of Landscape Architects Inc.
3. I have been practising as a landscape architect, primarily in the field of landscape planning since 2012. I was employed by Vivian and Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown from 2012 – 2017 and then by Beca Limited, as a landscape architect, specialising as a landscape planner from 2017 – 2019. Since 2019, I have been employed by Rough Milne Mitchell Landscape Architects in the same role.
4. The majority of my work involves advising clients regarding the protection of landscapes and amenity that the RMA and District Plans require. I also produce Landscape and Visual Amenity Effects Assessment reports and provide evidence for local authority hearings and Environment Court Hearings in relation to proposed developments. The primary objective of these assessments and evidence is to ascertain the effect of proposed development on the landscape and amenity values of the surrounding landscape.

Code of Conduct

5. While this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

Scope of Evidence

6. I have been asked to prepare expert evidence that addresses the matters raised in specific submission points received on the Natural Character Chapter of the Proposed Selwyn District Plan (**the Proposed Plan**).
7. Also, Selwyn District Council (**Council**) have requested that my evidence provide comment on and answer the four following questions regarding the natural character

of the rivers within the Selwyn District, that have been derived from the specific submission points:

1. Is a reduced building setback for buildings and structures to lakes and wetlands adjoining a lake from 100m to either 30 or 40m appropriate?
 2. Are horticultural plantings within the setbacks appropriate?
 3. Are ancillary structures within the setbacks appropriate?
 4. Does the Selwyn River warrant a Natural Character Chapter setback?
8. The scope of my evidence is limited to the information included in the Proposed Plan, the submissions and a response to the questions above. Therefore, any potential recommendations and / or conclusions made in my evidence is phrased to avoid raising any new information i.e. my evidence is constrained to recommending setbacks that have already been mentioned.

EXECUTIVE SUMMARY

9. I have been asked to prepare expert evidence that addresses the matters raised in specific submission points received on the Natural Character Chapter and provide comment on and answer the four questions posed by Council.
10. The submissions received on the Natural Character Chapter generally seek that the earthworks, stockpiles, buildings, structures, horticultural plantings, woodlots and shelterbelt setbacks from the water bodies are reduced in width and that additional specific activities can occur within these setbacks.
11. Future development that is outside these setbacks is therefore (or will therefore be) a Permitted Activity, and if a proposed development breaches a setback then the development will be a Restricted Discretionary Activity. Councils' discretion is limited to the development's impact on the natural character of the water body, refer to Appendix 2.
12. Natural character is the distinct combination of an area's natural characteristics and qualities, including degree of naturalness. Future development and / or the increase in the intensity of land management practices can degrade the natural character of the District's water bodies because its naturalness will be reduced by these man-made modifications.
13. The Proposed Plan is to give effect to the RMA, including Section 6a which require Council to provide for "*the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and*

their margins, and the protection of them from inappropriate subdivision, use, and development”.

14. Because future development beyond the setbacks is a Permitted Activity, I consider that Council has to be sure that the setback distances are wide enough to preserve the natural character of the wetlands, lakes and rivers. If these setbacks are not wide enough, the Proposed Plan will not give effect to the RMA. Due to this, I consider that the setbacks determined in the Proposed Plan should take a precautionary approach.
15. The Selwyn District Landscape Study¹ and the Selwyn District Coastal Environment Study² have been adopted by the Proposed Plan and underpin the proposed provisions. These documents identify and evaluate the importance of the rivers and lakes that are included in Schedule 2 and 3 of the Proposed Plan's Natural Character Chapter. Schedule 1 includes sections of the rivers, creeks and streams that adjoin townships within the District.
16. Research into the adjacent Councils District Plans revealed that:
 - Christchurch District Plan has a 30m setback from its more significant waterways. This includes the Waimakariri River that the Christchurch District Plan identifies as an ONL.
 - The Waimakariri Operative District Plan does not include setbacks, nor does it identify the Waimakariri River as an ONL. The Waimakariri Proposed District Plan identifies the Waimakariri River as an ONL and has comprehensive rules regarding how far future development should be from the water bodies within this District. On the whole, the Waimakariri Proposed District Plan is more restrictive when considering future development near a water body.
 - The Ashburton District Plan has identified the Rakaia River as an ONL. The boundary of the ONL is located approximately 350m from the bank along its true right side. This wide ONL area, along with its objectives and policies places is more restrictive when compared with the Proposed Plan when considering future development near the Rakaia River.
 - This indicates a strong trend towards a more restrictive regime that recognises the natural character values of the rivers in the adjoining District Plans as matters of national importance.

¹ Boffa Miskell Limited 2018. *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*. Report prepared by Boffa Miskell Limited for Selwyn District Council.

² Boffa Miskell Limited 2018. *Selwyn Coastal Environment: Natural Character and Landscape Study*. Report prepared by Boffa Miskell Limited for Selwyn District Council.

17. My response to the submissions and questions raised by Council concluded that:
- The setbacks from the rivers, creeks and streams listed in Schedule 1 are appropriate.
 - The setbacks from the rivers listed in Schedule 2 are appropriate.
 - The setbacks from the rivers listed in Schedule 3 are appropriate.
 - The Selwyn River should be listed in the Schedules included in the Natural Character Chapter and that the setbacks identified along its five sections are appropriate.
 - The 100m setback for buildings and structures from a lake and wetland adjoining a lake is appropriate. However, the Proposed Plan could exclude the setback rules from applying to irrigation ponds.
 - It is not appropriate for stockpiles to have a 5m setback from water bodies.
 - It is not appropriate for earthworks associated with mitigation measures to be exempt from the setback requirements.
 - The Porters Ski Zone Rule Requirement 6.3 has a 5m setback from Porters Stream and I consider that this the appropriate rule to use, rather than the Natural Character Chapter Rule Requirement 2.1.d.
 - The Porters Ski Zone Outline Development Plans in the Proposed Plan should identify the roads, and specifically the location of the two bridges that cross Porter Stream.
 - It is not appropriate for irrigation infrastructure to be exempt from the setback requirements.
 - The Proposed Plan should include rules that provide for the maintenance of buildings and structures that are already within a setback as a Permitted Activity. However, alterations, additions, extensions and minor additional structures associated with an existing building or structure should be to be a Restricted Activity.
 - It is not appropriate for any buildings and structures to be exempt from the setback requirements.
 - It is appropriate for river crossings and their associated earthworks solely used for plantation forestry operations to be a Permitted Activity as long as they comply with the NES-PF.
 - It is not appropriate for 'horticultural plantings' to be exempt from Natural Character Chapter Rule 3.

- I consider that Natural Character Schedule 4, Item 4 could say 'biodiversity, with an emphasis on indigenous biodiversity'.

METHODOLOGY

18. The scope of my evidence is limited to the issues raised in the submissions and my response to the questions posed by Council. To address these issues and questions I have undertaken the following:

- Identified and reviewed what natural character is, as defined in the Draft Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines³.
- A review of the Resource Management Act 1991, The National Policy Statement for Freshwater Management 2020, the Canterbury Regional Policy Statement, The Selwyn 2031 – District Development Strategy and The Canterbury Water Management Strategy. This has been undertaken because the Proposed Plan must give effect to, must be consistent with, must recognise and provide for, and / or must take account of these documents.
- A review of the Proposed Plan, including its Natural Character, Natural Features and Landscapes, Earthworks, Rural Zone and Porters Ski Zone Chapters. This has been undertaken because these chapters interrelate, and a number of these chapters are relevant to matters raised in the submissions.
- A review of the submissions that have raised concern with the Proposed Plans Natural Character Chapter.
- A review of the Selwyn District Landscape Study and the Selwyn District Coastal Environment Study because these documents informed and underpin the relevant chapters within the Proposed Plan.
- A review of the Christchurch District Plan, the Waimakariri Operative District Plan, the Waimakariri Proposed District Plan, and the Ashburton District Plan, because these districts adjoin the Selwyn District and the landscape typologies and aim of the policies in these districts are similar to the proposed Selwyn District Plan.

³ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021].

WHAT IS NATURAL CHARACTER?

19. The Aotearoa New Zealand Landscape Assessment Guidelines states the following when defining Natural Character:
20. *Natural character has been interpreted as:*
- *The naturalness⁴ or degree of modification of an area.*
 - *An area's distinct combination of natural characteristics and qualities.*
21. *The former is a **quantitative condition**, the latter a type of **qualitative character**. The former condition is **generic**⁵, the latter character is **specific**.*
22. *The Guidelines adopt the interpretation that natural character is a type of character – the distinct combination of an area's **natural** characteristics and qualities⁶, and that naturalness is an attribute of that natural character.*
23. *'Natural character is the distinct combination of an area's natural characteristics and qualities, including degree of naturalness.'*⁷
24. *"In lieu of a definition, the New Zealand Coastal Policy Statement 2010 (NZCPS) lists examples of matters that contribute to natural character of the coastal environment). The list comprises the natural physical environment and how they are perceived and experienced in context:*

Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

- *natural elements, processes and patterns;*
- *biophysical, ecological, geological and geomorphological aspects;*
- *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- *the natural movement of water and sediment;*
- *the natural darkness of the night sky;*

⁴ *Naturalness in this context is defined as the extent to which natural processes, elements, and patterns occur and the relative absence of human elements such as structures and roads.*

⁵ *Albeit, determined from an area's specific characteristics and qualities.*

⁶ *Natural character is an attribute **of places** – it does not exist of itself. See for example the Port Gore decision, [2012] NZEnvC.*

⁷ *'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021]. Page 95.*

- *places or areas that are wild or scenic;*
- *a range of natural character from pristine to modified; and*
- *experiential attributes, including the sounds and smell of the sea; and their context or setting. [Policy 13 (2):]”⁸*

25. The Guidelines outline the reasons for this interpretation in further detail, specifically, it recognises RMA Section 6(a), it is consistent with the NZCPS Objective 2 and Policy 13(2), which the Proposed Plan quotes as providing further direction on its meaning, and it lends itself to an assessment of each area’s specific natural character. Therefore, this definition is adopted.

RELEVANT HIGHER ORDER DOCUMENTS

26. The Proposed Plan is “*a community document which reflects the views and values of our community as identified through Selwyn 2031 – District Development Strategy*”⁹ and “*provides a framework to guide sustainable development in our District. It is a forward-looking document, managing use and development of natural and physical resources today while protecting the interests and opportunities of future generations to also utilise those resources in a sustainable way*”¹⁰.

27. Also, the Proposed Plan is to give effect to the Resource Management Act 1991 (**RMA**), the National Policy Statement for Freshwater Management 2020, the Canterbury Regional Policy Statement (**CRPS**), Selwyn 2031 – District Development Strategy, the Canterbury Water Management Strategy and any other New Zealand Legislation and any other Environment Canterbury Regional Council Plans Strategies and Bylaws.

28. The policy provisions from the above-mentioned documents that are relevant to the Proposed Plans Natural Character Chapter are included below.

Resource Management Act 1991

Section 5 – Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

⁸ ‘Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines’. [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021]. Page 96.

⁹ Proposed Selwyn District Plan. Part 1. Purpose.

¹⁰ Proposed Selwyn District Plan. Part 1. Purpose.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 – Matters of National Importance

Section 6(a) - the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

Section 7 – Other Matters

Section 7(c) - the maintenance and enhancement of amenity values.

Section 7(f) - maintenance and enhancement of the quality of the environment.

The National Policy Statement for Freshwater Management 2020

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

2.2 Policies

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Canterbury Regional Policy Statement

Section 1.3 - The purpose of the Resource Management Act 1991 (RMA) is set out in Section 5(1) as "to promote the sustainable management of natural and physical resources." 'Sustainable management' is defined in Section 5(2) of the RMA. It means managing the use, development and protection of natural and physical resources, (including water) in a way, or at a rate, which enables people and communities to provide for their economic, cultural and social well-being and their

health and safety, while sustaining the potential of water resources to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of water and ecosystems; and any adverse effects of activities on the environment are avoided, remedied or mitigated.

Chapter 7 – Fresh Water

Chapter 7.2 OBJECTIVES

7.2.1 Sustainable management of fresh water.

The region's fresh water resources are sustainably managed to enable people and communities to provide for their economic and social well-being through abstracting and/or using water for irrigation, hydro-electricity generation and other economic activities, and for recreational and amenity values, and any economic and social activities associated with those values, providing:

- 2. the natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development and where appropriate restored or enhanced;*

7.2.3 Protection of intrinsic value of waterbodies and their riparian zones.

The overall quality of freshwater in the region is maintained or improved, and the life supporting capacity, ecosystem processes and indigenous species and their associated fresh water ecosystems are safeguarded.

7.3 POLICIES

7.3.1 Adverse effects of activities on the natural character of fresh water.

To identify the natural character values of fresh water bodies and their margins in the region and to:

- 1. preserve natural character values where there is a high state of natural character;*
- 2. maintain natural character values where they are modified but highly valued; and*
- 3. improve natural character values where they have been degraded to unacceptable levels;*

unless modification of the natural character values of a fresh water body is provided for as part of an integrated solution to water management in a catchment in accordance with Policy 7.3.9, which addresses remedying and mitigating adverse effects on the environment and its natural character values.

7.3.2 Natural character of braided rivers and lakes

To maintain the natural character of braided rivers, and of natural lakes by:

- 1. subject to clause (3), by prohibiting the damming of each of the main-stem of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata and Waitaki rivers;*
- 2. in respect of every other braided river in the region; by ensuring any damming of a braided river does not reduce the braided character of the main stem;*

3. *in respect of every natural lake by limiting any use of the lake for water storage so its level does not exceed or fall below the upper or lower levels of its natural operating range;*
4. *clauses 1 – 3 do not restrict continued operation, maintenance or upgrading of any water storage scheme, irrigation scheme or hydro-electricity generation scheme for which lawful consent was in effect when this regional policy statement becomes operative, subject to the activity.*
 - a. *remaining a similar scale, intensity and character; and*
 - b. *not resulting in any additional significant adverse effect on the natural character of the river or lake*

7.3.3 Enhancing fresh water environments and biodiversity

To promote, and where appropriate require the protection, restoration and improvement of lakes, rivers, wetlands and their riparian zones and associated Ngāi Tahu values, and to:

1. *identify and protect areas of significant indigenous vegetation and significant habitats, sites of significant cultural value, wetlands, lakes and lagoons/Hapūa, and other outstanding water bodies; and*

2. *require the maintenance and promote the enhancement of indigenous biodiversity, inland basin ecosystems and riparian zones; and*
3. *promote, facilitate or undertake pest control.*

7.3.6 Fresh water quality

In relation to water quality:

1. *to establish and implement minimum water quality standards for surface water and groundwater resources in the region, which are appropriate for each water body considering:*
 - a. *the values associated with maintaining life supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, and natural character of the water body;*
 - b. *any current and reasonably foreseeable requirement to use the water for individual, marae or community drinking water or stockwater supplies, customary uses or contact recreation;*
 - c. *the cultural significance of the fresh water body and any conditions or restrictions on the discharge of contaminants that may be necessary or appropriate to protect those values; and*
 - d. *any other current or reasonably foreseeable values or uses; and.*

7.3.11 Existing activities and infrastructure In relation to existing activities and infrastructure:

1. *to recognise and provide for the continuation of existing hydro-electricity generation and irrigation schemes, and other activities which involve substantial investment in infrastructure; but*
2. *require improvements in water use efficiency and reductions in adverse environmental effects of these activities, where appropriate..*

Chapter 10 BEDS OF RIVERS AND LAKES AND THEIR RIPARIAN ZONES

10.2 OBJECTIVES

10.2.1 Provision for activities in beds and riparian zones and protection and enhancement of bed and riparian zone values.

Enable subdivision, use and development of river and lake beds and their riparian zones while protecting all significant values of those areas, and enhancing those values in appropriate locations.

10.3 POLICIES

10.3.1 Activities in river and lake beds and their riparian zones

To provide for activities in river and lake beds and their riparian zones, including the planting and removal of vegetation and the removal of bed material, while:

- 1. recognising the implications of the activity on the whole catchment;*
- 2. ensuring that significant bed and riparian zone values are maintained or enhanced; or*
- 3. avoiding significant adverse effects on the values of those beds and their riparian zones, unless they are necessary for the maintenance, operation, upgrade, and repair of essential structures, or for the prevention of losses from floods, in which case significant adverse effects should be mitigated or remedied.*

10.3.2 Protection and enhancement of areas of river and lake beds and their riparian zones

To preserve the natural character of river and lake beds and their margins and protect them from inappropriate subdivision, use and development, and where appropriate to maintain and/or enhance areas of river and lake beds and their margins and riparian zones where:

- 1. they exist in a degraded state and enhancement will achieve long-term improvement in those values;*
- 2. they have ecological values for which protection and/or enhancement will assist in the establishment or re-establishment of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas;*
- 3. they have existing significant trout or salmon habitat;*
- 4. maintenance and/or enhancement will improve or establish connections between habitats and create corridors for indigenous species and trout and salmon and their movement between areas;*
- 5. riparian zones provide a buffer from activities that may adversely affect bed values;*
- 6. opportunities exist to create habitat corridors for plants and animals; or*
- 7. riparian zones provide spawning or other significant habitats for at risk or threatened species, such as inanga or Canterbury mudfish.*

The Selwyn 2031 – District Development Strategy

“Selwyn’s water resources are vitally important to the district as lakes, rivers, streams and aquifers are used for power generation (Lake Coleridge), agricultural production and drinking water, as well as for a range of customary and recreational uses. Water is an essential and integral part of the connection between the Taumutu Rūnanga and their takiwā

In recent years the District’s water resources have been coming under pressure. Aquatic health of lowland streams, high country lakes and groundwater has continued to decline, there has been a loss of cultural and recreational opportunities, and the availability of water for use by agriculture is becoming less reliable. There is now a widely held view that continuing along the present path for managing water will lead to unacceptable environmental, social, cultural and economic outcomes.

The Canterbury Water Management Strategy (CWMS) addresses critical water management issues facing the region, including the Selwyn District. The CWMS provides a strategic approach to water management that aims to restore community expectations as well as the trust and confidence between the various interests in water resources.

The CWMS divides the Canterbury region into ten management zones, of which the Selwyn Waihora Zone takes in the majority of the Selwyn District. Each management zone is headed by committees used as the mechanism for consultation, assessment and decision making across Canterbury. The role of the Selwyn Waihora Zone Committee is to work with the community to prepare a Zone Implementation Programme: This outlines a series of actions for integrated water management for the Selwyn Waihora Zone.”¹¹

Opportunities: Explore opportunities for enhancing natural resources while managing the effects of urban growth for Rivers within the District.

Issue: Rivers within the District

- Environmental flows in Selwyn’s rivers need to be maintained if river character, ecosystems and recreational uses are to be protected.*

Action: Give consideration to the Canterbury Water Management Strategy and the implementation of the Zone Implementation Programme and Addendum in Council policy development to help facilitate the maintenance of habitats and ecosystems to protect indigenous biodiversity.¹²

The Canterbury Water Management Strategy

29. The Canterbury Water Management Strategy outlines targets and goals that have been collaboratively created by the 11 District Council’s within Canterbury, including the Selwyn District Council.

¹¹ Selwyn 2031 – District Development Strategy – Page 80-81.

¹² Selwyn 2031 – District Development Strategy – Page 82.

30. This document includes a number of targets and goals, which will lead to the maintenance and enhancement of the Natural Character of Braided Rivers over the next 20 years.

Summary

31. The preservation of the natural character of all rivers, lakes and wetlands within the Selwyn District is a matter of national importance.
32. To give effect to the higher order documents, the Proposed Plan is required, at a minimum to maintain the existing natural character of the water bodies within the Selwyn District. Also, where possible, it is to enhance or improve the existing natural character of these water bodies.
33. Importantly, the Selwyn 2031 – District Development Strategy has identified that the health of lowland streams, high country lakes and groundwater has continued to decline. Also, it mentions that there is now a widely held view that continuing along the present path for managing water will lead to unacceptable environmental, social, cultural and economic outcomes.

THE PROPOSED PLANS NATURAL CHARACTER CHAPTER

34. Future development and / or the increase in the intensity of land management practices, with the exception of conservation activities that seek to restore natural character can degrade the natural character of the District's water bodies. This is because according to the definition of natural character¹³, naturalness will be reduced by the addition of further man-made modifications. Therefore, the starting point when assessing any future development that is located near a water body is to assume that it will reduce the natural character of the water body.

Setbacks

35. The Proposed Plan uses setbacks as the tool to determine how close future development as a Permitted Activity can be to a water body whilst preserving its natural character. If future development breaches these setbacks, the application is a Restricted Discretionary Activity.
36. The setbacks measured from the banks of a surface water body outlined in the Proposed Plan are required to consider a wide range of development options along

¹³ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. [Final Draft subject to final editing, graphic design, illustrations, approved by Tuia Pito Ora/NZILA 5 May 2021]. Page 95.

different waterbodies with varying degrees of naturalness. The Proposed Plan has taken a simplified approach to providing an activity status for all future development near a water body. I agree with this approach as it is less onerous and does not result in a complex list of rivers and activities, with a corresponding activity status table. Also, it will not result in any potential activities being excluded from that list.

37. The defined setbacks relate to a large number of quite different water bodies and inevitably will vary in 'appropriateness' as required by RMA Section 6a. There will be instances when these setbacks appear as a 'line in the sand' and in other instances the setback may not be wide enough. Therefore, in my view there is no one size fits all. Given that the Proposed Plan will be in place for at least the next 10 years, I consider that a precautionary approach should apply to the setbacks required by the Proposed Plan otherwise the Proposed Plan may allow for future development that does not preserve the natural character of the nearby water body. If this were to occur, the Proposed Plan would not give effect to the RMA and the other higher order documents, which at a minimum seek the preservation of the natural character of these water bodies.
38. Under the Proposed Plan, an application that proposes development within the setback will be a Restricted Discretionary Activity. It will not be a Discretionary or Non-Complying Activity. I consider that this is an appropriate activity status because it allows an applicant a consenting pathway to demonstrate how their proposal will preserve the natural character of the relevant waterbody. The matters of discretion are included in Appendix 2.

Policy Provisions

39. The Proposed Plan's Natural Character Chapter, as included in Appendix 2, provides the policy provisions that have been notified to the public. They are essentially what Council wish to move forward with and use as the policy direction in maintaining and / or enhancing the natural character values of the water bodies and their margins from future development.
40. The Natural Character Chapter Objectives and Policies seek the preservation of the natural character of the surface of the water bodies from future development. In doing so it uses setbacks from the bank of the water body to determine how an application will be processed.
41. Generally, it seeks that future development is located further away from water bodies that have a higher degree of natural character when compared with all other water bodies. The Proposed Plans Rule Requirements are summarised below:

- **NATC-REQ1** - All earthworks and stockpiles are to be located at least 20m from the bank of a surface water body listed in Natural Character Chapter Schedule 1 and any surface water body located in the Residential Zone, Commercial and Mixed Use Zone, General Industrial Zone, Dairy Processing Zone, Knowledge and the Port Zone. Otherwise, a 10 setback is generally required for other water bodies.
- **NATC-REQ1** - All earthworks and stockpiles are to be located at least 20m from the bank of a surface water body within the General Rural Zone, the Grasmere Zone, Māori Purpose Zone, Terrace Downs Zone, and the Porters Ski Zone.
- **NATC-REQ2** - Buildings and / or structures, in all zones are to have a 100m setback from the bank of any lake and any wetland adjoining a lake.
- **NATC-REQ2** - Buildings and / or structures, in all zones are to have a 25m setback from the bank of any surface water body listed in Natural Character Chapter Schedule 1 and 2, excluding fence and signage posts. A 20m setback applies to those listed in Schedule 3. A 10m setback is required from the bank of the other non-scheduled water body.
- **NATC-REQ3** - Horticultural Plantings, Woodlots and Shelterbelts, in the General Rural Zone, the Grasmere Zone, Māori Purpose Zone, Terrace Downs Zone, and the Porters Ski Zone requires that vegetation plantings are set back 20m from the bank of a surface water body listed in Natural Character Chapter Schedule 2 or Natural Character Chapter Schedule 3. A 10m setback is required from the bank of the other non-scheduled water body.

42. In all circumstances, if compliance with these setbacks is not meet, the proposal is a Restricted Discretionary Activity with discretion being limited to Natural Character - Matter 1 (NATC-MAT1) as listed below.

Natural Character - Matter 1

1. *The extent to which the proposed activity will affect the natural character of the surface water body and its margins;*
2. *The effects of the proposed activity on any indigenous vegetation and any effects on mahinga kai and other customary uses;*

43. As mentioned above, if compliance with these setbacks is not meet, the proposal does not become a Discretionary, Non-Complying or Prohibited Activity.

OVERVIEW OF THE SUBMISSIONS

44. The public submissions received on the Natural Character Chapter seek the following changes to the rules:

- **NATC-REQ1 and REQ2** - To allow earthworks infrastructure associated with installing, operating and maintaining irrigation infrastructure within the 20m setback to be exempt from this rule.

The submission considers that intakes and in-river works are appropriately managed through the regional planning framework and submitter is concerned to avoid unnecessary consenting requirements. This submission appears to relate to the Rakaia River.

- **NATC-REQ2** – To reduce the building and structure setbacks from the bank of any lake and any wetland adjoining a lake from 100m to between 20 – 40m.

The submissions raise concern that numerous houses will require resource consent as they are within this setback. Also, concern is raised regarding the implications on rural productivity of the land.

- **NATC-REQ2** - To reduce the building and structure setbacks from the bank of a surface water body as listed in NATC-SCHED 1 and 2 from 25m to 20m.

The submissions raise concern regarding the implications on rural productivity of the land.

- **NATC-REQ2** - To allow a pump station within 5m of any water body.

The submission considers it necessary and more efficient to locate these next to, or within close proximity of a water body.

- **NATC-REQ2** - To exclude artificial crop protection structures from surface water body setbacks e.g., Y, T frame structures – use permeable materials to protect crops.

The submission raises concern regarding the implications on rural productivity of the land.

- **NATC-REQ3** - To not allow horticultural planting in the surface water body setback areas as a permitted activity and NATC-REQ3 to require new woodlot and shelterbelt planting to comply with setback rules (between 20 and 10m).

- **NATC-REQ3** - Deletion of Selwyn River from Chamberlains Ford to Selwyn Lake Rd from NATC SHED 2.

The submission considers that there may be a conflict with the Canterbury Land and Water Regional Plan that encourages planting within the 20m setback proposed in Proposed Plan.

BACKGROUND RESEARCH

45. The background research that I have undertaken is focused on the background reports that assisted in the drafting of the Proposed Plan, and the policy provisions that the Christchurch, Waimakariri and Ashburton District Councils use to preserve the natural character of the water bodies in their Districts.
46. I have limited my research to these three District Councils because they are all adjacent to the Selwyn District and the types of landscapes, including braided rivers and lakes in the Selwyn District also exist in these three Districts.

The Selwyn District Landscape Study and Coastal Environment Study

47. In 2017/2018 Council commissioned Boffa Miskell to undertake a landscape study (**the Landscape Study**)¹⁴ that characterises the landscapes within the Selwyn District and evaluates their biophysical, perceptual and associative values. Subsequently the Landscape Study identifies the Outstanding Natural Landscapes (**ONL**) and Visual Amenity Landscapes (**VAL**) within the Selwyn District.
48. Council also commissioned Boffa Miskell to define and map the terrestrial component of the Selwyn District's Coastal Environment (**Coastal Environment Study**)¹⁵ This study identifies the coastal environment and the identifies the areas with high and very high natural character.
49. The Landscape and Coastal Environment Studies also identify potential threats, through developmental pressures that may adversely affect the values of the ONL and VAL, including those within the coastal environment.

The Christchurch District Plan

50. The Christchurch District Plan, like the Proposed Plan is an activity-based plan, which sets out rules which relate to specific zones.
51. The Objectives and Policies the General Rules and Procedures Chapter seek to protect the water bodies from inappropriate development and to naturalise the water bodies and their margins. This chapter, like the Proposed Plan uses setback distances from the water bodies as a way to manage development near these waterbodies in order to protect and enhance their natural character values.

¹⁴ Boffa Miskell Limited 2018. *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*. Report prepared by Boffa Miskell Limited for Selwyn District Council.

¹⁵ Boffa Miskell Limited 2018. *Selwyn Coastal Environment: Natural Character and Landscape Study*. Report prepared by Boffa Miskell Limited for Selwyn District Council.

52. Most water bodies that are relevant to my evidence are classified as Downstream or Upstream waterways.
53. Downstream waterways include Waimakariri River, and the lower sections of Styx River, the Avon River and the Heathcote River, downstream of their tributaries. The downstream sections of these rivers, excluding the Waimakariri River, are generally wider than the upstream sections. Future development is to be setback 30m from these waterways otherwise that proposed development is a Restricted Discretionary Activity.
54. Upstream waterways include the Styx River, Avon River, and Heathcote River, including a number of their tributaries, e.g Nottingham Stream. Future development is to be setback 20m from these waterways otherwise that proposed development is a Restricted Discretionary Activity.
55. The downstream section of the Waimakariri River is located within the Christchurch District, downstream of the bike trails at McLeans Island.
56. The Christchurch District Plan categorises the Waimakariri River as an ONL. In most instances the ONL boundary line appears to be more than 30m from the Waimakariri River's bank. Therefore, if future development breaches the 30m setback, it is likely that the applications activity status will be a Discretionary or Non-complying Activity as it is within the ONL. In these instances, an assessment against the Policy Provisions in Chapter 9.2 – Landscape and Natural Character will be required to demonstrate if the proposed development will preserve the natural character of the Waimakariri River.

The Waimakariri District Plan

57. The Waimakariri River is the boundary between the Waimakariri and Selwyn Districts. The Waimakariri District Plan, unlike the Selwyn District Plan has not identified the Waimakariri River as an ONL.
58. However, the Proposed Waimakariri District Plan has identified the Waimakariri River as an ONL, including its extent. In doing so, the Proposed Waimakariri District Plan is consistent with the adjoining District Plans and satisfies RMA Section 74(2)(c).
59. The Proposed Waimakariri District Plan has identified 50m, 20m, 10m and 5m setbacks for its scheduled water bodies. The 50m setback applies to the Waimakariri and Ashley Rivers, that are identified as ONLs. This is twice the width of the Proposed Plans setback.

60. The Proposed Waimakariri District Plan provides specific rules for 10 different activity types including:
- Water intake structures – Permitted Activity if authorised by the Regional Council.
 - Public amenity structures - Permitted Activity if it does not breach the maximum building sizes, that are relatively small. A breach results in a Restricted Discretionary Activity.
 - New buildings and structures outside of the setbacks are - Restricted Discretionary Activity if it does not breach the maximum building sizes, that are relatively small. A breach results in a Discretionary Activity.
 - Plantation forestry, woodlots and shelterbelts – Non-Complying Activity.
61. I consider that on the whole the Proposed Waimakariri District Plan is more restrictive when considering future development and the potential cumulative adverse effects on a water body when compared with the Proposed Plan.

The Ashburton District Plan

62. The Rakaia River is the boundary between the Selwyn and Ashburton Districts. The Ashburton District Plan, like the Selwyn District has identified the Rakaia River as an ONL.
63. The Ashburton District Plan includes a high level description of the Rakaia River and outlines the potential future landscape pressures that may affect its natural character, focusing on the different pressures in its upper, mid and lower reaches. refer to Ashburton District.
64. *The existing modifications in the upper sections of the river valleys differ significantly from the lower reaches. The headwaters and upper mountainous sections of the rivers and their tributaries are highly natural and large parts of this landscape are protected by the Department of Conservation. Since there are extensive areas of important habitats which support an array of indigenous flora and fauna, and highly natural landscapes, these areas are very sensitive to change. However, development pressure is considered relatively low due to difficult access.*
65. *The mid sections of the rivers between the confluences of the main tributaries and the gorges contain distinctive nodes of development, associated with high country farming. Extensive farming modifications, such as paddocks lined with shelterbelts, farm buildings and structures are generally confined to the large tributary fans. The lower slopes, in particular around high country stations, are often over-sown with exotic grasses and a clear demarcation line to the tussocks above is clearly visible*

in most places between the 800 and 1000 metre contour. The river flats and floodplains between the distinctive fans are often extensively grazed, but lack the unnatural elements and patterns that can be found around homesteads. The Upper Rakaia Valley between the gorge and the confluence with the Mathias River is more accessible than the Rangitata Valley in this section and modifications in the Rangitata are therefore more confined to the wide basin between the Havelock/Clyde confluence and Potts River. Erewhon and Mt Potts Station are the only high country stations within Ashburton District along this stretch of the river. However, a road provides access along the true right of the river to Mesopotamia Station (Timaru District).

66. *While development pressure along these mid sections of the Rakaia and Rangitata Rivers currently appears to be relatively low and focused on farming activities, these visually and ecologically sensitive areas are considered to be of high importance. Development and landscape change outside the existing nodes, in particular for non-farming related activities, have potential for high impact on the highly valuable landscape. Uninterrupted long distance views along the braided rivers and to the mountains beyond are a key value of this landscape, and their scale dwarf the existing development. Nonetheless, change that does not reflect natural processes can have significant adverse effect.*
67. *The high sensitivity of the braided river systems, wetlands and associated flora and fauna would have to be a key consideration for any future development. While the upper reaches of the rivers are largely weed free, invasion of weedy plants may pose a serious future threat. Some of the mid and most of the lower reaches already contain broom, gorse and yellow tree lupin.”¹⁶*
68. The Ashburton District Planning maps, again similar to the Selwyn District Plan has identified the extent of the Rakaia River. The ONL line appears to predominantly follow natural contours, historic braid plains and through the plains landscape is approximately 350m from the river’s edges. For reference, this differs to the Proposed Plan, with the ONL line for the Rakaia River’s true left bank within the Selwyn District is more aligned with the river’s edge.
69. It is worthwhile mentioning that east of the Rakaia Bridge, the boundary line between the two Districts is somewhat peculiar, being more in line with the true right bank of the river rather than its centre. This may be why the location of the ONL boundary line does not appear to logically follow the river’s edge.

¹⁶ Ashburton District Plan. Chapter 3 – Rural Zones. Page 114 and 115.

70. The Ashburton District Plan has the following Objectives that are relevant to an assessment of any future development within the ONL.
- *Objective 3.3: Outstanding Natural Features and Landscapes. Enhance the landscape characteristics and values of the Outstanding Natural Features and Landscapes of the Ashburton District and protect them from inappropriate subdivision, land use and development.*
 - *Objective 3.4: Natural Character Preserve the natural character of the District's coastal environment, rivers, lakes, wetlands and their margins, and protect such areas from inappropriate subdivision, land use and development.*
71. Regarding the above, development within the ONL, which includes potential future development approximately 350m from the river's edge is required to demonstrate that it enhances the landscape values and preserves the natural character values of the Rakaia River.

RESPONSE TO THE SUBMISSIONS AND QUESTIONS

72. My response to the submissions and questions raised by Council is formulated under the following headings:
- Potential Future Development
 - Potential Restoration and Rehabilitation
 - The Current Natural Character of the Water Bodies
 - Schedule 1 – 3: Rivers, Streams and Creeks
 - The Selwyn River
 - Schedule 1 – 2: Lakes and Wetlands adjoining a Lake

Potential Future Development

73. The Proposed Plan identifies earthworks, stockpiles, buildings, structures horticultural plantings, woodlots and shelterbelts as the types of future development and the intensification of land use activities that may degrade the natural character of the water bodies within the Selwyn District.
74. These types of development have been informed by the Landscape Study, which I agree with. The definitions of these activities are included in Appendix 1 and an

outline of what these activities may include are listed in Section 8 of the Landscape Study¹⁷.

75. As mentioned above, future development may result in adverse effects, individual and cumulative on the natural character of the water bodies within the Selwyn District where natural character is derived from one or more of the following attributes:
- natural elements, processes and patterns;
 - biophysical, ecological, geological and geomorphological aspects;
 - natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - the natural movement of water and sediment;
 - the natural darkness of the night sky;
 - places or areas that are wild or scenic;
 - a range of natural character from pristine to modified; and
 - experiential attributes, including the sounds and smell of the sea; and their context or setting.
76. It should bear in mind that the setbacks identified in the Proposed Plan are the main mechanism to preserve the natural character of the District's water bodies. In particular, any future development outside of the setback is a Permitted Activity, under the Proposed Plan's Natural Character Chapter¹⁸.

Horticultural Plantings, Woodlots and Shelterbelts

77. Natural Character Rule 3 refers to horticultural plantings, woodlots and shelterbelts. Natural Character Rule Requirement 3 refers to vegetation planting, which is not defined in the Proposed Plan and may include any vegetation, including native restoration vegetation.
78. The interchanging of these two terms creates confusion, which is aptly raised in one of the submissions requesting the removal of Rule Requirement 3. This is because planting of native vegetation along a water body will therefore require resource consent, and this conflicts with the Canterbury Land and Water Regional Plan.

¹⁷ Boffa Miskell Limited 2018. *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 62 - 77

¹⁸ There may be other policy provisions in the Proposed Plan that change the overall activity status of a proposal.

Regarding this, I consider that in most instances native vegetation will enhance a water body's natural character, not degrade it.

79. Due to the above, I recommend that the term 'Vegetation Planting' should be removed and replaced with 'Horticultural Plantings, Woodlots and Shelterbelts'.

Potential Restoration and Rehabilitation

80. Good riparian planting and management is an extremely useful tool for improving water quality and enhancing freshwater biodiversity, which is sought by Aotearoa New Zealand's Government Essential Freshwater Rules and Regulations.
81. Specifically, riparian planting reduces erosion and sedimentation, it filters phosphorus and contaminants, it buffers the impact of flooding (which is becoming more regular due to climate change) and creates cool shady habitats.
82. Riparian planting is a permitted activity under the Proposed Plan. However, from experience it is commonly used to positively offset the potential adverse effects of development on the natural character of a water body, i.e., the positive effects resulting from the riparian planting is used as mitigation or to offset the potential negative effects of a proposed development.
83. My interpretation of Natural Character Chapter Policy 1.4 enables this opportunity to occur. I consider that this is appropriate and is an important landscape consideration when considering future applications that breach a setback.

The Current Natural Character of the Water Bodies

84. The Selwyn District extends from the ridgeline of the Southern Alps to the coastline and contains hugely varying landscapes. The natural character of the water bodies in the Selwyn District generally varies from very high, being at the more pristine end, to low being at the more modified end of the natural character spectrum.
85. Council has adopted the findings in the Landscape and Coastal Environment Studies to identify the water bodies that have very high and high natural character. These lakes and rivers, which are identified as ONLs and VALs are identified in the Proposed Plan's Natural Character Schedules 2 and 3.
86. The Proposed Plan does not go into further detail regarding the description or evaluation of the natural character of all other waterbodies within the Selwyn District. However, as mentioned, under the RMA, the rivers, lakes, and wetlands, and their margins are Section 6a landscapes, with the preservation of their natural character and protection of inappropriate development being a matter of national importance.

87. A brief outline of the waterbodies listed in Schedules 1 – 3 and a general description of the lakes and the wetlands adjacent to lakes in the District is below.

Natural Character Chapter Schedule 1

88. The rivers, creek and stream listed in Natural Character Schedule 1, are listed below.

- Bealey River, Arthur's Pass township.
- Hororata River/Cody's Stream, Hororata township.
- LI Creek, Lincoln township
- Ararira/LII River, Lincoln township
- Hurutini/Halswell River, Tai Tapu township
- Waikirikiri/Selwyn River, Whitecliffs township

89. These rivers, creek and stream were not identified within the Landscape Study. Without undertaking a thorough assessment, it is unlikely that these rivers, creeks or streams are an ONL due to their location within and / or adjacent to urban development.

Natural Character Chapter Schedule 2

90. Lake Coleridge is listed under Natural Character Schedule 2 and is identified within the ONL Rakaia Catchment.

91. The rivers listed under Natural Character Schedule 2 are all identified as being part of or within an ONL, apart from the Waikirikiri / Selwyn River. For reference, all of the ONLs within the Selwyn District, as listed in the Natural Features and Landscapes Schedule are included below:

- ***Te Pātaka o Rākaihautū / Banks Peninsula (Selwyn Section) ONL*** - *Exceptional volcanic skyline and spurs with pockets of native vegetation.*
- ***Te Waihora/Lake Ellesmere (Selwyn Section) ONL*** - *One of Canterbury's last major wetlands and an outstanding wildlife habitat with great importance to tāngata whenua as a mahinga kai area.*
- ***Rakaia River ONL*** - *Dynamic and impressive braided river system, which clearly displays its formative processes.*
- ***Waimakariri River ONL*** - *One of the best examples of a braided river in New Zealand.*

- **Malvern Hills ONL** - Downlands and foothills to the east of the higher Front Ranges with easy access to the sub-alpine environment.
- **Front Ranges ONL** - Impressive mountainous landform and land cover patterns, contrasting strongly with the highly modified patterns of the plains below.
- **Rakaia Catchment ONL** - Massive landscapes, full of drama with clear impressive views through to the Alps and their headwaters.
- **Waimakariri Catchment ONL** - Dramatic and spectacular landscape of pristine lakes, rivers, and majestic mountains.

Natural Character Chapter Schedule 3

92. The rivers listed under Natural Character Schedule 3 are not identified as being within an ONL or a VAL. Rather, these rivers all flow directly into Te Waihora / Lake Ellesmere, which is identified as an ONL.
93. Upstream activities can have flow on effects on a downstream water body. Therefore, these water bodies are identified as being valued / important as they feed into Te Waihora / Lake Ellesmere, and that the potential upstream activities may adversely affect the ONL values of Te Waihora / Lake Ellesmere.

The Selwyn River

94. The Waikirikiri / Selwyn River is in excess of 80km long. Its natural character has declined, including the significant narrowing of its pre-European braid plain, that has predominantly resulted through decades of agricultural activities that have incrementally crept closer to the primary water course.
95. The Waikirikiri / Selwyn River is not considered to be an ONL, a VAL or a Significant Feature due to the level of modification that has occurred. However, the Landscape Study has described it as "*The central natural landscape feature of the Low Altitude Plains Character Area is the Waikirikiri/Selwyn River and its tributaries including the Waianiwanui, Te Hororātā and Hawkins Rivers, which flow from the Malvern Hills to Te Waihora/Lake Ellesmere.*"¹⁹
96. The Waikirikiri / Selwyn River traverses the Malvern Hills Foothills weaving across the valley floor and then the plains from Whitecliffs for approximately 50kms, feeding into Lake Ellesmere which is an ONL. Of note is that the Waikirikiri / Selwyn River was a central travel route linking mahinga kai sites and pā/kāinga between Lake Ellesmere and the Malvern Hills.

¹⁹ Boffa Miskell Limited 2018. *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 18.

97. With regard to this, the Waikirikiri/Selwyn River is considered to be a key landscape feature within the Selwyn District, even though it has been modified.²⁰

Lakes and Wetlands Adjoining a Lake

98. All of the VAL's within the Selwyn District, as listed in the Natural Features and Landscapes Schedule are included below:
- ***Te Pātaka o Rākaihautū/Banks Peninsula VAL.***
 - ***Malvern Hills VAL.***
 - ***Rakaia Catchment VAL.***
99. In most circumstances, these VALs are situated adjacent to the relevant above mentioned ONLs.
100. A large number of the prominent lakes and wetlands adjoining a lake within the Selwyn District are located within ONLs and VALs, e.g., Lake Coleridge, Lake Selfe, Lake Evelyn, Lake Ida, Lake Catherine, Lake Georgina, Lake Pearson, Lake Hawdon, and Lake Marymere. A large number of unnamed wetlands are associated with these lakes. These lakes and wetlands contribute to the high and very high degree of natural character of the landscape. Conversely, there a large number of smaller lakes throughout the plains landscape.

Schedule 1 – 3: Rivers, Streams and Creeks

101. The details regarding the specific setbacks from the rivers, streams and creeks listed in Schedules 1 – 3 within the Selwyn District is mentioned above and included in Appendix 2.
102. The Proposed Plan has taken the general approach of identifying a wider setback associated with the more important rivers, streams and creeks, being 20m or 25m. I.e. those that form part of an ONL or VAL, the Selwyn River, or are within a township when compared with other rivers, streams and creeks, being 10m. These larger setbacks demonstrate that these rivers, streams and creeks have a higher degree of natural character and are less susceptible to absorbing future development, individually or cumulatively. I agree with this approach.
103. I discuss the importance of each Schedules Natural Character setback and their relevant distance under the following headings.

²⁰ Boffa Miskell Limited 2018. *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 19.*

Natural Character Schedule 1

104. Natural Character Schedule 1 requires future built form, earthworks and Horticultural Plantings, Woodlots and Shelterbelts within the Residential Zone to be located 25m, 20m and 10m respectively from the banks of the adjoining rivers, streams or creeks otherwise the proposal is a Restricted Discretionary Activity.
105. Residential Zones contain a relatively large amount of development and when situated near a water body can significantly reduce their natural character. This is likely to occur through a change in the natural elements, processes and patterns, biophysical, ecological, geological and geomorphological aspects, the natural movement of water and sediment, the natural darkness of the night sky and the experiential attributes, both individually and cumulatively.
106. Also, these sections of rivers, streams and creeks are upstream of their outlets. Therefore, degradation to the natural character of these sections of water bodies can also adversely affect the natural character of their downstream sections.
107. A good example of maintaining and enhancing the natural character of one of these Natural Character Schedule 1 water bodies is Li Creek in Lincoln township.
108. Li Creek in Lincoln township, south of North Belt Road varies in width between approximately 40 and 70m. It is lined on either side with predominantly native vegetation that has resulted in the enhancement of Li Creek's natural character post European settlement. It is designated as a reserve with general open space and also provides a walkway within the riparian margin for the community to enjoy. It is considered to be a community asset.
109. The positive enhancement of the Li Creek's natural character within an approximate 25m setback on both sides would not have been possible without the provision of a setback. I consider that a minimum setback smaller than this may remove or reduce the opportunity to enhance the natural character of a water body and the potential to create a community asset.
110. From experience, I am aware of the pressures resulting from development creeping as close as possible to water bodies like these to maximise the development potential of the land.
111. Based on the above, if the setbacks are narrower than 25m, e.g., 20m and development breaches this setback, it severely constrains the ability to preserve or enhance the natural character of the nearby water body without consideration of the wider environment.

112. Therefore, I consider that the Proposed Plans 25m setback for rivers, creeks and streams listed in Natural Character Schedule 1 to be appropriate.

Natural Character Schedule 2

113. Natural Character Schedule 2 requires future built form, earthworks and horticultural plantings, woodlots and shelterbelts within the Rural Zone to be located 25m and 20m from their banks otherwise the proposal is a *Restricted Discretionary Activity*.
114. Additionally, future built form is to be located 100m from the banks of Lake Coleridge and Lake Ellesmere otherwise the proposal is a *Restricted Discretionary Activity*. I discuss this 100m setback under the following heading 'Schedule 1 – 2: Lakes and Wetlands adjoining a Lake'.
115. These rivers listed under Natural Character Schedule 2, apart from the Selwyn River, are identified as being part of, or within, an ONL. I discuss the specific setbacks in relation to the Selwyn River under the following heading 'The Selwyn River'.
116. The rivers within an ONL have very high and high biophysical, perceptual and associated values and are therefore less susceptible to absorbing change. Therefore, the setbacks relating to these rivers should be wider than other rivers.
117. As mentioned, when considering future development near a water body within an ONL the Proposed Plan should take a precautionary approach to the width of its setbacks. Otherwise, it may not be able preserve the natural character of the water bodies within the Selwyn District, which is what the RMA requires it to do.

The Upper Sections of these Rivers Surrounded by an ONL

118. The Rakaia and Waimakariri Rivers headwaters are within a larger landscape that is categorised as an ONL. Development within these areas, no matter what the setback distance is, will need to be assessed against the Natural Features and Landscapes Chapter of the Proposed Plan. In these instances, the application may be a *Discretionary* or *Non-Complying Activity*.
119. Due to this, the Proposed Plan has other policy provisions relating to landscape matters that the application will need to be assessed against, including landscape values associated within these waterbodies. Therefore, the policy provision within the Natural Features and Landscapes Chapter will assist in preserving the natural character of these waterbodies from inappropriate development, no matter what the setback distance.

The Mid and Lower Sections of these Rivers Surrounded by Rural Land

120. The Rakaia and Waimakariri Rivers are surrounded by rural land that is not categorised as an ONL or VAL.
121. The surrounding rural land, when compared with the above-mentioned ONLs and VALs is more developed primarily due to the intensification of agricultural activities. This has resulted in the edge between these rivers and lakes being well defined by agricultural activities, rather than a riparian margin.
122. These rural working landscapes, as they are more modified, when compared with an ONL may be able to absorb further development without adverse effects on natural character.
123. The Christchurch District Plan and the Proposed Waimakariri District Plan has identified a 30m and 50m setback for future development along the Waimakariri River, respectively. The Ashburton District Plan does not have a defined setback for the Rakaia River, unless it is within 100m of a stopbank.
124. To be consistent with the Christchurch District Plan and Proposed Waimakariri District Plan, the Proposed Plan would need to increase the 25m setback for these rivers to 30m and 50m. However, recommending this is beyond my scope of evidence.
125. Future development within a rural setting may vary in size, height, length and scale, or result in a significant change in vegetation cover. From experience, rural buildings and structures are commonly large in size²¹ and scale. Such large structures may both physically and visually dominate a 25m setback and potentially degrade the natural character of the nearby waterbody.
126. The Proposed Plans 25m setback does provide adequate space for permitted development to be situated where it can be absorbed into the adjacent rural working landscape rather than reduce the natural character of the nearby water body. For development that may breach the setback, there is the opportunity to enhance the natural character of the nearby water body within an area that is less than 25m, which may include providing a potential buffer of native vegetation between horticultural, woodlots and shelterbelt plantings.
127. Irrigation infrastructure, unlike a farm shed, is relatively small in size and scale with associated pipes being situated underground. The Proposed Waimakariri District Plan provides for irrigation infrastructure as a permitted activity, with no limit on size, scale and colour. Whilst being more permissive for this activity, the Proposed

²¹ Refer to Permitted Activity Rule Requirement – GRUZ-REQ1 1.a and b, and GRUZ-REQ2 1.a-c.

Waimakariri District Plan is more restrictive on other future development, including buildings and structures beyond the setbacks being a Restricted-Discretionary Activity and plantation forestry, woodlots and shelterbelts being a Non-Complying Activity.

128. The Proposed Plan's general approach is considered more likely to result in potential cumulative adverse effects on natural character if all irrigation infrastructure is a Permitted Activity. I consider that it would be inappropriate for irrigation infrastructure to be a Permitted Activity within the setbacks due to their potential proliferation along the banks of these rivers, which would result in the decline of their natural character and would not need to be offset by any positive mitigation measures.
129. With regard to submissions seeking a 20m setback, I consider that the setback should not be reduced below 25m. This is because the permitted future development within 25m of these rivers is more likely to degrade their natural character, more so because they are classified as ONLs. Also, because there would become a lot less space to potentially offset these adverse effects with riparian planting or provide for native vegetation as a buffer between the water body and horticultural, woodlots and shelterbelt plantings.

Summary

130. On balance, the Proposed Plans setbacks with a Restricted Discretionary activity status is considered appropriate for all future development. I consider this because caution should be taken when considering all types of future development, whilst also providing a consenting pathway for development that is able to demonstrate that it preserves the natural character of the nearby water body.

Natural Character Schedule 3

131. The rivers listed under Natural Character Schedule 3 are not identified as being within an ONL or a VAL. Rather, these sections of river are all directly upstream and flow into Te Waihora / Lake Ellesmere, which is identified as an ONL.
132. Future built form, as a Permitted Activity, is to be located 20m from the banks of these rivers, otherwise it is a Restricted Discretionary Activity.
133. These rivers all contribute to the natural character of Lake Ellesmere, being the largest wetland with the Canterbury Plains. It has outstanding wildlife habitats, is a very important habitat for a range of indigenous fauna and supports many notable plants. However, it is recognised as one of the most polluted lakes in Aotearoa.²²

²² <https://www.selwyn.govt.nz/recreation-And-facilities/parks-And-reserves/lake-ellesmere>

134. The Landscape Study and Natural Character Study has identified that all future development is a potential threat to its natural character, including small structures, like Farrow Huts / Mai Mai's. As upstream activities are a threat to the natural character of Lake Ellesmere, I consider that the setback will be the minimum width necessary to preserve natural character.
135. Regarding the above and the discussion under Natural Character Schedule 2, I consider that a 20m setback, at a minimum is considered appropriate. This is because a narrower setback, i.e., 10m is not wide enough as to ensure the preservation of Lake Ellesmeres natural character from all types of permitted development, individually and cumulatively.

The Selwyn River

136. The Selwyn River is recognised in the Landscape Study as the central natural landscape feature of the Low Altitude Plains Character Area because it traverses the plains from the foothills of the Southern Alps to feed into Lake Ellesmere, which is an ONL. As a braided river is it globally rare. Also, for Ngai Tahu it was a central travel route linking mahinga kai sites and pā/kāinga from Malvern Hills to Lake Ellesmere. For these reasons, the Selwyn River is considered to be one of the key landscape features within the Selwyn District²³. The Selwyn River is not identified as an ONL or VAL, however it is a Section 6a landscape.
137. Regarding the above, I consider that the Selwyn River, or at least sections of it should be included in the Natural Character Chapter's Schedules, rather than be subject to a minimum 10m setback along its entire length.
138. Without a wide enough setback, there is concern that the environmental outcomes will be unacceptable. Regarding this, it may be argued that those unacceptable outcomes are currently present along the Selwyn River. This is because the water quality, which is one aspect of natural character, has declined to the point that no swimming is permitted along parts of the Selwyn River.²⁴
139. The setbacks relating to the Selwyn River is separated into five different sections, as described below.

²³ Boffa Miskell Limited 2018. *Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 19.

²⁴ <https://www.lawa.org.nz/explore-data/swimming/>

Lake Ellesmere and Selwyn Lake Road / Selwyn Huts

140. Between Lake Ellesmere and Selwyn Lake Road / Selwyn Huts there is a 10m setback for all earthworks, stockpiles, buildings, structures horticultural plantings, woodlots and shelterbelts.
141. The lowest stretch of the Selwyn River is highly modified as it does not display its original braided river characteristics. It is visually enclosed by stop banks, which will visually separate the river from future development. Also, the Selwyn Huts, Lower Selwyn Huts and Days Road that runs alongside it all assist in absorbing development. Therefore, the 10m setback is appropriate.

Selwyn Lake Road and Chamberlains Ford

142. Between Selwyn Lake Road and Chamberlains Ford there is a 25m setback for all buildings and structures and a 20m setback for earthworks, horticultural plantings, woodlots and shelterbelts.
143. The section of the Selwyn River between Selwyn Lake Road and Chamberlains Ford is relatively narrow, has a relatively high flow, has its banks lined with willow trees and other exotics. These elements, including its proximity to Christchurch and the surrounding townships have resulted in it becoming a more popular area for people, highlighted by Chamberlains Ford and Coes Ford camping and picnic areas.
144. The wider 20m setback for this stretch of river, when compared with 10m will result in future development being less visible, and therefore having less impact on the overall experience from the popular Chamberlains Ford and Coes Ford areas, and any other areas along here that may be used by the public. I consider that a 10m or 20m setback will more easily result in future rural development that encroaches into the experiential qualities of this stretch of the Selwyn River resulting in adverse effects. Therefore, I consider that the Proposed Plans setbacks are appropriate.

Chamberlains Ford and Whitecliffs

145. Between Chamberlains Ford and Whitecliffs, that includes the majority of its length through the Canterbury Plains. There is a 20m setback for earthworks, buildings, structures horticultural plantings, woodlots and shelterbelts.
146. The section of the Selwyn River between Chamberlains Ford and Whitecliffs retains most of the braided river qualities. However, as mentioned, its edges are well defined by the adjacent agricultural activities. It does not display the landscape qualities of an ONL, nor does it include popular camping or picnic areas along its length.

147. However, this section of the Selwyn River is a good example of a braided river, which are globally rare. And although this section is adjacent to the more intensive farming activities within the District, it is therefore at more risk of a continued decline in its natural character. Due to this and the District Plans requirement to preserve its current natural character, a 20m setback is considered appropriate.

Whitecliffs Township

148. Where it adjoins Whitecliffs township, there is a 25m setback for all buildings and structures and a 20m setback for earthworks, horticultural plantings, woodlots and shelterbelts.
149. Based on my discussion above, I consider that the 25m and 20m setbacks in relation to Whitecliffs township is appropriate.

Inland of Whitecliffs

150. Inland of Whitecliffs, there is a 10m setback for all earthworks, stockpiles, buildings, structures horticultural plantings, woodlots and shelterbelts
151. The upper section of the Selwyn River is situated within a narrow valley landscape, enclosed on either side by Lady Barker Range and the Wyndale Hills. However, these mountains are not identified forming part of an ONL or VAL. This is the likely reason why this stretch of the Selwyn River has not been included in Schedule 2.
152. No submissions recommend that the setback relating to this stretch of the Selwyn River should be more or less than 10m. Therefore, there is no scope to suggest otherwise.

Schedule 1 – 2: Lakes and Wetlands adjoining a Lake

153. The Proposed Plan's Rule Requirement 2.1.a. is relatively generic as it refers to all lakes, and wetlands adjoining a lake, within the Selwyn District. It does not provide a different setback for the lakes and wetlands adjoining a lake within an ONL and for those that are not. I disagree with this generic approach, and recommend that it should provide a different setback for the lakes and wetlands adjoining a lake within an ONL, or are identified as an ONL e.g. Lake Ellesmere.
154. The Proposed Plan's setback for all lakes and wetlands adjoining a lake is 100m for buildings and structures, 20m for horticultural plantings, woodlots and shelterbelts and 10m or 20m for earthworks depending on which zone they are within.
155. Submissions have raised concern that the 100m setback for buildings and structures from these lakes and wetlands adjoining a lake to be too large and it should be

reduced to either 30 or 40m. Council have also asked this as one of their four questions.

Lakes and Wetlands Adjoining a Lake that are an ONL or Located within an ONL

156. The lakes and wetlands adjoining a lake that are identified within an ONL, or in the case of Lake Ellesmere are identified as an ONL, display very high and high biophysical, perceptual and associate values.
157. These waterbodies have a higher degree of natural character and are less susceptible to absorbing future development, individually or cumulatively. Therefore, I consider that a larger setback for buildings and structures is appropriate. Otherwise, the Proposed Plan may not be able preserve the natural character of the water bodies within the Selwyn District, which is what the RMA and other higher order documents require it to do.
158. I understand that future development near these lakes will need to be assessed against the Natural Features and Landscapes Chapter of the Proposed Plan. In these instances, the application may be a *Discretionary* or *Non-Complying Activity*. However, because natural character is different to landscape and visual amenity, I consider that that the 100m setback for buildings and structures from lakes and wetlands adjoining a lake within an ONL is appropriate.
159. Lake Ellesmere differs to the above-mentioned lakes because the ONL line appears to be situated along the edge of the lake and / or its adjoining wetland. Therefore, the land beyond the lake and its adjoining wetland is not within the ONL and may be considered to have a higher ability to absorb change.
160. The Landscape Study has identified that:
- *“Development around the perimeter of the lake should be restricted as it would adversely affect the landscape values.*
 - *All new land uses that lead to a visual difference in the landscape should be controlled to avoid adverse landscape effects.*
 - *Buildings, structures and utilities are not appropriate.*
 - *No plantation forestry, viticulture or shelterbelts should occur on the lake edges.”²⁵*

²⁵ Boffa Miskell Limited 2018. Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 69.

161. These potential threats to the landscape values of Lake Ellesmere illustrate how vulnerable it is to change, and the landscape's lack of ability to absorb development, including small-scale structures around its edges. Therefore, I consider that the 100m setback for buildings and structure from the edge of Lake Ellesmere and its adjoining wetland to be appropriate.

Lakes and Wetlands Adjoining a Lake that are surrounded by Rural Land

162. There are a large number of lakes, some of which have adjoining wetlands throughout the plains landscape, which are not identified as an ONL or VAL.
163. Canterbury Maps Viewer²⁶ has tried to identify as many of these lakes, and wetlands adjoining a lake, as possible. From a desktop review, it appears that a lot of these lakes are entirely man made, being irrigation ponds. Conversely, the most noticeable lake that is not for water storage purposes, that is surrounded by rural land is Muriwai / Coppers Lagoon. It is identified as having an overall high degree of Natural Character²⁷, but is not identified as an ONL.
164. Based on the irrigation ponds being manmade and generally being at the more modified end of the natural character spectrum, I consider that future development does not need to be set back 100m. Rather irrigation ponds could be exempt from the setback rules.
165. With regard to the discussion in Paragraphs 156 – 158, future development near an irrigation ponds within an ONL or VAL will need to be assessed against the Natural Features and Landscapes Chapter of the Proposed Plan. Therefore, irrigation ponds could be exempt from the setback rules within the ONL and VAL.
166. Regarding the other lakes within the plains, I consider that their degree of natural character will vary from high, being Muriwai / Coppers Lagoon to somewhere near the more modified end of the spectrum. "*Muriwai / Coppers Lagoon is a significant wetland habitat that provides important habitat for indigenous fauna*"²⁸ which may have its natural character degraded if the 100m setback was reduced.
167. Because the Muriwai / Coppers Lagoon is not within an ONL or VAL, there is no opportunity to separate it, or any other lake that may also displays a moderate or high level of natural character from the other lakes within the plains landscape. Therefore, I consider that future development that breaches the 100m setback may

²⁶ <https://mapviewer.canterburymaps.govt.nz/>

²⁷ Boffa Miskell Limited 2018. *Selwyn Coastal Environment: Natural Character and Landscape Study. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 36*

²⁸ Boffa Miskell Limited 2018. *Selwyn Coastal Environment: Natural Character and Landscape Study. Report prepared by Boffa Miskell Limited for Selwyn District Council. Page 21*

degrade the natural character, individually or cumulatively, of a lake within the plains landscape and therefore will need to be assessed on a case-by-case basis.

168. Overall, I consider that the 100m setback for buildings and structures from the edge a lake, excluding irrigation ponds to be appropriate. The Proposed Plan could exclude the setback rules from applying to irrigation ponds.

CONSIDERATION OF SPECIFIC SUBMISSIONS

169. A number of submissions on the Natural Character Chapter of the District Plan raise specific matters that are slightly different to those discussed above. Below is my response to these specific submission points.

Earthworks Stockpiles not Associated with Drainage Clearance Activities

170. The Ellesmere Sustainable Agriculture Incorporated submission [DPR-0212] requests that the setback for earthwork stockpiles not associated with drain clearance activities to be 5m from a water body. This is because the setbacks are too large and inconsistent with the regional plan.
171. There are a number of variables associated with stockpiles including its height and length and how long the material will be stored in this location.
172. The objective of the Earthworks Chapter is to limit the adverse effects of earthworks on the surrounding environment. Earthworks Rule Requirement 1 outlines that 250m³ of earthworks per hectare of site area can occur per annum.
173. The Natural Features and Landscapes Chapter allows for 100m³, 500m³ and 1000m³ of earthworks within the specific ONLs and VALs within the District, refer to Natural Features and Landscapes Chapter Rule Requirement 9.
174. These quantities may appear small, and I note that there are no time constraints to storage. In my opinion when located near a water body, especially over a long period of time, a stockpile may impact on the natural landform, natural elements, processes and patterns, biophysical, ecological, geological and geomorphological aspects, and the natural movement of water of a water body. A reduction to these characteristics may degrade the natural character of these water bodies.
175. Due to the above, I do not consider it appropriate for the setback for stockpiles to be reduced to 5m.

Cultivation Mitigation

176. The Horticulture NZ submission [DPR-0353] requests the amendment of NATC-REQ1.4 to provide an exemption from the setback requirements for earthworks *“associated with measures to mitigate potential environmental effects of cultivation; and managed in a certified Farm Environment Plan under the Canterbury Land and Water Regional Plan.”*
177. From experience, mitigation measures associated with development can result in adverse effects. Therefore, I consider these earthworks should be assessed on a case by case scenario, to ensure that they do not degrade the natural character of a nearby water body.

Porters Ski Zone

178. The Porters Alpine Resort submission [DPR-0345] requests a reduced setback distance (from 10m to 5m) for buildings and structures within the Porters Village Base. Also, it requests that bridges over Porter Stream are exempt within the Porters Village Base.
179. The Porters Outline Development Plans included in the Proposed Plan does not include all of the information in the Operative District Plans, Outline Development Plan. This includes the Porters Stream setback and road layouts, including bridge locations over Porters Stream. It appears that this information was meant to be included as the Proposed Plans SKIZ-MAT1, Issue 6 refers to the road layouts and bridge locations.
180. Also, it is worthwhile mentioning that under the Operative District Plan, the following rules cover off the issues raised by Porters Alpine Resort:
- *Rule E25.5.1 - Activities in the Porters Ski and Recreation Area shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in [Appendix 25 A](#).*
 - *Rule E25.3.1.8 - All buildings (excluding bridges) within the Village Base Sub-Zone shall be limited to a minimum setback of 5m from the banks of the Porter Stream.*
 - *Rule E25.5.5 - All earthworks and buildings within Village Base Area 2 shown on [Appendix 25 A](#) shall be setback 5m from the banks of that portion of the Porter Stream identified as “Porter Stream setback” on [Appendix 25A](#).*
181. Regarding the above, I consider that the rules included in the Operative District Plan relating to the 5m building and structure setbacks from Porter Stream within the Porters Village Base should be carried over. Also, the road layout and bridge

locations identified on the Operative District Plan's Appendix 25B should be included on the Proposed Plans Porters Ski Zone Outline Development Plans.

182. I consider the above because there has not been a fundamental change to this landscape since the Proposed Plan was notified. Also, the Proposed Plan has additional overarching objectives and policies that require the natural values within this landscape to be maintained and the natural and ecological values of Porters Stream to be protected.
183. Lastly, the Proposed Plan's Policy Provisions for the Porters Ski Zone are specific to this area and the development that is provided for in this zone. Whereas the Natural Character Chapter rules cover a very wide area and of necessity attempt to capture different eventualities. Due to this, I consider that Porters Ski Zone Rule Requirements should apply to the land contained within this Zone, not the Natural Character Chapter Rule Requirements.

Irrigation Infrastructure

184. Dairy Holdings Ltd, Craigmore Farming Services Ltd and Rakaia Irrigation Ltd submission [DPR-0372, DPR-0388 and DPR-0390] both propose to amend NATC-REQ1.4 to exclude the installation, operation or maintenance of irrigation infrastructure from the setbacks.
185. I previously discussed irrigation infrastructure above. Overall, I consider that it would be inappropriate for irrigation infrastructure to be a Permitted Activity within the setbacks due to their potential cumulative effects, which would result in the decline of the natural character of the District's water bodies.

Houses Already Within Setbacks

186. One submission raised concern that the proposed setbacks capture many existing houses and would require retrospective resource consents for existing buildings. This is not the case, as these buildings are consented so are assumed to have undergone an assessment of environmental effects (including natural character) and do not require further assessment unless further development is proposed. At that point it is only the development over and above the consented development that will require an assessment of effects.
187. The proposed rules require that the maintenance, alterations, additions, extensions and minor additional structures for existing houses within the setback are a Restricted Discretionary Activity. This is a relatively onerous consenting pathway, for maintenance, however depending on the size of an extension or additional structure when the existing environment includes this type of development.

188. I consider that the Proposed Plan should include rules that provide for the maintenance of a building / structure. However, further development associated with alterations, additions, extensions and minor additional structures for existing houses within the setback can include a wide variety of activities which may result in adverse cumulative effects. Therefore, I consider that that it is inappropriate alterations, additions, extensions and minor additional structures to be a Permitted Activity.

Exemptions for Structures within the Setbacks

189. In addition to the above two points, several submissions request exemptions for structures, buildings, and activities within the minimum setbacks of NATC-REQ2. This includes Farrow Huts / Mai Mai's, pump stations, artificial crop protection structures and activities associated with renewable electricity generation.
190. I have discussed the appropriateness of the Proposed Plans setbacks in relation to all potential future development and all waterbodies within the District. I have concluded that all of the setbacks identified in the Proposed Plan are appropriate, except that the Proposed Plan could exclude the setback rules from applying to irrigation ponds. Also, no specific types of buildings should be exempt from these setbacks.

Forestry

191. The Rayonier Matariki Forests submission [DPR-0439] seeks to align NATC-REQ1 with the provisions of the National Environment Standards Plantation Forestry (**NES-PF**) that permits river crossings and their associated earthworks.
192. The NES-PF rules do not allow for future plantation forests within an ONL and Significant Natural Areas. Also, the NES-PF does not allow for future plantation forests in VALs if the District Plan restricts it. Under the Proposed Plan a plantation forest within a VAL is a Controlled Activity.
193. The NES-PF outlines the types of river crossings, and where a river crossing and earthworks must not occur, which includes a perennial river, a wetland larger than 0.25 ha, lakes larger than 0.25 ha, an outstanding freshwater body, or a water body subject to a water conservation order.
194. In my experience relating to Plantation Forest applications, the rules relating to river crossings and earthworks and how they are managed, including their construction, maintenance, using and removing them are comprehensive. Also, the NES-PF rules relevant to maintaining the natural character of a water body at a water crossing for the purpose of plantation forestry ensure that:
- It does not alter the natural alignment or gradient of the river.

- It provides for the upstream and downstream passage of fish in rivers.
 - The presence of the river crossing must not cause or induce erosion of the bed, or erosion or instability of the banks of the water body, or create sedimentation.
195. When considering future river crossings and their earthworks associated with a plantation forest, it is worthwhile mentioning that:
- From experience, the width of a river crossing may only be 4m wide and their associated earthworks are generally minimal.
 - When located within an existing plantation forestry, views to the river crossing and its earthwork is likely to be restricted to a very small audience, if any.
 - Under the NES-PF, when these river crossing and / or earthworks rules are breached, the proposal may be a Controlled or a Restricted Discretionary Activity. I consider that these rules and the matters of control and discretion are appropriate in maintaining the natural character of a water body when considering the river crossing and earthworks associated with a river crossing.
 - Taking a bundled approach, a new plantation forest and its river crossing and earthworks associated with a river crossing within an ONL or VAL, would be a Non-Complying Activity²⁹ or Restricted Discretionary Activity³⁰, respectively. In both of these instances, the Natural Character Matter 1, and Natural Character Schedule 4 policy provisions are relevant. I consider that these rules are appropriate in maintaining the natural character of a water body within an ONL and VAL.
 - The Natural Features and Landscapes Chapter contains earthworks rules that will deal with large scale earthworks. If these rules are breached the activity status of a river crossing and its earthworks will change to Restricted Discretionary or Non-Complying, depending on its location. In doing so, a proposal will need to be assessed against the relevant policy provisions with this chapter.
196. Based on the above, under the Proposed Plan, a river crossing and its earthworks, associated with a plantation forestry, within and outside an ONL and VAL could be a Permitted Activity, so long as it complies with the NES-PF.

Horticultural plantings

197. The Ellesmere Sustainable Agriculture seek to remove 'horticultural plantings' from Natural Character Chapter Rule 3.

²⁹ Proposed Selwyn District Plan. Part 2 – Natural Features and Landscapes Rule 5.1.

³⁰ Proposed Selwyn District Plan. Part 2 – Natural Character Rule Requirement 1.4. and 2.1a - d.

198. By removing horticultural plantings from Rule 3 and therefore Rule Requirement 3, a stand or row of food producing trees, vines or bushes (which are typically exotic) cultivated for commercial purposes can be located adjacent to the water bodies listed in Schedules 2 and 3, (which include ONLs), the Selwyn River and the rivers and creeks that feed into Lake Ellesmere.
199. These waterbodies have a higher degree of natural character and are less able to absorb future development, individually or cumulatively without adverse effects. Due to this and my above discussion, I consider that it would be inappropriate if the term 'horticultural plantings' was removed from Natural Character Chapter Rule 3.

Biodiversity

200. The Forest and Bird submission [DPR-0407] requests the word 'indigenous' is inserted before the word 'biodiversity' in relation to item 4 of Natural Character Schedule 4.
201. If the term 'indigenous' is inserted before the word 'biodiversity' it will mean that a future development that needs to be assessed in relation to Schedule 4 will not need to consider non-indigenous biodiversity. I consider that this is inappropriate because the water bodies within the Selwyn District, even those that are within an ONL contain exotic vegetation along their banks that contributes to their natural character. Even though non-indigenous should be taken into consideration.
202. Indigenous biodiversity is more important than non-indigenous biodiversity as the protection of indigenous vegetation and significant habitats of indigenous fauna is an RMA Section 6(c) matter.
203. Due to the above, I consider that Natural Character Schedule 4, Item 4 could say 'biodiversity, with an emphasis on indigenous biodiversity'.

Paul Smith

9 March 2022

APPENDIX 1 – DEFINITIONS

The following definitions are sourced from the Proposed Plan.

Banks of a Surface Water Body: *The bank of any surface water body that is neither a lake nor wetland 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.”*

The bank 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 or wetland 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.*

Building: *means a temporary or permanent movable or immovable physical construction that is:*

- *partially or fully roofed; and*
- *fixed or located on or in land;*

but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

Earthworks: *means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.*

Horticultural Planting: *A stand or row of food producing trees, vines or bushes cultivated for commercial purposes*

Lake: *Has the same meaning as in section 2 of the RMA - means a body of fresh water which is entirely or nearly surrounded by land.*

Shelterbelt: *Any trees planted primarily to provide shelter for stock, crops, or non-principal buildings from winds, and which are no greater than 20 metres wide.*

Structure: *Has the same meaning as in section 2 of the RMA.*

means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.

Surface water bodies: *Fresh water or geothermal water in a river, lake, stream, pond, wetland, or any part thereof, that is not located within the coastal marine area.*

All surface water body setbacks specified in this plan shall be measured from the bank of the surface water body, as illustrated below.

Wetland: *Has the same meaning as in section 2 of the RMA.*

Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Woodlot: *A stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink, erosion control, pest, or wilding tree management purposes, but excluding plantation forestry.*

APPENDIX 2 – THE PROPOSED PLANS NATURAL CHARACTER CHAPTER

NATC-Objectives and Policies

NATC-Objectives

- | | |
|----------------|---|
| NATC-O1 | The natural character of surface water bodies and their margins is preserved. |
| NATC-O2 | The relationship of tangata whenua and their traditions, values and interests associated with water bodies are recognised and provided for. |

NATC-Policies

- | | |
|----------------|--|
| NATC-P1 | <p>Recognise the natural character qualities of surface water bodies and their margins described in NATC-SCHED4 and preserve and protect those qualities, and Ngāi Tahu cultural values, from inappropriate subdivision, use and development by:</p> <ol style="list-style-type: none"> 1. ensuring that subdivision, earthworks, buildings, structures, vegetation planting and signs do not adversely affect taonga species, mahinga kai or Ngāi Tahu customary uses and other cultural values 2. ensuring that the location, intensity, scale and form of subdivision, earthworks, buildings, structures, vegetation planting and signs near surface water bodies and their margins recognises and preserves the natural character of the surface water body by requiring appropriate setbacks; 3. minimising, to the extent practicable, indigenous vegetation clearance and modification (including earthworks, disturbance and structures) near surface water bodies and their margins; 4. enabling opportunities to restore and rehabilitate the natural character of surface water bodies and their margins, such as through the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values and cultural values. |
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NATC-Rule List

- | | |
|----------------|---|
| NATC-R1 | Earthworks |
| NATC-R2 | Buildings |
| NATC-R3 | Horticultural Planting, woodlots and shelterbelts |
| NATC-R4 | Signs |

NATC- Setbacks from Surface Water Bodies - Earthworks and R1 Earthworks Stockpiles

All Zones	<p>Activity status: PER</p> <p>1. Earthworks and earthworks stockpiles.</p> <p>Where this activity complies with the following rule requirements: NATC-REQ1 Setbacks from Surface Water Bodies - Earthworks and Earthworks Stockpiles</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any rule requirement is not achieved: Refer to NATC-Rule Requirements</p>
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NATC- Setbacks from Surface Water Bodies - Buildings and R2 Structures

All Zones	<p>Activity status: PER</p> <p>1. Buildings and Structures.</p> <p>Where this activity complies with the following rule requirements: NATC-REQ2 Setbacks from Surface Water Bodies - Buildings and Structures</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any rule requirement is not achieved: Refer to NATC-Rule Requirements</p>
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NATC- Setbacks from Surface Water Bodies - Horticultural Planting, R3 Woodlots and Shelterbelts

GRUZ	<p>Activity status: PER</p> <p>1. Horticultural planting, woodlots and shelterbelts</p> <p>Where this activity complies with the following rule requirements: NATC-REQ3 Setbacks from Surface Water Bodies – Vegetation Planting</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any rule requirement is not achieved: Refer to NATC-Rule Requirements</p>
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NATC- Setbacks from Surface Water Bodies - Signs R4

All Zones	<p>Activity status: PER</p> <p>1. Any Sign</p> <p>Where: The sign is:</p> <ol style="list-style-type: none"> any official sign; displayed in a public place for the purpose of direction, warning, township identification and welcome, visitor/ community information, recreation or community activities; displayed for visitor or worker health and safety; for the users of roads, or off-road walking and cycle tracks, and that is for the purpose of direction, track marking, warning, fire restrictions, or interpretation. 	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with NATC-R4.1 is not achieved: Refer to NATC-REQ4 Setbacks from Surface Water Bodies – Signs</p>
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NATC-Rule Requirements

NATC- Setbacks from Surface Water Bodies - Earthworks and REQ1 Earthworks Stockpiles

RESZ CMUZ GIZ DPZ KNOZ PORTZ	<p>1. All earthworks and earthworks stockpiles are to be located at least:</p> <ol style="list-style-type: none"> 20m from the bank of a surface water body listed in NATC-SCHED1; and 10m from the bank of any other surface water body. 	<p>Activity Status when compliance not achieved:</p> <p>2. When compliance with any of NATC-REQ1.1 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to NATC-REQ1.2 is restricted to the following matters:</p> <ol style="list-style-type: none"> NATC-MAT1 SASM-MAT3
GRUZ GRAZ MPZ TEZ	<p>4. All earthworks and earthworks stockpiles are to be located at least 20m from the bank of any surface water body.</p>	<p>Activity Status when compliance not achieved:</p> <p>5. When compliance with any of NATC-REQ1.4. is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>6. The exercise of discretion in relation to NATC-REQ1.5 is restricted to the following matters:</p> <ol style="list-style-type: none"> NATC-MAT1 SASM-MAT3

SKIZ	<p>7. All earthworks and earthworks stockpiles are to be located at least:</p> <ul style="list-style-type: none"> a. in the Village Sub Area, 5m from Porters Stream, shown in SKIZ-Schedule 1; or b. in the Porters Lower Slopes Sub Area, 15m from Porters Stream, shown in SKIZ-Schedule 1; and c. 20m from the bank of any other surface water body. 	<p>Activity Status when compliance not achieved:</p> <p>8. When compliance with any of NATC-REQ1.7. is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>9. The exercise of discretion in relation to NATC-REQ1.8 is restricted to the following matters:</p> <ul style="list-style-type: none"> a. NATC-MAT1 b. SASM-MAT3 c. NFL-MAT2 d. The need for earthworks to improve public access to and along Porters Stream; e. The effect of earthworks on the natural character of Porters Stream and its margins
		<p>Notification</p> <p>10. Any application required by this rule shall not be notified and the written approval of any party will not be required.</p>

NATC- Setbacks from Surface Water Bodies – Buildings and REQ2 Structures

All Zones	<p>1. All buildings and structures excluding fence and signage posts shall comply with the following setbacks from any surface water body:</p> <ul style="list-style-type: none"> a. 100m from the bank of any lake and any wetland adjoining a lake; b. 25m from the bank of any surface water body listed in NATC-SCHED1 or NATC-SCHED2, other than from the bank of any lake and any wetland adjoining a lake, where NATC-REQ2.1.a. applies; c. 20m from the bank of any surface water body listed in NATC-SCHED3; and d. 10m from the bank of any other surface water body. 	<p>Activity Status when compliance not achieved:</p> <p>2. When compliance with NATC-REQ2.1 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to NATC-REQ2.2 is restricted to the following matters:</p> <ul style="list-style-type: none"> a. NATC-MAT1 b. SASM-MAT3
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NATC- Setbacks from Surface Water Bodies - Vegetation Planting REQ3

GRUZ GRAZ MPZ SKIZ TEZ	1. Vegetation plantings shall comply with the following setbacks from any surface water body: a. 20m from the bank of a surface water body listed in NATC-SCHED 2 or NATC-SCHED 3; and b. 10m from the bank of any other surface water body.	Activity Status when compliance not achieved: 2. When compliance with NATC-REQ3.1 is not achieved: RDIS Matters for discretion: 3. The exercise of discretion in relation to NATC-REQ3.2 is restricted to the following matters: a. NATC-MAT1 b. SASM-MAT3
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NATC- Setbacks from Surface Water Bodies - Signs REQ4

All	1. Signs shall not be located within:	Activity Status when compliance not
Zones	a. 20m of the bank of any surface water body listed in NATC-SCHED1 or NATC-SCHED2 or NATC-SCHED3, excluding lakes; and b. 10m from the bank of any other surface water body.	achieved: 2. When compliance with NATC-REQ4.1 is not achieved: RDIS Matters for discretion: 3. The exercise of discretion in relation to NATC-REQ4.2 is restricted to the following matters: a. NATC-MAT1 b. SASM-MAT3

NATC-Matters for Control or Discretion

NATC- Natural Character MAT1

All Zones	1. The extent to which the proposed activity will affect the natural character of the surface water body and its margins; 2. The effects of the proposed activity on any indigenous vegetation and any effects on mahinga kai and other customary uses;
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NATC-Schedules

NATC-SCHED1 - Water bodies adjoining Residential Zones

Bealey River	Arthur's Pass township
Hororata River/Cody's Stream	Hororata township
LI Creek	Lincoln township
Ararira/LII River	Lincoln township
Hurutini/Halswell River	Tai Tapu township
Waikirikiri/Selwyn River	Whitecliffs township

NATC-SCHED2 - Water bodies adjoining Rural Zones 1

Lake Coleridge	
Waikirikiri/Selwyn River	From Chamberlains Ford to Selwyn Lake Road
Rakaia River	
Waimakariri River	
Te Waihora/Lake Ellesmere	

NATC-SCHED3 - Water bodies adjoining Rural Zones 2

Boggy Creek	From Lake Road to Te Waihora/Lake Ellesmere
Waitatari/Harts Creek	From Hills Road to Te Waihora/Lake Ellesmere
Hurutini/Halswell River	Outside Tai Tapu township
Hororata River	From Windwhistle Road to Selwyn River Confluence
Waiwhio/Irwell River	From Leeston Road to Te Waihora/Lake Ellesmere
Ararira/LII River	
Waikirikiri/Selwyn River	From Chamberlains Ford to Whitecliffs

NATC-SCHED4 - Natural Character Qualities of Surface Water Bodies

Recognise that the following natural elements, patterns, processes and experiential qualities contribute to the natural character qualities of surface water bodies:

1. areas or surface water bodies in their natural states or close to their natural state;
2. coastal or freshwater landforms and landscapes;
3. coastal or freshwater physical processes, including the movement of water and sediment;
4. biodiversity;
5. biological processes and patterns;
6. water flows and levels, and water quality; and
7. the experience of the above elements, patterns and processes.

APPENDIX 3 - SUMMARY OF SUBMISSIONS

The following table includes the summary of original submissions and a summary of further submissions prepared by Council, and any additional information from the original submission that I considered to be relevant. The summary of original submissions are in blue and the summary of further submissions is in grey. The table is ordered so that further submissions follow the original submission that they relate to.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Relief Sought by Submitter	Summary of Submission Point
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	052	NATC-REQ2	Oppose In Part	Amend as follows: 1. All buildings and structures excluding fence and signage posts shall comply with the following setbacks from any surface water body: a. 30m ^{100m} from the bank of any lake and any wetland adjoining a lake;	The submitter considers the setback from the banks of lakes and wetlands is excessive in both the rural and residential zones. Lakes and wetlands are now part of residential developments, and these rules would require numerous houses to gain resource consent. A reduced setback is proposed.
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	053	NATC-R3	Oppose In Part	Amend as follows: Horticultural Planting , Woodlot and Shelterbelt planting	Not specifically stated.
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	054	NATC-REQ3	Oppose	Amend as follows: NATC-REQ3 Setbacks from Surface Water Bodies – Vegetation <u>Woodlot and Shelterbelt Planting</u> 1. Vegetation <u>Woodlot and shelterbelt plantings that are not the replacement in the same location of existing woodlot and shelterbelt plantings</u> , shall comply with the following setbacks from any surface water body;	The submitter considers that NATC-REQ3 Setbacks from Surface Water Bodies – Vegetation Planting does not align with the rule list which states ‘Horticultural planting, woodlots and shelterbelts’ and extends to all planting of vegetation. The submitter questions the intent of this requirement and that it aims to restrict all vegetation planting in conflict with rule NATC-R3. Restricting vegetation being planted within 10m to 20m of a surface water body is impractical and would result in major management issues across the district, as well as the halting of

						<p>restoration and conservation projects. Many gardens are also located within such setbacks and these should not be restricted by this rule.</p> <p>The provisions should also make allowance for replacement of existing plantings within these setbacks.</p>
DPR-0353	Horticulture New Zealand	159	NATC-REQ2	Oppose	<p>Amend as follows: 1. All buildings and structures excluding fence and signage posts, <u>pump stations and artificial crop protection structures</u> shall comply with the following setbacks from any surface water body:</p> <p>a. 100<u>20m</u> from the bank of any lake and any wetland adjoining a lake;</p> <p>b. 25<u>20m</u> from the bank of any surface water body listed in NATC-SCHED1 or NATC-SCHED2, other than from the bank of any lake and any wetland adjoining a lake, where NATC-REQ2.1.a. applies;</p> <p>2. <u>A pump station must be setback a minimum of 5m from any surface water body.</u></p>	<p>Considers that the proposed setback distances will have significant implications on the productive capability of rural land.</p>
DPR-0381	Coleridge Downs Limited	FS062	NATC-REQ2	Support	Allow	<p>Further to CDL's submissions on the issue, CDL agrees that the proposed setback distances will have significant implications on the productive capability of rural land. (on DPR – 0353 Horticulture New Zealand 159).</p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS471	NATC-REQ2	Oppose In Part	<p><i>Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.</i></p>	<p>Forest & Bird is concerned that the amendments sought fail to recognise the scale of crop protection structures which can be extensive. They are of a different scale to most other building/structures</p>

						considered in the plan. This can result in adverse effects on natural character, natural feature and landscape values On: DPR – 0353 Horticulture New Zealand point 159
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS041	NATC-REQ2	Support	Allow the submission point	FFNZ preference is for the chapter to be deleted for reasons outlined in the original submission. The relief sought in this submission does provide a pragmatic way forward working within the notified rule requirement framework and is supported in that context. On Horticulture New Zealand point 159
DPR-0486	Coleridge Downs Limited	FS062	NATC-REQ2	Support	Allow	Further to CDL's submissions on the issue, CDL agrees that the proposed setback distances will have significant implications on the productive capability of rural land. On DPR – 0353 Horticulture New Zealand 159).
DPR-0372	Dairy Holdings Limited	068	NATC-REQ1	Oppose In Part	Amend as follows: 4. All earthworks and earthworks stockpiles are to be located at least 20m from the bank of any surface water body, <u>unless it is for the purpose of installing, operating or maintaining irrigation infrastructure.</u>	Considers that installation, operation and maintenance of irrigation infrastructure should be exempt from the setback rule. This includes intakes and minor in-river works as might be required to take water from the Rakaia River. Considers intakes and in-river works are appropriately managed through the Regional planning framework and submitter is concerned to avoid unnecessary consenting requirements.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS101	NATC-REQ1	Support	Allow the submission point	FFNZ preference is for the chapter to be deleted for reasons outlined in the original submission. The relief sought in this submission does provide a pragmatic way

						forward working within the notified rule requirement framework and is supported in that context. On DPR-0422 Dairy Holdings Limited 068
DPR-0372	Dairy Holdings Limited	069	NATCREQ2	Oppose In Part	Amend as follows: 1. All buildings and structures - excluding fence and signage posts and <u>irrigation infrastructure</u> - shall comply with the following setbacks from any surface water body: ...	Considers that installation, operation and maintenance of irrigation infrastructure should be exempt from the setback rule. This includes intakes and minor in-river works as might be required to take water from the Rakaia River. Considers intakes and in-river works are appropriately managed through the Regional planning framework and submitter is concerned to avoid unnecessary consenting requirements.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS102	NATCREQ2	Support	Allow the submission point	FFNZ preference is for the chapter to be deleted for reasons outlined in the original submission. The relief sought in this submission does provide a pragmatic way forward working within the notified rule requirement framework and is supported in that context. On DPR – 0372 Dairy Holdings FS102
DPR-0379	Jill Thomson	042	NATC-REQ3	Oppose	Delete 'Waikirikiri/Selwyn River From Chamberlains Ford to Selwyn Lake Road' from NATC-SCHED2.	Considers that there is potentially a conflict between this rule and the LWRP for submitters property. NATC-REQ3 would require a setback for vegetation planting to be 20 metres from the bank of Selwyn River/Waikirikiri. Refer to original submission for full reason
DPR-0381	Coleridge Downs Limited	043	NATC-REQ2	Oppose In Part	Amend NATC0-REQ2.1 as follows: 1. All buildings and structures excluding fence and signage posts	Considers NATC-REQ2 should be clarified to exclude pasture areas adjacent to Lake Coleridge in the requirement to have a

					shall comply with the following setbacks from any surface water body. a 100m/40m from the bank of any lake and any wetland adjoining a lake;	100m setback from the lake, and considers that buildings and structures, provided they comply with the remaining Rule Requirements, need not be setback 100m from the lake.
DPR-0301	Upper Waimakariri/Rakaia Group (UWRG)	FS065	NATCREQ2	Oppose	Disallow	Not consistent with the Selwyn District Council's obligation under Part 2 Section 6 of the RMA, and Chapters 9 (Ecosystems and Indigenous Biodiversity) and 12 (Landscapes) of the Canterbury Regional Policy Statement. The word 'avoiding' is the preferred RMA term and provides clearer direction. Clearance of indigenous vegetation is inconsistent with the Selwyn District Council's obligations to protect indigenous vegetation under the RMA and the CRPS. On DPR-0381 Coleridge Downs Limited 043
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS550	NATCREQ2	Oppose	Reject the submission	The submission is not consistent with the RPS. Will potentially result in the loss of indigenous biodiversity On DPR-0381 Coleridge Downs Limited 043
DPR-0388	Craigmore Farming Services Limited	033	NATCREQ1	Oppose In Part	Amend as follows: 4. All earthworks and earthworks stockpiles are to be located at least 20m from the bank of any surface water body- <u>unless it is for the purpose of installing, operating or maintaining irrigation infrastructure.</u>	Considers that installation, operation and maintenance of irrigation infrastructure should be exempt from the setback rule. This includes intakes and minor in-river works as might be required to take water from the Rakaia River. As above, intakes and in-river works are appropriately managed through the Regional planning framework considers unnecessary consenting requirements should be avoided.

DPR-0388	Craigmore Farming Services Limited	034	NATCREQ2	Oppose In Part	Amend as follows: 1. All buildings and structures - excluding fence and signage posts <u>and irrigation infrastructure</u> – shall comply with the following setbacks from any surface water body: ...	Considers that installation, operation and maintenance of irrigation infrastructure should be exempt from the setback rule. This includes intakes and minor in-river works as might be required to take water from the Rakaia River. As above, intakes and in-river works are appropriately managed through the Regional planning framework unnecessary consenting requirements should be avoided.
DPR-0390	Rakaia Irrigation Limited (RIL)	054	NATCREQ1	Oppose In Part	Amend NATC-REQ1.4 as follows 4. All earthworks and earthworks stockpiles are to be located at least 20m from the bank of any surface water body- <u>unless it is for the purpose of installing, operating or maintaining irrigation infrastructure.</u>	Considers that installation, operation and maintenance of irrigation infrastructure should be exempt from the setback rule. This includes intakes and minor in-river works as might be required to take water from the Rakaia River.
DPR-0390	Rakaia Irrigation Limited (RIL)	055	NATCREQ2	Oppose In Part	Amend NATC-REQ2 as follows 1. All buildings and structures - excluding fence and signage posts <u>and irrigation infrastructure</u> - shall comply with the following setbacks from any surface water body: a. 100m from the bank of any lake and any wetland adjoining a lake; b. 25m from the bank of any surface water body listed in NATC-SCHED1 or NATC-SCHED2, other than from the bank of any lake and any wetland adjoining a lake, where NATC-REQ2.1.a. applies; c. 20m from the bank of any surface water body listed in NATC-SCHED3; and d. 10m from the bank of any other surface water body.	Considers that installation, operation and maintenance of irrigation infrastructure should be exempt from the setback rule. This includes intakes and minor in-river works as might be required to take water from the Rakaia River.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS130	NATC-P1	Oppose	Reject the submission	

DPR-0441	Trustpower Limited	FS091	NATC-P1	Oppose	Reject	
DPR-0375	Waka Kotahi NZ Transport Agency	FS108	NATC-P1	Support	Accept amendment.	
DPR-0441	Trustpower Limited	FS092	NATC-P1	Support	Accept	
DPR-0345	Porters Alpine Resort	020	NATC-REQ2	Oppose In Part	Amend NATC-REQ2 so that a 5m setback is reinstated for buildings within the Porters Village Base and that an exemption is included for bridges within the Village Base.	Submitter notes that the Management Overlay applies to Porters Ski Area but the rule does not provide any exemption unlike provided for under EIB-R1.1.b. and c, and considers that the Rule should be clarified for the SKIZ to reflect Plan Change 26. Refer to original submission for further information.
DPR-0439	Rayonier Matariki Forests	022	NATC-REQ1	Oppose In Part	Amend to align with the provisions of the NESPF and maybe to allow for earthworks associated with river crossings.	Opposes because the NESPF allows for earthworks within the setbacks proposed for river crossings. It would not be efficient planning to have the river crossing activity permitted but the access to the crossing not permitted. For other activities such as farming where they have crossings it may be preferable to also allow earthworks associated with river crossings to be permitted subject to conditions.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	042		Support In Part	Amend as follows: Recognise that the following natural elements, patterns, processes and experiential qualities contribute to the natural character qualities of surface water bodies: ... 4. <u>indigenous</u> biodiversity; ...	Amendment sought