

Appendix 3: Coastal Environment Report – James Bentley

BEFORE THE SELWYN DISTRICT COUNCIL

Hearing Commissioners

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER District Plan Hearing concerning:
Coastal Environment Chapter

STATEMENT OF EVIDENCE OF JAMES ARTHUR BENTLEY

Coastal Environment

1 June 2022

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is JAMES ARTHUR BENTLEY, I am a Senior Principal Landscape Architect employed by Boffa Miskell Ltd, based in Christchurch. I am a registered member (2010) of the New Zealand Institute of Landscape Architects (NZILA) as well as an elected chartered member (London, 2002) of the British Landscape Institute (CMLI). I hold a post-graduate diploma (2000) in Landscape Architecture as well as a Bachelor of Arts with Honours Degree in Landscape Architecture (1998) from the Cheltenham and Gloucester College of Higher Education (now the University of Gloucestershire) in the UK. I am also a member of the Resource Management Law Association (RMLA).
- 1.2 I have practised as a landscape architect for over 20 years on a wide range of projects including landscape and visual effects assessments, territorial landscape studies, coastal and river-focussed natural character studies and research projects. I am the key author of the Selwyn Landscape Study (12 December 2018) and co-author of the Selwyn Coastal Environment Study (19 March 2018).
- 1.3 I have undertaken regional natural character studies for the Nelson, Tasman, Canterbury, Southland and Waikato regions as well as been involved in undertaking numerous district-related natural character studies for Selwyn, Waimakariri and more recently for Kaikoura and Waimate. I have also undertaken numerous district-wide landscape related studies, including Selwyn and Taupo. I am currently assisting Marlborough District Council with their appeals on landscape and natural character matters on their Marlborough Environment Plan.
- 1.4 I have also undertaken numerous natural character, landscape and visual amenity assessments for project specific proposals and presented evidence at numerous council hearings, environment court and for panels hearing district plan replacements.

2.0 CODE OF CONDUCT

- 2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

3.0 SCOPE OF EVIDENCE

- 3.1 My evidence concerns the following written submissions provided by the following submitters:
- DPR-0353 Horticulture New Zealand
 - DPR-0367 Orion New Zealand
- 3.2 In my evidence, I assess and provide recommendations to the Hearing Panel on the above submissions made available to me by Selwyn District Council on the Coastal Environment chapter of the Proposed Selwyn District Plan (PDP), and specifically those submissions that comment on technical mapping of the overlays and their associated schedules as they relate to the coastal environment topic. I have, where necessary, commented on certain provisions that retain coastal natural features, coastal natural landscapes, the delineation of the inland extent of the coastal environment and coastal natural character underpinning, however, these are dealt with more comprehensively in the planning evidence of Jon Trewin.
- 3.3 As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
- 3.4 For the avoidance of doubt, it should be emphasised that any conclusions reached, or recommendations made in my evidence are not binding on the Hearing Panel. It should not be assumed that

the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

4.0 STATUTORY REQUIREMENTS

- 4.1 This evidence is prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA).

5.0 APPROACH OF THE SELWYN COASTAL ENVIRONMENT STUDY

- 5.1 BML worked closely with SDC in formulating the coastal environment and coastal natural character approach for the Study.
- 5.2 The first part of the Selwyn Coastal Environment considered the inland extent of the coastal environment as set out within Policy 1 of the New Zealand Coastal Policy Statement (NZCPS). Three zones of significance were identified¹, with only two relating to the Selwyn District, namely the Coastal Terrestrial Area (CTA) and Coastal Context (where contained within the territorial authority's jurisdiction²).
- 5.3 The second stage concerned Policy 13 of the NZCPS and defined natural character and set out an approach of how scale underpins any natural character assessment. Four scales were identified³, with the mapping and identification of characteristics, recognised at the most refined and detailed scale, of Level 4.

¹ Zone A: Coastal Marine Area; Zone B: Coastal Terrestrial Area and Zone C: Coastal Context.

² i.e. above mean high water springs (MHWS). The coastal marine area (CMA) being the jurisdiction of the regional council.

³ With Level 1 being a regional scale, where broad coastal aspects occur at regional scales (such as climate and winds); Level 2 being the Selwyn District geographical extent; Level 3 being the Coastal Terrestrial Areas (or CTAs) and Level 4 being the detailed, most refined scale, with areas within each CTA being identified, such as Coopers Lagoon. Refer to page 10 and 11 of the Coastal Environment Study [Boffa Miskell, 2018] for further information.

- 5.4 A breakdown of the necessary considered aspects of natural character are contained within Policy 13 of the NZCPS, and the Coastal Environment Study re-grouped these into abiotic, biotic and experiential attributes. This grouping has flowed through into the schedules that support any high, very high and/ or outstanding natural character overlay.
- 5.5 A seven-point scale was used⁴. Each CTA (Level 3) was rated on this seven-point scale, and then each CTA was examined further at the Level 4 scale. Detailed mapping and a list of schedules support all identified Level 4 areas. All identified Level 4 areas were identified at the 'top' end of the seven-point scale, as High and Very High.
- 5.6 Candidate areas of Outstanding Natural Character (ONC) were then assessed as a separate exercise.
- 5.7 As part of this Study, any Outstanding Natural Landscapes and Features that were identified as being within the coastal environment, were also included. This is a requirement under Policy 15 of the NZCPS.
- 5.8 In terms of stakeholder engagement, Council sent letters to landowners/occupiers and key stakeholders and posted the summary documents seeking feedback on the approach to the Coastal Environment provisions in October 2018. However, no feedback was received on matters specific to the Coastal Environment⁵.
- 5.9 Selwyn District Council presented the findings of the Natural Character and Landscape Study in 2018 to Mahaanui Kurataiao Limited to set the context for the natural environment chapters that they would be asked to provide comment on. Engagement with Te Taumutu Rūnanga Advisory Group on an early draft of the Coastal Environment chapter (among others) was facilitated by Mahaanui

⁴ Being Very low (which is the most modified environment); Low, Moderate-Low; Moderate; Moderate-High, High and Very High (being the least modified).

⁵ Section 32 Report, Coastal Environment, page 13.

Kurataiao Ltd who provided some policy-related feedback, but not regarding the technical Coastal Study⁶.

6.0 RESULTS OF THE SELWYN COASTAL ENVIRONMENT STUDY

6.1 I was the principal author of the Selwyn Coastal Environment Study. In total, the Coastal Environment Study identified the following:

- Three Coastal Terrestrial Areas (CTA), and within each CTA, smaller areas of high and very high natural character were identified, which included:
 - Te Waihora/ Lake Ellesmere – HNC.
 - Muriwai/ Coopers Lagoon – HNC.
 - Coastal beaches and back dunes – HNC.
 - Rakaia River Mouth – VHNC.
- One Outstanding Coastal Natural Character Area:
 - Waters of the Rakaia River Mouth above MHWS
- Two Outstanding Natural Landscapes:
 - Te Waihora / Lake Ellesmere
 - Rakaia River

6.2 These areas are mapped, and importantly contain a schedule of characteristics which outlined the reasons for why they have been identified.

⁶ Section 32 Report, Coastal Environment, page 14.

7.0 RESPONSES TO SUBMISSIONS

DPR-0353 Horticulture New Zealand, submission point 060, 196 and 199.

- 7.1 This submitter requests that ancillary rural earthworks, being a specific earthworks activity undertaken as part of normal operations on a horticultural property (or other farm) is acknowledged as such (i.e., via a definition), so that this activity can be specifically provided for in the plan.
- 7.2 Further, this submitter also requests that this is fed through in relevant policy, such as CE-P3.
- 7.3 I specifically refer to the Section 42A report concerning Earthworks and section 22 'Rural Ancillary Earthworks' of that report.
- 7.4 I accept that 'ancillary earthworks' will need to be undertaken within rural based land in the coastal environment. The primary driver is to avoid significant adverse effects, and to preserve natural character in areas that are mapped as high, very high or outstanding. No farmland is included within areas of ONC, where effects are to be avoided.
- 7.5 When considering natural character effects within the coastal environment, it is my view that ancillary rural earthworks could have a range of effects, and any specific 'volume number' may not preserve natural character. It would be my recommendation that the specifics of any earthworks are better considered through a consent process.

Recommendation

- 7.6 That the specifics of any earthworks are better considered through a consent process.

DPR-0367 Orion New Zealand, submission point 035

- 7.7 This submitter maintains and operates various overhead lines within the Coastal Environment Overlay, particularly around Fishermans

Point, and Lower Selwyn Huts, Te Waihora. The rule references CE-REQ1 which sets a maximum height of 4m for all buildings and structures. This is problematic for Orion regarding the replacement and installation of new network utility poles. As such Orion seek that CE-REQ1 be amended to allow for network utility poles to be permitted up to a height of 8m.

7.8 As with the previous response, the primary driver within the coastal environment is to avoid significant adverse effects, and to preserve natural character in areas that are mapped as high, very high or outstanding.

7.9 Where existing poles for electricity are located, I am comfortable that replacement poles up to 8m in height should be a permitted activity. I do not consider that a higher pole, would result in significant adverse effects. For new poles, I am comfortable that poles at this height be located within the coastal environment, however not within areas identified as holding high, very high or outstanding natural character

7.10 On analysis of the overlay and those specific areas identified by the submitter, I do not consider that any power poles are located within areas of high, very high or outstanding natural character.

Recommendation

7.11 To accept this submission.

JAMES ARTHUR BENTLEY

Coastal Environment

Boffa Miskell Limited

1 June 2022