

Proposed Selwyn District Plan



Right of Reply Report

Coastal Environment

Jon Trewin

16 December 2022

Contents

Abbreviations.....	3
List of submitters addressed in this report.....	3
1. Purpose of report.....	4
2. Hearing Panel’s Questions to the s42a Reporting Officer, the evidence presented by Submitters and the Reporting Officer’s response	4
[1] Location of Earthwork Rules and Standards.....	4
[2] ESAI	5
[3] Orion	6
[4] Transpower	7
[5] s32AA Assessment.....	9
3. Reporting Officer’s Proposed Provision Amendments	10
Appendix 1: Table of Submission Points.....	11
Appendix 2: Recommended Amendments.....	27
Appendix 3: James Bentley Right of Reply report for NFL and CE:	36

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
APP	Appendix
CARP	Canterbury Air Regional Plan
CE	Coastal Environment
CMUZ	Commercial and Mixed Use Zone
CRPS	Canterbury Regional Policy Statement 2013
DPZ	Dairy Processing Zone
EI	Energy and Infrastructure
EIB	Ecosystems and Indigenous Biodiversity
EW	Earthworks
GIZ	General Industrial Zone
GRUZ	General Rural Zone
GRZ	General Residential Zone
HH	Historic Heritage
IMP	Mahaanui Iwi Management Plan 2013
NATC	Natural Character
NES-F	National Environmental Standards for Freshwater
NES-PF	National Environmental Standards for Plantation Forestry
NFL	Natural Features and Landscapes
NH	Natural Hazards
NPS	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
PDP	Proposed Selwyn District Plan
PORTZ	Port Zone
RESZ	Residential Zone
RMA	Resource Management Act 1991
SASM	Sites and Areas of Significance to Maori
SD	Strategic Directions
SKIZ	Porters Ski Zone
The Council	Selwyn District Council
TRAN	Transport

List of submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0212	Ellesmere Sustainable Agriculture Limited	ESAI
DPR-0367	Orion New Zealand Limited	Orion
DPR-0414	Kainga Ora	
DPR-0422	North Canterbury – Federated Farmers of New Zealand	NCFF
DPR-0446	Transpower Limited	Transpower

1. Purpose of report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 20: Coastal Environment (CE) as well as any evidence presented by submitters and for the Officer to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officers s42a evidence report.

2. Hearing Panel's Questions to the s42a Reporting Officer, the evidence presented by Submitters and the Reporting Officer's response

- 2.1 The following issues were raised by submitters who attended the Hearing. In each instance the Hearings Panel requested that the matters raised be addressed in the Right of Reply report. A number of submitters tabled evidence as well as appearing at the Hearing.
- 2.1.1 Orion appeared at the Hearing. The main issue was the ability for Orion to operate, maintain, upgrade and establish their network utility poles and line infrastructure in areas of the Coastal Environment.
 - 2.1.2 Transpower also appeared at the Hearing and sought a more enabling approach to operate, maintain, upgrade and establishment transmission line infrastructure associated with the National Grid.
- 2.2 In addition the following submitters tabled evidence to support their submission, without appearing at the Hearing.
- 2.2.1 ESAI tabled evidence supporting their position on the deletion of horticulture planting and shelterbelts from CE-R2 (an amendment to their original position to delete CE-R2).
 - 2.2.2 NCFF were generally supportive of the changes proposed in the S42a report with respect to the Coastal Environment.

[1] Location of Earthwork Rules and Standards

- 2.3 Kainga Ora, in general relief sought across the PDP, request that all of the earthworks provisions are consolidated into the Earthworks Chapter to give effect to the National Planning Standards (NPS). I did not address this in the S42a report as this did not appear to have been summarised nor tagged to the CE hearing topic however the relief is relevant as there is an Earthwork rule in the CE Chapter. I agree it would be more compliant with the NPS to locate the rule triggers in the same chapter (i.e. the Earthworks Chapter) with appropriate cross referencing to a rule requirement located in the CE Chapter.
- 2.4 Amendments are shown in **Appendix 2**

[2] ESAI

2.5 ESAI initially opposed CE-R2 and sought its deletion from the PDP. In their tabled evidence, they sought that any deletion just be limited to horticultural plantings and shelterbelts. In their evidence, they highlighted the following issues with CE-R2 as notified:

2.5.1 There is a difference between horticulture plantings and shelterbelts, woodlots and plantation forestry. Horticulture plantings can have a more natural element and are an accepted part of rural landscapes. Horticulture plantings have a productive element that grow food supplies for local markets and further afield.

2.5.2 Adverse effects from horticultural activities can be addressed through regional council rules and Farm Management Plans which deal specifically with those matters that form part of the natural and landscape considerations i.e. effects on ecology, mahinga kai and cultural values, biodiversity, nutrient management, sediment run-off, fresh water management and the minimisation of effects on wetlands, riparian areas, drains, rivers, lakes, springs and water use.

2.5.3 There is limited potential for vine growing, vineyard and orchard type activities in the coastal environment given the more exposed nature of the land and climate here; making it unsuited to these specific types of horticultural activities.

2.5.4 With respect to allowing for replacement planting for shelterbelts and woodlots, it is considered important that this is provided for or allowed rather than using reliance on s10 RMA existing use rights provisions. Proving existing use rights is fraught and reliant on up-to-date aerial photography or continuous photographing of farm plantings.

2.5.5 There are areas of developed farmland and shelterbelts in the Ellesmere area that have been included in this Coastal Environment Overlay. It is in these areas that ESAI considers the overlay should either be removed or deletion of at least provisions relating to horticulture and shelterbelts activities. ESAI respectfully disagrees with the view of the Reporting Officer that cumulative effects could have a significant adverse impact. Any impact of shelter and horticulture planting has already occurred on the developed farmland.

2.6 In relation to ESAI's relief seeking the deletion of CE-R2 (and latterly to delete horticulture plantings and shelterbelts from CE-R2), James Bentley has offered comment on this matter¹. He states that concerning the very small and predominantly linear coastal environment extent (and ESAI concerns) there is limited potential for vineyards and orchard type development, due primarily to the more exposed nature of the land and climate². However, some types of horticultural planting (often those

¹ As set out in Appendix 3 of this report.

² As agreed by the submitter (DPR-0212) in their letter dated 17 June 2022, paragraph 6.

low growing that do not require extensive infrastructure, such as support poles and wires for vineyards) may be appropriate.

- 2.7 He therefore agrees with ESAI that due to the very limited area of land surrounding Lake Ellesmere (Te Waihora) that is within the coastal environment which is currently used for low-growing horticultural plantings, that do not utilise rows of poles and wires, CE-R2 could be relaxed. Much of the surrounding land of Lake Ellesmere (Te Waihora) is highly modified paddocks. Further, having reviewed the mapping extent of the coastal environment he considers that the extent mapped is appropriate. In some areas, the extent does follow existing shelterbelts. He is therefore also relaxed, that shelterbelts, in this relatively small environment, do not inherently significantly degrade the natural landscape, due in part, to its existing context. Based on this, he is supportive of also relaxing provisions relating to the establishment of a new, or extension to an existing shelterbelt in the coastal environment.
- 2.8 Based on Mr Bentley's advice, I therefore agree with ESAI that restrictions on horticultural plantings and shelterbelts can be lifted and become permitted activities in the CE Overlay, with the exception of areas that are identified as having high, very high or outstanding natural character values. These areas are subject to higher levels of protection under the NZCPS, are largely unmodified or have a limited amount of modification, and horticultural planting and shelterbelts should be restricted in these generally uncultivated areas.
- 2.9 Amendments are shown in **Appendix 2**.

[3] Orion

- 2.10 Orion support the policy framework approach in the S42a report. In response to a submission point by Transpower, I recommended changes to the policy framework to better reflect the intent of the PDP to provide for important infrastructure whilst ensuring appropriate safeguards to assess the potential adverse effects of this activity. This included deleting clause 'a' from CE-P3 and a new policy CE-P8 that mirrored parts of EI-P2. However Transpower have sought changes that would have the effect of not applying the CE policy framework to important infrastructure and instead relying on the approach in EI-P2 which seeks to minimise the adverse effects of important infrastructure on matters of national importance in s6 RMA.
- 2.11 On reflection, I consider this is generally appropriate (in the NFL Chapter where there is a similar issue I discuss this further) because important infrastructure that can meet the tests of EI-P2 is likely to be considered appropriate as it will have had to demonstrate that there is no other viable option than locating in the CE and that effects will have been minimised to the extent practical. The NZCPS does however require that adverse effects on Outstanding Natural Character and Outstanding Natural Landscapes are avoided in the Coastal Environment and therefore caution is required when excepting important infrastructure from the approach in CE-P3 that this requirement is not lost.

- 2.12 Turning to a change sought to CE-R3.4, whilst Orion are supportive of the S42a report recommending that CE-R3.7 excludes ancillary structures (which would include utility poles to a height of 8m), they consider there is a need to exclude them from CE-R3.4 (which still restricts ancillary structures in the Te Waihora/Lake Ellesmere High Natural Character Area). This is on the basis that upgrading and maintaining the above ground network routinely involves relocating and realigning lines and poles. Under this rule requirement Orion state that this would require consent to relocate a pole even within the 5m tolerance provided for under EI-R11 (Upgrading of Existing Above Ground Network utilities). Further Orion's network is linear in nature and generally runs along the road corridor but also must deviate from the road corridor to service dwellings and the like.
- 2.13 I note that there are few places that network utilities would need to establish in the Te Waihora/Lake Ellesmere High Natural Character Area. However there are existing electricity distribution lines that run to Lower Selwyn Huts along Days Road, alongside Greenpark Huts and around Timber Yard Road. These are typically, but not exclusively, in the road reserve and form part of the existing environment. Utility poles are generally absent from other areas of high natural character as well as very high and outstanding natural character.
- 2.14 In the S42a report, I stated that Mr Bentley considered that new utility poles to a height of 8m were generally appropriate in the coastal environment. However on reflection this only partly represented Mr Bentley's position as in his evidence attached to *Appendix 3* of the S42a report, he also notes at para 7.9 (my emphasis) that *'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.*
- 2.15 Mr Bentley has reviewed his advice in his reply report and notes that the HNC, VHNC and ONC mapped areas are inextricably linked to the marine waters of Pegasus Bay or the brackish waters of Te Waihora, where very slender parts of the terrestrial environment are included. He notes that whilst new poles in these identified areas are unlikely, given that the areas identified are not pristine, potential additional poles are unlikely to create significant adverse effects. I agree with Mr Bentley's conclusions, especially as these are very marginal areas with low population densities.
- 2.16 Network utility poles would be covered as ancillary structures (poles to a height of 8m, 1m in width) however as Ms Foote notes, they would be caught by CE-R3.4 which restricts ancillary structures in the Te Waihora/Lake Ellesmere High Natural Character Area. Given Mr Bentley's advice, I therefore recommend that network utility poles are exempt from CE-R3.4.
- 2.17 Amendments are shown in **Appendix 2**.

[4] Transpower

- 2.18 Transpower, in their original submission, opposed the policy framework in the CE Chapter on the basis that in their view it did not provide for the operation, maintenance, upgrading and

establishment of the National Grid. Similar to the NFL hearing topic, Transpower have included in their evidence concerns that the proposed wording in the S42a report (proposed 'CE-P8') which mirror that in the NFL S42a report (proposed 'NFL-P3') do not provide a pathway through the policy framework for important infrastructure because the requirement for 'avoid' remains and the recommended policy merely provides direction for the consideration of the development of infrastructure.

- 2.19 In the NFL Right of Reply report, I agreed with Transpower that a reference to EI-P2 would be preferable as this is clearly intended to address important infrastructure where it falls within an area subject to s6 RMA. Ms McLeod is proposing an alternative to this for the CE Chapter which is a standalone policy either in the EI Chapter or CE Chapter that sets out a distinct approach to managing the effects of the development of the National Grid in the CE environment. This is because EI-P2 is silent on coastal environment values and therefore consistency with the EI Chapter is less of an issue, as opposed to appropriately giving effect to the higher order documents, including the NZCPS, alongside the NPSET and CRPS.
- 2.20 I note the point about consistency between the NZCPS, NPSET and CRPS – the tensions between higher order documents have been well covered in case law³. The NZCPS does require the avoidance of adverse effects on outstanding natural character and outstanding natural landscapes and features in the coastal environment and this has been seen in strict terms through previous court decisions. Other national policy statements – for example the NPSET – create tension by requiring an enabling approach to electricity transmission infrastructure. It is the role of the PDP to reconcile these higher order document and provide an appropriate policy framework to assess a resource consent for any new transmission line.
- 2.21 Transpower recommend amending proposed CE-P8 to explicitly provide for the development of the national grid in the coastal environment and locating this policy either in the CE or EI chapters. In order to avoid an overly complex plan, I consider it would be preferable for the EI Chapter to include a policy specifically addressing the transmission network and effects on important values in the coastal environment, alongside other management approaches to important infrastructure. This would recognise the status of the NPSET alongside the NZCPS.
- 2.22 Transpower also opposed rules in the Coastal Environment Chapter on the basis that new National Grid assets would have non-complying activity status under certain circumstances and they consider that such a stringent activity status does not give effect to the NPSET or CRPS. In the S42a report, I concluded that *'The EI Chapter permits the repair, maintenance and operation of network utilities both above ground and underground (EI-R6) without requiring compliance with CE-R3. The establishment of a new, or expansion of an existing electricity transmission line, is already provided for through EI-R20 as a discretionary activity. If a resource consent was required under the CE Chapter*

³ Environmental Defence Society v New Zealand King Salmon Company Ltd [2014], Environmental Defence Society v Otago Regional Council [2019]

the submitter could leverage operation and functional requirements through a resource consent application which would be assessed against effects on natural character and other values’.

- 2.23 Similar to discussion in the NFL Right of Reply report, Ms McLeod is of the view that there is an issue of plan architecture in respect of upgrading important infrastructure activities under Rule EI-R11. That is, Rule EI-R11, requires compliance with EI-REQ5 and EI-REQ12 and these Rule Requirements direct plan users to Rules CE-R3 and CE-R5. If the upgrading of National Grid activities is moved to EI-R11 from EI-R20 (which was a recommendation in the S42a report for the EI Hearing top) there may be situations where the minor upgrading of a transmission line in the coastal environment triggers the requirement for a non-complying activity resource consent, while a new transmission line in the same location would trigger the requirement for a discretionary activity consent.
- 2.24 Transpower propose amendments to EI-REQ5 and EI-REQ12 to resolve any inconsistencies along similar lines to that proposed for ONL and VAL by the submitter. While I do not support the exact wording proposed by the submitter I do agree with the principle that the National Grid (and important infrastructure in general) be a discretionary activity rather than a non-complying activity. However, for Outstanding Natural Character (and Outstanding Natural Landscapes) in the Coastal Environment, a non-complying activity status might be more compliant with direction in NZCPS Policy 13 and 15. It would then be for EI-P2 to provide an appropriate policy framework, reconciling the NPSET and the NZCPS.
- 2.25 Scope for these changes comes primarily from Transpower’s relief seeking a discretionary activity at most for activities associated with the National Grid and changes to CE-P3 in the CE Chapter. ESAI have also, through general submission point (DPR-0212:056), sought that there is a rationalisation of provisions and maps particularly in the area around Lake Ellesmere/Te Waihora and the mouths of the Rakaia and Selwyn Rivers. A common approach to an activity status for important infrastructure for both ONL and natural character values would assist with plan consistency. This recognises that Policy EI-P2 is the key policy where there are proposals for important infrastructure to locate in areas of national importance, subject to s6 RMA. Also of assistance is DPR-101.006 from Chorus, Spark and Vodafone from the EI Hearing which sought broad relief to amend EI-P2 and/or policies for natural environment values so that the management approach in EI-P2 is not overridden.
- 2.26 Amendments are shown in **Appendix 2**.

[5] s32AA Assessment

- 2.27 The following points evaluate the recommended amendments under Section 32AA of the RMA. Amendments to the provisions set out in the Officer’s Reply Report are proposed to:
- 2.27.1 Improve the approach to managing shelterbelts and horticulture plantings in the coastal environment.

- 2.27.2 Improving the management of distribution electricity lines infrastructure in the coastal environment.
- 2.27.3 Improving the approach to managing important infrastructure by avoiding conflict between EI-P2 and CE-P3, providing for the National Grid specifically and important infrastructure generally whilst giving effect to NZCPS Policy 13 and 15.

Effectiveness and Efficiency

- 2.28 I consider that the amendments recommended in this report would be a more effective and efficient way to achieve the objectives, compared to the notified and the versions included in the s42a report.

Costs and benefits

- 2.29 The benefit is that the amendments would support landowners and infrastructure providers by allowing them to make reasonable use of their land and facilities while protecting areas that require protection.

Risk of acting or not acting

- 2.30 There is good knowledge of the issues and the need to protect areas of important value in the coastal environment. This is noted in the S32 report and S42a report. It is therefore considered that there is a low risk in acting in the manner proposed.

Conclusion

- 2.31 The recommended amendments are considered to be the most appropriate way to achieve the objectives in the EI Chapter and CE Chapter compared to the notified and the versions included in the s42a report.

3. Reporting Officer's Proposed Provision Amendments

- 3.1 Amendments to officer recommendations on submission points, based on the right of reply report, are available in **Appendix 1** below (coloured yellow).
- 3.2 Amendments to the text of the PDP based on the right of reply report are available in **Appendix 2** below (S42a changes against the notified PDP are coloured yellow and further changes based on the right of reply report are coloured blue).

Appendix 1: Table of Submission Points

Amendments to this table from that included in the S42a report are highlighted below.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0032	CCC	024	CE-SCHED1	Support	Retain as notified	Accept	13
DPR-0032	CCC	025	CE-SCHED3	Support	Retain as notified	Accept	13
DPR-0032	CCC	026	CE-R2	Support	Retain as notified	Accept in Part	11
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS027</i>	<i>CE-R2</i>	<i>Support</i>	<i>Accept the submission</i>	<i>Accept in Part</i>	<i>11</i>
DPR-0032	CCC	039	CE-R3	Support	Retain as notified	Accept in Part	11
DPR-0032	CCC	040	CE-R3	Support	Retain as notified	Accept in Part	11
DPR-0032	CCC	041	CE-R3	Support	Retain as notified	Accept in Part	11
DPR-0032	CCC	042	CE-R4	Support	Retain as notified	Accept	11
DPR-0032	CCC	043	CE-R5	Support	Retain as notified	Accept in Part	11
DPR-0207	SDC	039	CE-R3	Oppose in Part	Amend as follows: 1. Public Amenity Buildings	Accept	11
DPR-0207	SDC	040	CE-R3	Oppose in Part	Amend as follows: 7. Buildings and/or structure, other than Public Amenity Buildings, <u>or Ancillary Structures</u>	Accept	11
<i>DPR-0422</i>	<i>NCCF</i>	<i>FS145</i>	<i>CE-R3</i>	<i>Support</i>	<i>Allow the submission point</i>	<i>Accept</i>	<i>11</i>
DPR-0212	ESAI	085	SUB-R25	Oppose	Amend the activity status for SUB-R25.1 to Controlled	Accept in Part	11
DPR-0212	ESAI	086	SUB-R25	Oppose	Amend the activity status for SUB-R25.2 to Controlled	Accept in Part	11
DPR-0212	ESAI	087	SUB-R25	Oppose	Amend the activity status for SUB-R25.3 to Discretionary	Accept in Part	11
DPR-0212	ESAI	088	CE-Overview	Oppose in Part	Amend the last sentence of the fourth paragraph to read: Generally, the hinterland is highly modified and intensive -farming <u>activities</u> often extends close to the edge of the backshore.	Accept	8

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0422	NCFF	FS121	CE-Overview	Support	Allow the submission point	Accept	8
DPR-0212	ESAI	089	CE-R2	Oppose	Delete as notified.	Accept in Part	11
DPR-0032	CCC	FS068	CE-R2	Oppose	Retain CE-R2 as notified	Accept in Part	11
DPR-0212	ESAI	090	CE-R5	Oppose in Part	Amend CE-R5.2.b as follows: b. are for the purpose of installation of underground network utilities and ancillary structures, <u>or, underground water conveyance and/or rural production infrastructure; or</u>	Accept in Part	11
DPR-0422	NCFF	FS122	CE-R5	Support	Allow the submission point	Accept in Part	11
DPR-0212	ESAI	091	CE-R5	Oppose in Part	Amend CE-R5.3.c to read: c. are for the purpose of installation of underground network utilities and ancillary structures, <u>underground water conveyance and/or rural production infrastructure, excluding access roads; or</u>	Accept in Part	11
DPR-0422	NCFF	FS123	CE-R5	Support	Allow the submission point	Accept in Part	11
DPR-0212	ESAI	092	CE-R5	Oppose in Part	Delete reference to 'Prohibited' Activity Status in CE-R5.8	Accept in Part	11
DPR-0212	ESAI	093	CE-REQ3	Oppose in Part	Amend as follows: 1. The maximum area of a site, <u>where the building or structure is fully or partially located within the Coastal Environment Overlay area</u> , that can be covered	Accept in Part	12
DPR-0260	CRC	128	SUB-R25	Support	Retain as notified	Accept in Part	11
DPR-0298	Trices Road	FS033	SUB-R25	Oppose in part	Reject submission	Reject	11
DPR-0492	Kevler	FS722	SUB-R25	Oppose	Reject submission	Reject	11
DPR-0493	Gallina & Heinz-Wattie	FS049	SUB-R25	Oppose	Reject submission in part being the amendments sought and the notified provisions sought to be retained	Reject	11
DPR-0461	Dunweavin	FS535	SUB-R25	Oppose	Reject submission	Reject	11
DPR-0157	The Williams	FS923	SUB-R25	Oppose in part	Reject in part the amendments sought.	Reject	11

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0209	Manmeet Singh	FS531	SUB-R25	Oppose	Reject the submission in part.	Reject	11
DPR-0260	CRC	134	CE-O1	Support	Retain as notified	Accept	9
DPR-0260	CRC	135	CE-O2	Support	Retain as notified	Accept	9
DPR-0260	CRC	136	CE-P2	Support	Retain as notified	Accept in Part	10
DPR-0260	CRC	137	CE-P4	Support	Retain as notified	Accept	10
DPR-0260	CRC	138	CE-P3	Support	Retain as notified	Accept in Part	10
DPR-0260	CRC	139	CE-P5	Support	Amend CE-P5.1 as follows: Significant Natural Areas identified on the Planning Maps and listed in EIB-SCHED4 that are outside of areas, habitats and taxa listed in CE-SCHED4	Accept/Reject (potential consequential change depending on changes proposed for EIB Chapter)	10
DPR-0212	ESAI	FS001	CE-P5	Oppose	Disallow in full	Accept/Reject	10
DPR-0422	NCFF	FS035	CE-P5	Oppose	Retain CE-P5 as notified.	Accept/Reject	10
DPR-0260	CRC	140	CE-P6	Support	Retain as notified	Accept in Part	10
DPR-0260	CRC	141	CE-P7	Support	Retain as notified	Accept	10
DPR-0260	CRC	142	CE-R5	Support	Retain as notified	Accept in Part	11
DPR-0353	Hort NZ	060	Ancillary rural earthworks	Support	Insert as follows: <u>Ancillary rural earthworks means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks/roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).</u>	Reject	7
DPR-0142	NZ Pork	FS024	Ancillary rural earthworks	Support	Allow in full	Reject	7

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0212	ESAI	FS013	Ancillary rural earthworks	Support in Part	Allow in part with 'irrigation infrastructure works' added.	Reject	7
DPR-0372	DHL	FS033	Ancillary rural earthworks	Support	Accept the submission.	Reject	7
DPR-0388	CFSL	FS005	Ancillary rural earthworks	Support	Accept the submission.	Reject	7
DPR-0407	Forest & Bird	FS475	Ancillary rural earthworks	Oppose in Part	Reject the submission	Accept	7
DPR-0407	Forest & Bird	FS485	Ancillary rural earthworks	Oppose	Reject the submission	Accept	7
DPR-0353	Hort NZ	197	CE-O1	Support	Retain as notified	Accept	9
DPR-0353	Hort NZ	200	CE-P1	Support	Retain as notified	Accept	10
DPR-0353	Hort NZ	196	CE-P3	Oppose in Part	Amend as follows: ... 2. Avoid significant adverse effects and manage other adverse effects of activities on natural character in all other areas of Selwyn's coastal environment; including by: ... h. enabling existing farming operations, <u>including ancillary rural earthworks</u> , where these do not conflict with identified natural character values.	Reject	10
DPR-0212	ESAI	FS002	CE-P3	Support	Allow in full	Reject	10
DPR-0407	Forest & Bird	FS489	CE-P3	Oppose	Reject the submission	Accept	10
DPR-0353	Hort NZ	198	CE-R2	Support	Retain as notified	Accept in Part	11
DPR-0353	Hort NZ	199	CE-R5	Support	Amend as follows: 2. The earthworks are outside of Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and a. b. are for the purpose of installation of underground network utilities and ancillary structures; or c. <u>are ancillary rural earthworks, or</u>	Reject	11

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
					e. d.		
DPR-0212	ESAI	FS003	CE-R5	Support	Allow in full	Reject	11
DPR-0407	Forest & Bird	FS490	CE-R5	Oppose	Reject the submission	Accept	11
DPR-0358	RWRL	415	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>	Reject	8
DPR-0456	Four Stars & Gould	FS022	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0414	Kāinga Ora	FS126	Non-notification clauses	Support	Not specified	Reject	8
DPR-0453	LPC	FS053	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0032	CCC	FS201	Non-notification clauses	Oppose in Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.	Accept	8
DPR-0371	CIAL	FS053	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0298	Trices Road	FS932	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0358	IRHL	435	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules:	Reject	8

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
					<u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>		
DPR-0456	Four Stars & Gould	FS051	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0414	Kāinga Ora	FS155	Non-notification clauses	Support	Not specified	Reject	8
DPR-0453	LPC	FS149	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0032	CCC	FS230	Non-notification clauses	Oppose in Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.	Accept	8
DPR-0371	CIAL	FS151	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0298	Trices Road	FS961	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0422	NCFE	FS208	Non-notification clauses	Support in Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.	Reject	8
DPR-0367	Orion	033	CE-P1	Support	Retain as notified	Accept	10
DPR-0407	Forest & Bird	FS602	CE-P1	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.	Reject	10
DPR-0367	Orion	034	CE-P3	Support	Retain as notified	Accept in Part	10

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0407	Forest & Bird	FS603	CE-P3	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.	Reject	10
DPR-0367	Orion	035	CE-R3	Support in Part	Amend as follows: 7. Building and/or structure, other than Public Amenity Buildings, Where: ... <u>c. The structure is a network utility pole with a maximum height of 8m.</u>	Accept in Part	11
DPR-0407	Forest & Bird	FS604	CE-R3	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.	Reject	11
DPR-0374	RIHL	481	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion</u>	Reject	8
DPR-0456	Four Stars & Gould	FS085	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0414	Kāinga Ora	FS189	Non-notification clauses	Support	Not specified	Reject	8
DPR-0453	LPC	FS082	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0032	CCC	FS268	Non-notification clauses	Oppose in Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects	Accept	8

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
					<i>are potentially more than minor or where the Act requires notification.</i>		
DPR-0371	CIAL	FS082	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0298	Trices Road	FS995	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0379b	Jill Thomson	026	Hapua	Oppose	Amend as follows: 'A shallow lake at the termination of a river, separated from the sea by a bank of sand or shingle and includes coastal lakes which may be in the coastal marine area. or 'Hapua: A shallow lake at the termination of a river, separated from the sea by a bank of sand or shingle and includes coastal lakes which may be in the coastal marine area, or an estuary, fjord, inlet, harbour or embayment.	Accept in Part	7
DPR-0384	RIDL	514	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion</u>	Reject	8
DPR-0456	Four Stars & Gould	FS119	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0414	Kāinga Ora	FS223	Non-notification clauses	Support	Not specified	Reject	8

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0453	LPC	FS115	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0032	CCC	FS303	Non-notification clauses	Oppose in Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.	Accept	8
DPR-0371	CIAL	FS115	Non-notification clauses	Support in Part	Accept in Part	Reject	8
DPR-0298	Trices Road	FS1022	Non-notification clauses	Support	Accept submission	Reject	8
DPR-0407	Forest & Bird	056	CE-P3	Support in Part	Amend as follows: ... 2. Avoid significant adverse effects and manage other adverse effects of activities on natural character in all other areas of Selwyn's coastal environment; including by: ... d. retaining and enhancing areas of indigenous vegetation <u>and habitats of indigenous fauna</u> ; ...	Accept	10
DPR-0439	Rayonier	FS017	CE-P3	Oppose	Decline	Reject	10
DPR-0422	NCCF	FS078	CE-P3	Oppose	Disallow the submission point. Retain as notified.	Reject	10
DPR-0301	UWRG	FS134	CE-P3	Support	Allow in full	Accept	10
DPR-0414	Kainga Ora	119	SUB-R25	Support	Retain as notified	Accept in Part	11
DPR-0565	SSH	FS056	SUB-R25	Support in part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.	Accept in Part	11

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0298	Trices Road	FS145	SUB-R25	Oppose in part	Reject submission	Reject	11
DPR-0157	The Williams	FS185	SUB-R25	Oppose in part	Reject the submission in part	Reject	11
DPR-0209	Manmeet Singh	FS375	SUB-R25	Oppose in part	Reject the submission in part	Reject	11
DPR-0492	Kevler	FS541	SUB-R25	Oppose in part	Reject the submission in part	Reject	11
DPR-0493	Gallina & Heinz-Wattie	FS165	SUB-R25	Oppose in part	Reject the submission in part	Reject	11
DPR-0461	Dunweavin	FS172	SUB-R25	Oppose in part	Reject submission	Reject	11
DPR-0422	NCFF	214	SUB-R25	Support in Part	<p>Amend as follows:</p> <p>Activity Status: DIS <u>RDIS</u></p> <p>1. Subdivision in the General Rural Zone. This rule does not apply to any subdivision under <u>SUB-R12 or SUB-R15</u>.</p> <p>2. Subdivision of General Land in the Māori Purpose Zone. This rule does not apply to any subdivision under <u>SUB-R12 or SUB-R15</u>.</p> <p><u>Matters for discretion:</u></p> <p><u>3. The exercise of discretion in relation to SUB-R25.1. and SUB-R25.2 is restricted to the following matters:</u></p> <p><u>a. CE-MAT2 Buildings and Structures</u></p> <p><u>b. CE-MAT3 Building and Structure Height</u></p> <p><u>c. CE-MAT4 Building and Structure Footprint and Site Coverage</u></p> <p><u>d. CE-MAT5 Building and Structure Appearance</u></p> <p>Activity status when compliance not achieved:</p> <p>3. <u>4.</u> When compliance with any of SUB-R25.1. or SUB-R25.2. is not achieved: NC <u>DIS</u></p>	Accept in Part	11
DPR-0407	Forest & Bird	FS137	SUB-R25	Support in Part	Reject the submission	Reject	11

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0422	NCFF	217	CE-Overview	Oppose in Part	Amend as follows: Generally, the hinterland is highly modified and intensive farming often extends close to the edge of the backshore.	Accept in Part	8
DPR-0422	NCFF	218	CE-O1	Support	Retain as notified	Accept	9
DPR-0422	NCFF	219	CE-P1	Support	Retain as notified	Accept	10
DPR-0422	NCFF	220	CE-R1	Support	Retain as notified	Accept	11
DPR-0422	NCFF	221	CE-R2	Oppose	Delete as notified	Reject	11
DPR-0032	CCC	FS069	CE-R2	Oppose	Retain CE-R2 as notified	Accept	11
DPR-0407	Forest & Bird	FS138	CE-R2	Oppose in Part	Reject the submission	Accept	11
DPR-0422	NCFF	222	CE-R3	Support	Retain as notified	Accept in Part	11
DPR-0422	NCFF	223	CE-R5	Oppose in Part	Amend as follows: 2. b. are for the purpose of installation of underground network utilities and ancillary structures <u>or</u> , <u>underground irrigation infrastructure</u> ; or c. are ancillary rural earthworks; or d. any fill, excavation or removal is no more than: i. 250m ³ per hectare; and ii. 250m ² per hectare 3. c. are for the purpose of installation of underground utility networks and ancillary structures, <u>underground irrigation infrastructure</u> , excluding access roads; or...'	Accept in Part	11
DPR-0212	ESAI	FS004	CE-R5	Support	Allow in full	Accept in Part	11
DPR-0407	Forest & Bird	FS139	CE-R5	Oppose	Reject the submission	Reject	11
DPR-0422	NCFF	224	CE-R5	Oppose in Part	Delete reference to 'Prohibited' Activity Status in CE-R5.8 and make any required consequential amendments.	Accept in Part	11
DPR-0407	Forest & Bird	FS140	CE-R5	Oppose	Reject the submission	Reject	11

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0422	NCFF	225	CE-REQ3	Oppose in Part	Amend as follows and make any necessary consequential amendments: 1. The maximum area of a site, <u>where the building or structure is fully or partially located within the Coastal Environment Overlay area</u> , that can be covered.....'	Accept in Part	12
DPR-0212	ESAI	FS005	CE-REQ3	Support	Allow in full	Accept in Part	12
DPR-0407	Forest & Bird	FS141	CE-R5	Oppose	Reject the submission	Reject	11
DPR-0427	DoC	018	New	Neither support nor oppose	Insert a new definition of 'coastal environment' consistent with the definition of 'coastal environment' in the CRPS.	Reject	7
DPR-0407	Forest & Bird	FS184	New	Support	Accept the submission	Reject	7
DPR-0301	UWRG	FS160	New	Support	Allow in full	Reject	7
DPR-0427	DoC	064	CE-O1	Support	Retain as notified	Accept	9
DPR-0407	Forest & Bird	FS230	CE-O1	Support	Accept the submission	Accept	9
DPR-0301	UWRG	FS205	CE-O1	Support	Allow in full	Accept	9
DPR-0427	DoC	065	CE-O2	Support	Retain as notified	Accept	9
DPR-0407	Forest & Bird	FS231	CE-O2	Support	Accept the submission	Accept	9
DPR-0301	UWRG	FS206	CE-O2	Support	Allow in full	Accept	9
DPR-0427	DoC	066	CE-P2	Oppose in Part	Amend as follows: Preserve <u>and protect</u> the natural character qualities and values of areas within the terrestrial part of the coastal environment that have:	Accept	10
DPR-0407	Forest & Bird	FS232	CE-P2	Support	Accept the submission	Accept	10
DPR-0301	UWRG	FS207	CE-P2	Support	Allow in full	Accept	10
DPR-0422	NCFF	FS019	CE-P2	Oppose	Disallow the submission point	Reject	10
DPR-0427	DoC	067	CE-P3	Oppose	Amend as follows: 1. Avoid adverse effects of activities on natural character in areas of Selwyn's coastal environment that have been identified as having outstanding natural character as described in CESCHED2, including by:-	Accept in Part	10

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
					a. only enabling activities and development in areas with outstanding natural character that have an operational or functional need to locate in these areas; or have a public benefit and are small in scale; and 2. Avoid significant		
DPR-0212	ESAI	FS006	CE-P3	Oppose	Disallow in full	Reject	10
DPR-0407	Forest & Bird	FS233	CE-P3	Support	Accept the submission	Accept in Part	10
DPR-0301	UWRG	FS208	CE-P3	Support	Allow in full	Accept in Part	10
DPR-0422	NCCF	FS020	CE-P3	Oppose	Disallow the submission point	Reject	10
DPR-0427	DoC	068	CE-P4	Support	Retain as notified	Accept	10
DPR-0407	Forest & Bird	FS234	CE-P4	Support	Accept the submission	Accept	10
DPR-0301	UWRG	FS209	CE-P4	Support	Allow in full	Accept	10
DPR-0427	DoC	069	CE-P6	Support in Part	Amend as follows: Enable opportunities to restore and rehabilitate natural character <u>and promote opportunities to enhance natural character</u>	Accept	10
DPR-0407	Forest & Bird	FS235	CE-P6	Support	Accept the submission	Accept	10
DPR-0301	UWRG	FS210	CE-P6	Support	Allow in full	Accept	10
DPR-0422	NCCF	FS021	CE-P6	Oppose	Disallow the submission point	Reject	10
DPR-0427	DoC	070	CE-Rules	Support in Part	Retain the rules set out in the Coastal Environment Chapter, except where specific amendments are sought.	Accept in Part	11
DPR-0407	Forest & Bird	FS236	CE-Rules	Support	Accept the submission	Accept in Part	11
DPR-0301	UWRG	FS211	CE-Rules	Support	Allow in full	Accept in Part	11
DPR-0427	DoC	071	CE-R2	Support	Retain CE-R2.1 as notified	Accept in Part	11
DPR-0407	Forest & Bird	FS237	CE-R2	Support	Accept the submission	Accept in Part	11
DPR-0301	UWRG	FS212	CE-R2	Support	Allow in full	Accept in Part	11
DPR-0427	DoC	072	CE-R2	Support	Retain CE-R2.2 as notified	Accept in Part	11
DPR-0407	Forest & Bird	FS238	CE-R2	Support	Accept the submission	Accept in Part	11
DPR-0301	UWRG	FS213	CE-R2	Support	Allow in full	Accept in Part	11
DPR-0427	DoC	073	CE-R2	Support	Retain CE-R2.3 as notified	Accept in Part	11
DPR-0407	Forest & Bird	FS239	CE-R2	Support	Accept the submission	Accept in Part	11

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0301	UWRG	FS214	CE-R2	Support	Allow in full	Accept in Part	11
DPR-0427	DoC	074	CE-R3	Support	Retain CE-R3.1, CE-R3.2, CE-R3.4 and CE-R3.5 as notified	Accept in Part	11
DPR-0407	Forest & Bird	FS240	CE-R3	Support	Accept the submission	Accept in Part	11
DPR-0301	UWRG	FS215	CE-R3	Support	Allow in full	Accept in Part	11
DPR-0427	DoC	075	CE-R3	Oppose	Make amendments to the Proposed Plan to address the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered.	Reject	11
DPR-0407	Forest & Bird	FS241	CE-R3	Support	Accept the submission	Reject	11
DPR-0301	UWRG	FS216	CE-R3	Support	Allow in full	Reject	11
DPR-0422	NCFF	FS022	CE-R3	Neither support nor oppose	That any development or changes to the general rural zone provides the opportunity for FFNZ involvement.	Accept in Part	11
DPR-0427	DoC	077	CE-R5	Oppose in Part	Amend as follows: 7. Earthworks, other than earthworks subject to CE-R5.4 Where:; b. stopbanks or drains that existed on 27 June 1986; and or c. earthworks associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986.	Reject	11
DPR-0407	Forest & Bird	FS243	CE-R3	Support	Accept the submission	Reject	11
DPR-0301	UWRG	FS218	CE-R3	Support	Allow in full	Reject	11
DPR-0427	DoC	078	CE-R5	Support	Retain CE-R5.8 as notified.	Reject	11
DPR-0407	Forest & Bird	FS244	CE-R5	Support	Accept the submission	Reject	11
DPR-0301	UWRG	FS219	CE-R5	Support	Allow in full	Reject	11
DPR-0427	DoC	079	CE-SCHED1	Support	Retain as notified.	Accept	13
DPR-0407	Forest & Bird	FS245	CE-SCHED1	Support	Accept the submission	Accept	13
DPR-0301	UWRG	FS220	CE-SCHED1	Support	Allow in full	Accept	13
DPR-0427	DoC	080	CE-SCHED2	Support	Retain as notified	Accept	13
DPR-0407	Forest & Bird	FS246	CE-SCHED2	Support	Accept the submission	Accept	13

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0301	UWRG	FS221	CE-SCHED2	Support	Allow in full	Accept	13
DPR-0427	DoC	081	CE-SCHED3	Support	Retain as notified	Accept	13
DPR-0407	Forest & Bird	FS247	CE-SCHED3	Support	Accept the submission	Accept	13
DPR-0301	UWRG	FS222	CE-SCHED3	Support	Allow in full	Accept	13
DPR-0427	DoC	082	CE-SCHED4	Support	Retain as notified	Accept	13
DPR-0407	Forest & Bird	FS248	CE-SCHED4	Support	Accept the submission	Accept	13
DPR-0301	UWRG	FS223	CE-SCHED4	Support	Allow in full	Accept	13
DPR-0439	Rayonier	011	CE-R2	Oppose in Part	Amend to refer to Plantation Forestry Activity as defined in the NESPF.	Accept in Part	11
DPR-0422	NCCF	FS147	CE-R2	Support	Allow submission point.	Accept in Part	11
DPR-0446	Transpower	111	CE-O1	Support	Retain as notified	Accept	9
DPR-0446	Transpower	112	CE-P3	Support	1. <u>Except as provided by CE-PX, avoid</u> Avoid adverse effects of activities on natural character in areas of Selwyn's coastal environment that have been identified as having outstanding natural character as described in CE-SCHED2, including by; 2. <u>Except as provided by CE-PX, avoid</u> Avoid significant adverse effects and manage other adverse effects of activities on natural character in all other areas of Selwyn's coastal environment; including by:	Accept in Part	10
DPR-0446	Transpower	124	CE-R3	Oppose	Amend as follows: 9. <u>Except as provided for by X, when</u> When compliance with CE-R3.7.b. is not achieved: NC <u>X. When a building or structure for the National Grid does not comply with CE-R3.7.b: DIS</u>	Accept in Part	11
DPR-0446	Transpower	113	CE-P4	Oppose	Amend as follows: <u>Except as provided by CE-PX, avoid</u> Avoid the clearance of indigenous vegetation within those areas, habitats and taxa listed in CE-SCHED4.	Accept in Part	10
DPR-0446	Transpower	121	CE-P5	Support	Amend as follows:	Accept in Part	10

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
					Except as provided by CE-PX, avoid Avoid -significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:		
DPR-0446	Transpower	123	New	Support	<p>Insert new Policy CE-PX</p> <p><u>1. Seek to avoid adverse effects of the development of the National Grid on natural character values in areas of Selwyn's coastal environment that have been identified as having outstanding natural character as described in CE-SCHED2;</u></p> <p><u>2. Avoid, or where this is not practicable, remedy or mitigate adverse effects on:</u></p> <p><u>a. natural character in all other areas of Selwyn's coastal environment;</u></p> <p><u>b. areas, habitats and taxa listed in CE-SCHED4;</u></p> <p><u>c. Significant Natural Areas identified on the Planning Maps and listed in EIB-SCHED4 that are outside of areas, habitats and taxa listed in CE-SCHED4;</u></p> <p><u>d. the Rakaia river mouth, Te Waihora/Lake Ellesmere and Coopers Lagoon/Muriwai, which are important breeding, feeding and resting places for wetland and coastal birds;</u></p> <p><u>e. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and</u></p> <p><u>f. corridors and areas important for linking or maintaining ecological values.</u></p>	Accept in Part	10
DPR-0422	NCFF	FS148	New	Support in part	Conditionally allow submission point.	Accept in Part	10

Appendix 2: Recommended Amendments

Legend:

- Proposed amendments recommended by the S42a report (including the addendum report) to the notified PDP are highlighted **yellow**.
- Proposed amendments recommended by the right of reply report to the notified PDP are highlighted **blue**.
- Proposed amendments recommended by the right of reply report which also change a S42a report proposed amendment are highlighted **green**.

Interpretation

Definitions	
Hapua	A shallow lake located in the coastal environment at the termination of a river, separated from the sea by a bank of sand or shingle and includes coastal lakes which may be in the coastal marine area. ⁴

CE-Overview

Overview
<p>....</p> <p>To the south-west of Te Waihora/Lake Ellesmere is Coopers Lagoon/Muriwai, a coastal lagoon with significant wetlands that provide important habitat for indigenous fauna. Further to the south-west is the Rakaia River mouth and its associated hapua-type lagoon which also provides important bird habitat. The Rakaia Huts is a small settlement located close to the southern bank of the Rakaia Lagoon, used for holidaying with some permanently occupied residential units. Generally, the hinterland is highly modified and intensive farming activities⁵ often extends close to the edge of the backshore.....</p>

CE-Policies

CE-Policies	
CE-P2	<p>Preserve and protect⁶ the natural character qualities and values of areas within the terrestrial part of the coastal environment that have:</p> <ol style="list-style-type: none"> 1. outstanding natural character as described in Appendix CE-SCHED2;

⁴ DPR-0379:026 Jill Thomson

⁵ DPR-0212:088 ESAI

⁶ DPR-0427:066 DoC

	<p>2. high and very high natural character as described in CE-SCHED3; and</p> <p>3. other areas with natural character.</p>
CE-P3	<p>1. Avoid adverse effects of activities on natural character in areas of Selwyn's coastal environment that have been identified as having outstanding natural character as described in CE-SCHED2, including by;</p> <p>a. only enabling activities and development in areas with outstanding natural character that have an operational or functional need to locate in these areas; or have a public benefit and are small in scale; and⁷</p> <p>2. Avoid significant adverse effects and manage other adverse effects of activities on natural character in all other areas of Selwyn's coastal environment; including by:</p> <p>a. retaining a sense of remoteness and wildness;</p> <p>b. other than within Rakaia Huts township, maintaining a very low density of buildings and structures;</p> <p>c. ensuring natural and physical coastal processes are not impeded by land use and development;</p> <p>d. retaining and enhancing areas of indigenous vegetation <u>and habitats of indigenous fauna</u>;⁸</p> <p>e. protecting important breeding, feeding and resting places for wetland and coastal birds, including waders;</p> <p>f. maintaining the stability of the coastal dune systems;</p> <p>g. enabling limited earthworks outside of the Te Waihora/Lake Ellesmere HNC; and</p> <p>h. enabling existing farming operations, where these do not conflict with identified natural character values.</p>
CE-P6	Enable opportunities to restore, <u>and rehabilitate and enhance</u> natural character. ⁹
CE-P8 (New)	<p>When considering CE-P1 – CE-P7 in respect of proposals for important infrastructure, recognise:</p> <p>1. the operational or functional requirements for the location proposed; and</p> <p>2. site, route or method selection that serves to minimise the effects on the environment; and</p> <p>3. design measures and management methods to mitigate adverse effects</p> <p>The effects of the development of important infrastructure on the identified natural character values described in CE-SCHED2 and 3 are managed by Policy EI-P2 and Policy CE-P3 does not apply.¹⁰</p>
CE-P9 (New)	<u>Enable activities that have a public benefit and are small in scale.</u> ¹¹

CE-Rules

CE-R2 Plantation Forestry, Horticultural Planting, Woodlot, Shelterbelt Activity		
Coastal Environment Overlay	<p>Activity status: PER</p> <p><u>1. The establishment of a new, or expansion of an existing, horticultural planting or shelterbelt.</u></p>	<p>Activity status when compliance not achieved:</p> <p><u>4 When compliance with CE-R1.1a and CE-R2.11 is not achieved NC.</u></p> <p><u>5. When compliance with CE-R1.1b and CE-R2.1b is not achieved: DIS</u></p>

⁷ DPR-0446:112 Transpower, DPR-0427:067 DoC

⁸ DPR-0407:056 Forest and Bird

⁹ DPR-0427:069 DoC

¹⁰ DPR-0427:067 DoC DPR-0446:123 Transpower

¹¹ DPR-0427:067 DoC

	<p>Where</p> <ul style="list-style-type: none"> a. it is not located in an area with Outstanding Natural Character or the Te Waihora/Lake Ellesmere High Natural Character; or b. it is not located in an area with Very High Natural Character c. It is not located in an area with High Natural Character.¹² <p>Activity status: RDIS</p> <p>1.2. The establishment of a new, or expansion of an existing, plantation forest or, horticultural planting, woodlot or shelterbelt¹³ Plantation Forestry, Horticultural planting, Woodlots, Shelterbelts¹⁴</p> <p>Where:</p> <ul style="list-style-type: none"> a. it is not located in an area with Outstanding Natural Character or the Te Waihora/Lake Ellesmere High Natural Character; or b. it is not located in an area with Very High Natural Character <p>Matters for discretion:</p> <p>2.3 The exercise of discretion in relation to CE-R2.1. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. CE-MAT1 Plantation Forestry, Horticultural Planting, Woodlots and Shelterbelts 	<p>6. When compliance with CE-R1.1c is not achieved: RDIS</p> <p>Matters for discretion :</p> <p>7 The exercise of discretion in relation to CE-R1.6 is restricted to the following matters:</p> <ul style="list-style-type: none"> a. CE-MAT1 Plantation Forestry, Horticultural Planting, Woodlots and Shelterbelts. <p>3. When compliance with CE-R2.1a is not achieved: NC</p> <p>4. When compliance with CE-R2.1b is not achieved: DIS¹⁵</p>
--	---	--

CE-R3 Buildings and Structures		
Coastal Environment Overlay	<p>Activity status: PER</p> <ul style="list-style-type: none"> 1. Public Amenity-building¹⁶ <p>Where:</p> <ul style="list-style-type: none"> a. the building or structure is not located in the Te Waihora/Lake Ellesmere High Natural Character area. 	<p>Activity status when compliance not achieved:</p> <ul style="list-style-type: none"> 2. When compliance with CE R3.1.a. is not achieved: NC 3. When compliance with any rule requirement is not achieved: Refer to CE Rule Requirements

¹² DPR-0212:089 ESAI¹³ DPR-0212:089 ESAI¹⁴ DPR-0439:011 Rayonier¹⁵ DPR-0212:089 ESAI¹⁶ DPR-0207:039 SDC

	<p>And this activity complies with the following rule requirements: CE-REQ1 Height CE-REQ2 Building footprint CE-REQ5 Building appearance</p>	
Coastal Environment Overlay	<p>Activity status: PER 4. Ancillary structures</p> <p>Where: a. the ancillary structure is not located in the Te Waihora/Lake Ellesmere High Natural Character area, <u>with the exception of network utility poles.</u>¹⁷</p> <p>And this activity complies with the following rule requirements: CE-REQ5 Building appearance</p>	<p>Activity status when compliance not achieved: 5. When compliance with CE R3.4.a. is not achieved: NC 6. When compliance with any rule requirement is not achieved: Refer to CE Rule Requirements</p>
Coastal Environment Overlay	<p>Activity status: PER 7. Building and/or structures, other than Public Amenity buildings¹⁸ and ancillary structures,¹⁹</p> <p>Where: a. it is not located in any High Natural Character area, other than the Te Waihora/Lake Ellesmere High Natural Character area; or b. it is not located in any Outstanding Natural Character, Very High Natural Character areas or the Te Waihora/Lake Ellesmere High Natural Character area.</p> <p>And this activity complies with the following rule requirements: CE-REQ1 Height CE-REQ2 Building footprint CE-REQ3 Building coverage CE-REQ4 Building appearance</p>	<p>Activity status when compliance not achieved: 8. When compliance with CE-R3.7.a. is not achieved: RDIS 9. When compliance with CE-R3.7.b. is not achieved: NC 10. When compliance with any rule requirement is not achieved: Refer to CE Rule Requirements</p> <p>Matters for discretion : 11. The exercise of discretion in relation to CE-R3.8 and CE-R3.10 is restricted to the following matters: a. CE-MAT2 b. NH-MAT4</p>

¹⁷ DPR-0367:035 Orion

¹⁸ DPR-0207:039 SDC consequential

¹⁹ DPR-0207:040 SDC

CE-R5 Earthworks CE-REQ5 Earthworks ²⁰		
Coastal Environment Overlay	<p>Activity status: PER</p> <p>1. Earthworks</p> <p>Where:</p> <p>2. 1 The earthworks are outside of Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</p> <ul style="list-style-type: none"> a. are for the purpose of maintenance and repair of existing underground infrastructure, drains, fence lines, roads or tracks; or b. are for the purpose of installation of underground infrastructure network utilities,²¹ and ancillary structures; or c. any fill, excavation or removal is no more than: <ul style="list-style-type: none"> i. 250m³ per hectare; and ii. 250m² per hectare <p>3. 2 The earthworks are in Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</p> <ul style="list-style-type: none"> a. are not in the Te Waihora/Lake Ellesmere High Natural Character area, other than earthworks subject to CE-R5.4; or b. are for the purpose of maintenance and repair of existing underground infrastructure, drains, fence lines, roads or tracks, or c. are for the purpose of installation of underground infrastructure utility networks,²² and ancillary structures, excluding access roads; or d. any fill, excavation or removal is no more than: <ul style="list-style-type: none"> i. 100m³ per hectare; and ii. 100m² per hectare <p>4. 3 The earthworks are in the Te Waihora/Lake Ellesmere High Natural Character area; and</p> <ul style="list-style-type: none"> a. are carried out by or under the supervision of the Council or Canterbury Regional Council for the opening and closing of Te Waihora/Lake Ellesmere to maintain lake levels. 	<p>Activity status when compliance not achieved:</p> <p>5. When compliance with CE R5.2.a., CE R5.2.b. and CE R5.2.c. is not achieved: DIS.</p> <p>6. When compliance with CE R5.3a, CE R5.3b, CE R5.3c, CE R5.3d and CE 5.4a is not achieved: NC except earthworks subject to CE-R5.7</p>

²⁰ To give effect to relief in Kainga Ora's submission (no submission point number). Moved to a rule requirement.

²¹ DPR-0212:090-091 ESAI DPR-0422:223 NCFF

²² DPR-0212:090-091 ESAI DPR-0422:223 NCFF

Coastal Environment Overlay	<p>Activity status: NC</p> <p>7. Earthworks, other than earthworks subject to CE R5.4</p> <p>Where:</p> <p>The earthworks are within 10 metres of the bed of Te Waihora/Lake Ellesmere and below 1.2 metres above the 1937 Lyttelton vertical datum, and where it is for the following purposes:</p> <ul style="list-style-type: none"> a. polderisation for fish farming or for research into fisheries; b. stopbanks or drains that existed on 27 June 1986; and c. earthworks associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986. 	<p>Activity status when compliance not achieved:</p> <p>8. When compliance with CE R5.7 is not achieved: PR²³</p>
-----------------------------	---	---

SUB-Rules

SUB-R25 Subdivision and the Coastal Environment		
Coastal Environment Overlay	<p>Activity Status: DIS</p> <p>1. Subdivision within: the General Rural Zone. This rule does not apply to any subdivision under SUB-R15.</p> <p>2. Subdivision of General Land in the Māori Purpose Zone. This rule does not apply to any subdivision under SUB-R15.</p> <p>Where:</p> <ul style="list-style-type: none"> a. Every site created is outside every: <ul style="list-style-type: none"> a. Outstanding Natural Character area of the Coastal Environment Overlay; b. Very High Natural Character area of the Coastal Environment Overlay; and c. High Natural Character area of the Coastal Environment Overlay. <p>This rule does not apply to any subdivision under SUB-R15.</p>	<p>Activity status when compliance not achieved:</p> <p>3. When compliance with any of SUB-R25.1. or SUB-R25.2. is not achieved: NC</p> <p>N/A²⁴</p>

CE-Rule Requirements

CE-REQ3 Building coverage by buildings and structures

²³ DPR-0212:092 ESAI DPR-0422:224 NCFF

²⁴ DPR-0212:085-087 ESAI DPR-0422:214 NCFF

Coastal Environment Overlay	<p>1 The maximum area of a site that can be covered by buildings or structures is:</p> <p>a. 500m² for every 20 ha of site area or a maximum of 2,000m² per property that is located within the coastal environment overlay (whichever is the lesser), except in areas with High Natural Character.</p> <p>b. 300m² for every 20 ha of site area, or a maximum of 2,000m² per property that is located within the coastal environment overlay, (whichever is the lesser) in areas with High Natural Character excluding the Te Waihora / Lake Ellesmere High Natural Character Area</p> <p>Note: In instances where only part of the site is within the coastal environment overlay, the building or structure coverage must comply with the zone standard as it applies across the whole site but not exceed the building and structure coverage in CE-REQ3 within that part of the site covered by the coastal environment overlay.²⁵</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of CE-REQ3.1 is not achieved: RDIS</p> <p>Matters for discretion:</p> <p>3. The exercise of discretion in relation to CE-REQ3.2 is restricted to the following matters:</p> <p>a. CE-MAT4</p>
-----------------------------	---	---

EI-Polices	
EI-P2	<p>1. Avoid the adverse effects of activities on Outstanding Natural Landscapes in the Coastal Environment and areas of Outstanding Natural Character whilst minimising adverse effects on other values by²⁶:</p> <p>2. Minimise the adverse effects of important infrastructure, and renewable electricity generation on the physical and natural environment by:</p> <ol style="list-style-type: none"> encouraging the co-location of structures and facilities where efficient and practicable. locating, designing and operating development while minimising the effects on, the amenity values of the surrounding environment, public access and the health and safety of people. limiting the presence and effects of development within Outstanding Natural Landscapes, Visual Amenity Landscapes, High and Very High areas of Natural Character²⁷, areas of significant indigenous vegetation and habitats of indigenous fauna, sites of historic heritage and site and areas of significance to Māori to those which: <ol style="list-style-type: none"> are recognised as important infrastructure; and can demonstrate an operational or functional requirement for the location; and can demonstrate through site, route or method selection the minimisation of effects on the environment; and integrate design measures and management methods to mitigate adverse effects. requiring restoration of indigenous biodiversity and habitat following construction in areas of areas of significant indigenous vegetation and habitats of indigenous fauna, and the on-going monitoring of that restoration.

²⁵ DPR-0212:093 ESAI DPR-0422:225 NCFE

²⁶ DPR-0446.123 Transpower, DPR-0446.112 Transpower, Also Chorus DPR-101.006 from the EI Chapter.

²⁷ DPR-0446.112 Transpower, Also Chorus DPR-101.006 from the EI Chapter.

	<p>5. considering biodiversity off-setting or compensation where the loss of significant indigenous vegetation cannot be restored and significant habitats of indigenous fauna or wetlands cannot be fully mitigated where the adverse effects cannot be avoided or remedied.</p> <p>6. Using the substantial upgrade of important infrastructure and renewable electricity generation as an opportunity to reduce existing adverse effects</p> <p>2. Recognising that despite the above, for National Grid activities:</p> <p>a. adverse effects may not be able to be avoided on Outstanding Natural Character areas and Outstanding Natural Landscape in the Coastal Environment and that only minimisation can be achieved in the manner set out in EI-P2.1, and</p> <p>b. while in some circumstances, adverse effects on Outstanding Natural Character areas and Outstanding Natural Landscape in the Coastal Environment will need to be avoided.²⁸</p>
--	--

EI-REQ5 Earthworks		
Coastal Environment Overlay	3. All earthworks occurring outside of a land transport corridor shall comply with CE-R5 [Earthworks] CE-REQ5.	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with EI-REQ5.1 is not achieved: EI-REQ5.3 is not achieved and:</p> <p>a. in an Outstanding Natural Character area: NC</p> <p>b. outside of an Outstanding Natural Character area: DIS</p> <p>Refer to CE-R5.²⁹</p>

EI-REQ12 – Structures in Special Areas		
Coastal Environment Overlay	3. All activities occurring outside of a land transport corridor shall comply with CE-R3 Buildings and structures.	<p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of EI-REQ12.3 is not achieved and:</p> <p>a in an Outstanding Natural Character area: NC</p> <p>b: in a Very High Natural Character area or the Te Waihora/Lake Ellesmere High Natural Character area: DIS</p> <p>Where outside of these areas, refer to CE-R3 Buildings and structures³⁰.</p>

²⁸ DPR-0446.112 Transpower, DPR-0212:056 ESAI

²⁹ DPR-0446.112 Transpower, DPR-0212:056 ESAI

³⁰ DPR-0446.112 Transpower, DPR-0212:056 ESAI

EW-R2 Earthworks		
All Zones, except GRAZ and DPZ.	<p>Activity status: PER</p> <p>1. All other Earthworks not covered by EW-R1.</p> <p>And this activity complies with the following rule requirements: EW-REQ1 – Volume of Earthworks EW-REQ2 – Maximum Slope Gradient EW-REQ3 – Excavation and Filling EW-REQ4 – Rehabilitation and Reinstatement EW-REQ5 – Bunding <u>CE-REQ5 – Earthworks in the Coastal Environment.</u>³¹</p>	<p>Activity status when compliance not achieved:</p> <p>2. When compliance with any EW-Rule Requirement listed in this rule is not achieved: Refer to EW-Rule Requirements.</p>

³¹ Kainga Ora, consequential

Appendix 3: James Bentley Right of Reply report for NFL and CE:

Selwyn District Council (SDC) Plan Hearing

Hearing 19: Natural Features and Landscapes and

Hearing 20: Coastal Environment

Right of Reply: James Bentley, technical author of the Selwyn District Landscape Study and Selwyn Coastal Environment Study

20 September 2022

This Right of Reply addresses as many of the comments/ point of clarification received through the course of the hearing from Submitters and the Panel.

I have structured this Right of Reply around topics of discussion and commented on specific submitter concerns under the relevant topic.

This Right of Reply will comment front and foremost on the technical mapping and identification of values, and where appropriate offer advice regarding how provisions to manage these areas. The separate Right of Reply by Mr. Jon Trewin will cover off all policy and rule related matters.

Topics of discussion, include:

- Specific Mapping Concerns
- Light Reflectance Value (LRV) matters
- Greening of the high country/ pastoral intensification
- Indigenous vegetation clearance
- Height of utility poles
- Farm based node
- Shelterbelts and potential alternatives

I have also prepared Supplementary Evidence concerning the importance of indigenous vegetation to ONLs and VALs, as directed by Minute 22 by the Commissioners, dated 20 September 2022.

Specific Mapping Concerns

This response covers the following submitters:

- DPR-0144 Mt Algidus, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Station (The Stations).
- DPR-0440 Environmental Defence Society Incorporated
- DPR-0391 & DPR-0395 Castle Hill Adventure Tours Limited
- DPR-0097 Flock Hill Holdings
- DPR-0441 Manawa Energy Ltd
- DPR-0468 North Canterbury Fish & Game

DPR-0144 Mt Algidus, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Station (The Stations).

It appears that this submitter has accepted that all Stations form part of the broader Rakaia Catchment ONL and Waimakariri Catchment ONL. Amendments to the Rakaia Catchment ONL and Rakaia River ONL close to Mt. Algidus are also accepted.

DPR-0440 Environmental Defence Society Incorporated

Amongst the numerous concerns held by this submitter, this submitter specifically mentioned mapping of ONLs in the High Country, notably within the Waimakariri Catchment ONL regarding numerous cut-outs¹.

I note that the references in the submission concerning this relate to the original Selwyn Landscape Study dated 31 October 2017 and not the most current version, dated 12 December 2018. The most current version is an updated version following landowner engagement. As a result, there are no 'cutouts' in the Waimakariri Catchment ONL, other than over the urban zoning of Castle Hill and Arthurs Pass.

I agree with EDS that lowland depositional lands should be included within the ONL overlay, and that this was undertaken in 2018 following the engagement process. Refer to section 9.2.6 of the December 2018 Landscape Study for further information regarding the change to the mapping following landowner engagement.

Concerning EDS's remaining technical point (paragraph 18 of Counsel's submission), that where ONLs border the coastal marine area, ONLs should be recognised as extending into the marine environment (and not stop at the mean high-water mark – or jurisdictional boundary between local and regional authorities).

In essence, I concur with the sentiment of this statement, however, acknowledge the practicalities around this due to the territorial limits of management by both the district council and that of Environment Canterbury. In Selwyn, the coastal environment comprises a relatively short section of exposed coastline from Taumutu to the Rakaia River mouth. The Christchurch City Council (CCC) jurisdictional boundary extends across Lake Ellesmere (Te Waihora), which is recognised in its totality in both CCC and SDC as being an ONL.

A separate Regional Seascape ONL and ONF study has been developed to draft stage for Environment Canterbury². This work, as it develops further, will assist identify at a regional level, ONLs and ONFs within the marine environment, and especially highlight those ONLs and ONFs within the territorial authorities.

DPR-0391 & DPR-0395 Castle Hill Adventure Tours Limited

I have reviewed this area again and agree that the ONL should apply to this land, principally as the land has not been developed. This area of land also extends a significant distance from the main node of development at Castle Hill, which could amplify potential adverse landscape effects if development was undertaken under the normal General Rural Rules.

¹ Submission of Counsel on behalf of the Environmental Defence Society; 27 June 2022, paragraphs 12-18.

² This report, prepared by Boffa Miskell (2 February 2022) is a Working First Draft.

As discussed during the hearing, I support a suite of rules to be developed to ensure recognition that any future development recognises and protects the outstanding natural landscape values of the area.

DPR-0097 Flock Hill Holdings

I support the submitter in recognizing this area as being an ONL and support a suite of rules to be developed to ensure recognition that any future development recognises and protects the outstanding natural landscape values of the area.

DPR-0441 Manawa Energy Ltd

I have reviewed the Supplementary Evidence of Romae Calland³.

Within this supplementary evidence, reference is made to the amendments to the ONL boundary as it relates to the Rakaia River, which is part of the Lake Coleridge power station. The remaining aspects of the supplementary evidence relate to the Acheron Diversion and assets within the VAL Rakaia Catchment.

I am satisfied that the additional point raised in the Statement of Evidence of Romae Calland, in Appendix A is appropriate and should be included in the NFL-SCHED1 Visual Amenity Areas – Values and Attributes.

As outlined within my Statement of Evidence dated 1 June 2022, at paragraph 7.83, I agreed with Manawa Energy that the Lake Coleridge HEP forms an intrinsic part of the Rakaia River ONL. As such, an amendment was suggested to the landscape schedule.

More broadly, the wider HEP scheme is also integral to the adjacent, and much broader Rakaia Catchment ONL. Manawa are requesting that their assets are removed from the Rakaia Catchment ONL, notably the Acheron Diversion assets outlined within paragraph 5 of Romae Calland's Evidence and illustrated within Appendix B. As illustrated, these assets in Appendix B are totally within the ONL overlay, and not close or at the boundary of the ONL (as the Lake Coleridge component is).

It is inappropriate to carve out these assets from the ONL from a landscape perspective. It goes against best practice to do so and would be inconsistent with the ONL approach taken for the remaining part of the district. Manawa's assets within the Selwyn high country form part of the landscape's character and qualities. They have been considered around other anthropogenic changes, including areas of forestry, farm-related buildings and structures and other infrastructure such as transmission lines and roads. All of the ONLs identified are not pristine and hold a range of modifications.

I consider that the operation, maintenance and ongoing occupation of the existing Manawa HEP assets in the Rakaia Catchment are appropriate within the ONL. In identifying these assets as being part of this ONL, I have assumed that there are provisions appropriately enabling their use, maintenance etc.

Despite it not being explicitly requested, it would also be appropriate to include the same wording in all schedules within which the assets sit. This would mean that the following is inserted into the Rakaia Catchment ONL schedules:

'The Coleridge HEPS forms an intrinsic and historic part of the landscape'

³ Supplementary Evidence of Romae Calland, dated 27 July 2022.

DPR-0468 North Canterbury Fish & Game

The evidence of Di Lucas agreed with the mapping and scheduling of landscape values.

Specifically, Ms. Lucas recommends that the landtyping mapping, that essentially underpins the Landscape Character and Evaluation process, be included within the mapping, as another layer in the District Plan. Whilst this would have no statutory purpose, it would nonetheless assist in better understanding the makeup and features of the landscape. I am supportive of this approach.

Ms. Lucas also notes that some commentary in the schedules relating to dry grasslands, depositional land and bedrock land be included, which better reflects the different types of landtyping that maybe more sensitive change than other parts.

Whilst I agree with Ms. Lucas that some amplifications to SCHED1 should be made, this relief does not appear to be attributable to any specific submission point made on NFL-SCHED1 and therefore there may not be scope to make these changes through this process.

Light Reflectance Value (LRV)

This aspect of the rules around a building's painted reflectance value was raised/ commented on by a number of submitters and the Panel, specifically:

- DPR-0308 Helen & Pieter Heddell
- DPR-0097 Flock Hill Holdings
- DPR-0367 Christchurch City Council

LRV are only part of how to visually mitigate buildings in the landscape. Hues, or colours are equally important. I agree with the above submitters that an LRV (30%) along with guidance on hues (utilising natural hues such as browns, greys and greens) be appropriate to manage buildings in these special landscapes.

Greening of the high country/ pastoral intensification

This matter was raised by the following submitters:

- DPR-0301 Upper Waimakariri/ Rakaia Group
- DPR-0440 Environmental Defence Society Incorporated
- DPR-0468 North Canterbury Fish & Game

This should also be read in conjunction with my Supplementary Evidence addressing Minute 22's concerns around the importance of indigenous vegetation to ONLs and VALs.

This was raised as one of the key issues of concerns by these submitters. I agree that land use change, especially by 'greening' of the landscape can adversely affect landscape values. As noted within the Landscape Study 2018, 'All new land uses that lead to a visual difference in the landscape should be controlled to avoid adverse landscape effects. No further intensification should occur'.⁴ Also the following was also observed in that Study: 'Encroachments of human modifications can adversely affect sensory values, such as the visual coherence of an untouched tussockland. This can affect the perceived naturalness of an area'.⁵

⁴ Selwyn Landscape Study, December 2018, Threats table, page 75

⁵ Selwyn Landscape Study, December 2018, Threats table, page 74

Through the engagement process, it became aware that most high-country landowners hold their stations in high regard and look to protect the special landscape values of the area. Further, any development or change, particularly regarding pastoral intensification had certain natural limits, which made formulation of policies around 'greening' and land use intensification' inherently difficult:

1. The climate of the high country puts limitations on the type of crops/ horticulture plantings (such as vineyards/ or hop planting).
2. The availability of water for irrigation. This may rule out pivot irrigation in most/ all areas. Further a water consent would be required – which would manage the extent if applied?
3. The type of soil conditions (and flat land) mean that large change was unlikely.
4. Limitations of fertiliser use on land (nitrogen etc) are already capped through existing regulations.
5. The NPS on Indigenous Biodiversity also would prevent certain types of land use change without establishing the existing ecology.
6. Indigenous clearance rules through other rules also assist.
7. The landscape is large and is not pristine, with some greening already occurring. This greening, at current, does not degrade the outstanding landscape values at the District Scale. Of course, further greening has the potential to erode those values, and this has been highlighted in the Landscape Study as a threat.
8. Much of the land is managed on behalf of the Crown. The Crown Pastoral Land Reform Bill, under its purpose, looks to administer pastoral land in a way that seeks to (amongst other things) 'maintaining or enhancing inherent values⁶ across the Crown pastoral estate for present and future generations, while providing for ongoing pastoral farming of pastoral land'.⁷

Listening to the concerns of the submitters, I agree that land use intensification from a landscape perspective should have some policy direction. Ms. Di Lucas stated that it was important, from a landscape perspective to ensure that recognition of the natural patterns and legibility were protected, as inherently they inform the landscape's character and value. I agree with this.

Whilst the policy direction concerning land use and vegetation clearance retains a clear overlap with the Indigenous Biodiversity topic, I agree that formulation of a policy relating to the management of natural landscape patterning, character and legibility needs to be included.

Indigenous vegetation clearance

This matter was raised by the following submitters:

- DPR-0301 Upper Waimakariri/ Rakaia Group

⁶ inherent value, in relation to any land,—

(a) means a value that arises from an ecological, a landscape, a cultural, a heritage, or a scientific attribute or characteristic of a natural resource that—

(i) is in or forms part of the land or exists by virtue of the natural character of the land; or

(ii) relates to a historic place on or forming part of the land; but

(b) does not include a pastoral farming activity

⁷ Crown Pastoral Land Reform Bill (1A Purpose) (version 18 May 2022).

- DPR-0440 Environmental Defence Society Incorporated
- DPR-0468 North Canterbury Fish & Game

Similar to the previous topic of greening/ pastoral intensification, indigenous vegetation clearance was also a key issue raised by these submitters. Indigenous vegetation plays a very important part of the landscape and contributes positively to the overall level of naturalness of the landscape. Whilst provisions concerning this rests almost exclusively within the Indigenous Biodiversity Chapter, I share the submitters concerns regarding indigenous vegetation clearance, as it relates to landscape. Similar to the matters raised earlier, this is not a straightforward proposition, and any provisions developed will need to interrelate with other chapters.

Height of utility poles and Building setback rule

This matter was raised by the following submitters:

- DPR-0101 Chorus NZ Ltd; Spark NZ Trading Ltd & Vodafone
- DPR-0367 Orion NZ Ltd

All submitters cite that 8m height utility poles would be preferred. Orion would prefer than an exemption be considered for utility poles in the 300m setback from the centreline of SH73 and the Midland Railway line. It was understood at the hearing that all poles are typically 8m in height and I therefore support a height limit change to 8m.

The purpose of the 300m setback from the centreline of SH73 and the Midland Railway line is to ensure that the openness of viewshafts from SH73 and the railway line are maintained, and that any buildings, forestry or other structures can affect views and therefore the visual openness of the landscape. Within these corridors, it is accepted that there are utilities, such as power poles. They often extend along a main road or railway line. Since these poles are already in existence, I do not consider that the replacement or upgrading of these poles affects the openness of the landscape. I also support replacement poles, to be a permitted activity within the broader ONLs of the High Country. I am therefore supportive of including the following in NFL-REQ4 (*Excluding network utility poles with a maximum height of 8m*).

I also support, as a permitted activity replacement poles within the coastal environment. I noted within my Coastal Environment Evidence (Section 42A report)⁸ that this was not appropriate within areas of high, very high or outstanding natural character (within the coastal environment):

*'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.'*⁹

I have carefully reviewed this statement again, especially in light of the extent of the mapped areas of high, very high and outstanding natural character. Those mapped areas are inextricably linked to the marine waters of Pegasus Bay or the brackish waters of Te Waihora. Very slender parts of the terrestrial environment are therefore included. New poles in these identified areas are unlikely, however, whilst the areas identified are not pristine, potential additional poles are unlikely to create high adverse effects. As a result, I am comfortable that new poles (with a maximum of 8 metres in

⁸ 1 June 2022

⁹ Paragraph 7.9

height) could be placed within these mapped areas as a permitted activity. I understand that any disturbance to the ground/ and or lake or CMA to install new poles, would require a consent from the regional authority.

I have also considered the possibility of new poles to be placed in ONLs more broadly (specifically, the High Country and Banks Peninsula ONLs).

Due to the scale of the landscape within the High Country ONLs I am comfortable that additional new 8m high poles could be placed without high levels of adverse landscape effects being created. Of course, this is subject to location and number. I am aware that there are already rules around avoiding ridgelines, which does to some extent control structures on more highly visible locations. Furthermore, due to the broad scale of the high country, and the mosaic of landuse that is captured by the High Country ONLs, additional poles would not create high landscape effects.

I have also considered as a permitted activity, new utility poles to be placed within the ONL of the Banks Peninsula. I note that the landscape of the Banks Peninsula is different from that of the High Country, retaining a greater level of visual sensitivity due to its aspect. New utility poles in this landscape may have a greater level of visibility and therefore potential to create higher levels of effects to the landscape values that underpin the Banks Peninsula ONL. Of course, well placed poles may not, however this is not certain under a permitted activity. As such, I do not support additional poles being placed within the Banks Peninsula ONL as a permitted activity. Where there are existing poles within the Banks Peninsula ONL, I am supportive of those poles to be a permitted activity where they are replaced (up to 8m in height).

Farm Based Building Nodes

This matter was raised by the following submitters:

- DPR-0301 Upper Waimakariri/ Rakaia Group
- DPR-0144 Mt Algidus, Glenthorne Station, Lake Coleridge, Mt Oakden & Acheron Station (The Stations)
- DPR-0468 North Canterbury Fish & Game
- DPR-0367 Christchurch City Council

Some submitters considered that the 500m radius Farm Area was too large and some submitters considered that it was not large enough and does not (always) reflect the nature of the land to apply this.

The basis of the Farm based Building Node¹⁰ is to cluster development within the mapped ONLs to avoid sprawl. Sprawl of buildings over the landscape can lead to adverse landscape effects.

¹⁰ Definition as notified in the Proposed SDC Plan: *Includes that area of land which contains the principal residential unit, other principal buildings, and any worker's accommodation or accessory buildings, which are contained in a discrete area of the property, delineated by intensive shelter or amenity planting and worked paddocks.*

A building node is contained within an area not exceeding 500m distance from the principal residential unit in relation to the High Country, Front Range and Malvern Hills ONLs, and not exceeding 100m distance from the principal residential unit in the Port Hills ONL

A building node does not include any area which contains only holiday homes, baches, cabins, huts or similar buildings which are not permanently occupied, and which are not associated with the farming operation on the property.

Reference was made to the Mackenzie District Council's Farm Area Plans, where each farm has been mapped, which illustrates the extent to which development and land use change can occur within. It has been proposed that SDC opt for a similar outcome.

Whilst I can certainly see the merits of doing this from a landscape perspective, it must be remembered that the Mackenzie landscape is quite different from the Selwyn High Country. The McKenzie Basin landscape appears more open, where mountains, and hills are predominantly focused around the 'edges' of the basin. The threat of change in the McKenzie basin landscape was predominantly around structures appearing throughout the landscape, which would appear incongruous with the surrounding open landscape. Put simply, buildings that could be placed anywhere in this landscape have a greater potential to create adverse landscape effects to the very values that the Mackenzie Basin ONL is trying to protect: openness and naturalness.

The Selwyn High country is different. It is more mountainous, with numerous valleys and topographical changes that change as one travels through. There is a greater ability to 'absorb' development in the Selwyn High Country than in the McKenzie Basin landscape. As such and acknowledging that much of the flatter land in the Selwyn High Country has been developed for varying uses, a nodal dimension (or 500m) was suggested. This would avoid the need for individually mapping each Stations 'node'. A number of stations were 'tested' and consideration following the landscape engagement reaffirmed that 500m from the principal homestead would be appropriate. The principal homestead was chosen as the majority of Stations had their ancillary buildings close to the farmstead and this size appeared to work well. One Building Per Station was determined.

Of course, there will be the occasional Station where landform or topography would not allow this to happen.

As Ms. Lucas stated in her presentation, a 500m distance from the principal homestead, would mean a diameter circle of 1,000m, or 1km, which in turn equates to a 785m² or 78.5ha. This is a large area, and I do not agree that this should be enlarged to 650m as suggested by DPR-0144 The Stations.

One solution could be to alter the definition of the term 'Building Node' to ensure that the total area is included (78.ha) and that if due to topographical differences, it is impossible to achieve a clean 'radius' dimension, then potentially an 'area' focus could be achieved.

The aim is to consolidate buildings in the landscape and to avoid building sprawl as a permitted activity. Should buildings outside of this 'node' be required, a consenting framework would be required.

Christchurch City Council

Mr. Jeremy Head, on behalf of Christchurch City Council provided concise evidence around the consistency of policy and rule outcomes on the Banks Peninsula with that of Christchurch City Council. I agree with Mr. Head's analysis. Despite the subtle differences in policy between the two councils, the physical outcome of new buildings in the landscape would not be utterly different. This analysis by Mr. Head appears consistent with our findings during the engagement process.

Whilst there is general agreement regarding this, one outcome that Mr. Head is seeking a greater level of clarity over is around planting with building nodes. This is highlighted in paragraphs 45-53.

Mr. Head notes: *'The SDC requirement that buildings, clustered in nodes associated with vegetation patterns is another sound design principle to reduce adverse landscape and visual effects through the*

buffering and screening of built forms in the landscape. This maintains a predominance of open spaces and vegetated patterns over built forms'.¹¹

Mr. Head continues: *'it is unclear whether the SDC PDP intent is that associated vegetation patterns pre-exist (in a mature state) and whether or not this vegetation is protected in perpetuity. 'Protection' could also mean vegetation replacement conditions. A reliance on existing, mature vegetation would be essential in order to provide a 'ready-made' and ongoing appropriate setting for new buildings in order to reduce adverse landscape and visual effects'.¹²*

It is imperative that existing vegetation patterns (in terms of those that relate to a 'node') remain and that they continue to 'anchor' built forms in the cluster. I therefore support the intent of Mr. Head's comments. It is paramount in this relatively visual landscape, to ensure that new development within a node is consolidated, and existing and new vegetation is an important aspect in this consideration.

Shelterbelts, Horticulture Plantings, Woodlots, Plantation Forestry and potential alternatives

This matter was raised by the following submitters:

- DPR-0301 Upper Waimakariri/ Rakaia Group
- DPR-0440 Environmental Defence Society Incorporated
- DPR-0468 North Canterbury Fish & Game
- DPR-0367 Christchurch City Council
- DPR-0353 Horticulture New Zealand
- DPR-0212 Ellesmere Sustainable Agriculture Incorporated
- DPR-0422 Federated Farmers

Ms. Lucas in her submission supported the non-complying status for planting new exotic trees in ONLs, however outlined that this poses a problem for VAL areas. EDS and Upper Waimakariri/ Rakaia Group also agreed. VALs are, within the Selwyn context, often used as buffers to ONLs, in that they are recognised as being important, however their level of modification is greater than that of the ONL, but less than that of the more modified plains. VAL areas include the lower parts of the Banks Peninsula, the Malvern Hills and the foothills to the Rakaia Catchment ONL. They are typically elevated areas of land in Selwyn.

Any exotic forestry on these areas will inevitably erode the visual characteristics of these second tier¹³ mapped landscapes and I would support a more stringent policy approach.

Encouragement to plant natives to maximise biodiversity in the landscape should be supported, especially in place of exotic shelterbelts, as was opinioned by Dr. Lionel Hume of Federated Farmers during questioning at the hearing.

Horticultural plantings can include vineyards, hops, orchards and many other types of plantings that can affect the legibility and visual cohesiveness of the landscape. Small areas of such plantings, in discrete areas, do not affect the landscape in the same way that larger plantings, in more visually-obviously parts of the landscape may. One of the key concerns is that lines of plantings, in visually open parts of the landscape would be discordant with the natural landscape. Whilst vineyards were

¹¹ Jeremy Head evidence, paragraph 45.

¹² Jeremy Head evidence, paragraph 48.

¹³ As in an RMA Section 7 landscape (amenity) and not a Section 6(b) Outstanding Natural Landscape (a matter of national importance).

highlighted, any horticultural plantings/ woodlots could have an adverse effect on the landscape if cited inappropriately. Ideally, horticultural plantings would be contained within the Building Node, to concentrate effects to a specific part of the landscape, therefore leaving the remaining landscape open and devoid of obvious human-land use change. These considerations were especially considered valid in VAL areas, as often horticultural plantings were more associated with more developed parts of the landscape and not on areas of the landscape valued for their aesthetic coherence and high degrees of naturalness. I therefore support restrictions of these types of plantings in VALs.

Concerning the very small and predominantly linear coastal environment extent (and submitter DPR-0212's concerns) there is limited potential for vineyards and orchard type development, due primarily to the more exposed nature of the land and climate¹⁴. However, some types of horticultural planting (often those low growing that do not require extensive infrastructure, such as support poles and wires for vineyards) may be appropriate.

I therefore agree with Submitter DPR-0212 that due to the very limited area of land surrounding Lake Ellesmere (Te Waihora) that is within the coastal environment which is currently used for low-growing horticultural plantings, that do not utilise rows of poles and wires, this rule could be relaxed. Much of the surrounding land of Lake Ellesmere (Te Waihora) is highly modified paddocks. Further, I have reviewed the mapping extent of the coastal environment and consider that the extent mapped is appropriate. In some areas, the extent does follow existing shelterbelts. I am therefore also relaxed, that shelterbelts, in this relatively small environment, do not inherently significantly degrade the natural landscape, due in part, to its existing context. Based on this, I am supportive of also relaxing provisions of shelterbelts in the coastal environment.

¹⁴ As agreed by the submitter (DPR-0212) in their letter dated 17 June 2022, paragraph 6.