
REPORT TO DISTRICT PLAN COMMITTEE WORKSHOP

DATE: 18 March 2019

TOPIC: First Schedule Consultation

PREPARED BY: Justine Ashley, District Plan Review Project Lead, with input from Topic Leads

EXECUTIVE SUMMARY

| | |
|--|---|
| <i>Purpose</i> | To brief the Committee on the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions. |
| <i>Recommendation</i> | That the Committee notes the report. |
| <i>Recommendations/amendments post DPC workshop:</i> | |



1.0 Introduction

The Resource Management Act (**RMA**) requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan.

These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

2.0 First Schedule consultation

First Schedule consultation commenced on 17 December 2019 with access to the draft ePlan and Planning Maps being provided to the iwi authority¹ for review. Consultation with other statutory parties, including the Minister for the Environment, other relevant Ministers of the Crown, adjoining local authorities and the Summit Road Protection Authority, commenced on 31 January 2020, with all feedback on draft provisions requested by 28 February 2020.

As a result of this consultation, written feedback was received from:

- Christchurch City Council;
- Environment Canterbury; and
- Department of Conservation.

A copy of the feedback received is contained in **Appendix 1**.

While no specific feedback was received from the iwi authority during the pre-notification consultation period, Ms Heath of Te Rūnanga o Ngāi Tahu had previously indicated that she was satisfied with the input into draft provisions by Mahaanui Kurataiao Limited on behalf of Te Taumutu Rūnanga and Ngāi Tūāhuriri Rūnanga. In addition, the detailed feedback that has been provided by Te Taumutu Rūnanga Advisory Group (to date) is also acknowledged in this context.

3.0 Summary of feedback

All feedback has been supportive of the District Plan Review process and provided in a constructive and helpful manner. The detailed comments are currently being reviewed by each of the Topic Leads and subsequent amendments are being made to the draft provisions, where appropriate. Any key changes arising from this consultation process will be reported back to the District Plan Committee on 1 April 2020, including those noted below.

¹ Via Trudy Heath, General Manager, Te Ao Tūroa, Te Rūnanga o Ngāi Tahu

A summary of the key matters identified by each party and an outline of the Project Team's recommended responses is as follows:

Christchurch City Council

1. Provision for intensification

There is general support for the direction of the objectives and policies relating to intensification, however the feedback is that these provisions do not go far enough and that a greater commitment should be made towards achieving intensification, including commitments through Our Space.

The draft provisions provide for development of small and comprehensive developments but the feedback preferred that there was more of a requirement to provide for higher density developments, for example through a medium density zone. This is (to a degree) supported, but the feedback has been made without an understanding of the SDC proposed work programme and approach to growth management. In short, this is to strategically consider the timing and location of growth, including the provision of intensification/medium density zones, which will be considered through updates to the structure and town centre plans. The implementation of the outcomes of these strategic processes will be to provide for greater intensification opportunities in the District Plan (through variation or plan change).

There was also concern around the proposed minimum lot sizes to provide for greater density. Small developments in the Proposed Plan will be at 400m², whereas in the City this could be considered a lower density. However the context between the City and Selwyn townships needs to be factored in and the character and amenity sought to be achieved. Increasing development opportunities and capacity through intensification/infill, while meeting community expectations around township amenity, will be a challenge that will need to be approached at a strategic level in the first instance.

2. Concentric urban form and effectiveness in supporting public transport

Concern was raised regarding the emphasis on achieving a concentric urban form (building out from a centre in even manner). CCC supported higher density residential development closer to town centres, but not the potential provision for low density residential development within or at the edge of urban areas. The feedback therefore suggested giving serious consideration to providing for increased densities along corridors, which can support increased use of public transport.

Consideration will be given to the use of term 'concentric' so as not to limit different types of development approaches and locations going forward. However this approach aligns with strategic planning to date (eg higher densities, neighbourhood centres) and again the feedback needs to be balanced against the context between Selwyn townships and the City. For example, there is a difference in scale and opportunity of a corridors-based approach when comparing Riccarton Road to Tennyson Street. How, and where, higher densities are to be provided therefore needs to be considered through a strategic review of Structure Plans and Town Centre Plans in the first instance, which will then be implemented by a change to district plan zones and provisions.

3. Provision for urban activities beyond the Canterbury Regional Policy Statement Greenfield Priority Areas

The draft provisions include an Urban Growth Overlay to indicate those areas that have been identified through strategic planning for urban development in the future. The intent of this overlay is to protect these areas from potentially incompatible types of development (e.g. quarrying) and to direct any future growth to these locations in line with higher order documents, including the Regional Policy Statement (RPS).

The feedback received considered that any future urban growth area should wait until the RPS has been reviewed, or otherwise amended through a plan change, so that the Draft Plan gives effect to the existing RPS. As described above, the overlay does not provide for urban activities or development but indicates preferred locations. In the Greater Christchurch Area these locations will have to align with the RPS and future changes to the RPS. Any urban development in these areas will also have to align with the RPS and will be delivered through a plan change process. Until the RPS is amended and/or a plan change is undertaken, urban activities will be managed in the overlay in accordance with the General Rural Zone provisions. It is considered that the feedback may have misunderstood the purpose of this overlay and it is recommended that it is retained.

4. Use of versatile soils for urban, rural lifestyle and other activities

The draft Proposed Plan contains an objective to recognise and provide for versatile soils. The feedback questioned how versatile soils are to be recognised and provided for and how the development and use of such land should be managed to recognise its value for current and future generations.

National direction on the use of versatile soils for urban development and rural lifestyle activities is currently being finalised in the form of a National Policy Statement for Highly Productive Land (NPS-HPL), which SDC submitted on. Consideration of the impacts of the NPS-HPL as whole will need to be considered through future plan changes and as part of strategic growth management. This approach is consistent with SDC's current practice of considering the presence of highly productive soils as part of providing for urban growth, which aligns with the direction of the draft NPS-HPL.

5. Quarrying

The feedback requests consistency in setback distances and activity status for quarrying activities across both the City and Selwyn District Plans. With regard to the draft Selwyn Proposed Plan provisions, it is noted that the 500m setback between quarrying and Residential Zones is derived from the Air Plan, and provides greater protection to residential zones, which are dense with sensitive receptors, than the CCC setback of 250m. In terms of activity status, quarrying is defined as a "rural activity" in the RPS, and as such needs to be provided for in the General Rural Zone, provided that the amenity of any sensitive land uses can be maintained.

6. Waste and diverted materials facilities

CCC note that 'waste and diverted materials facilities' are a non-complying activity in the industrial zone and a discretionary activity in the rural zone, which could (by default) encourage such facilities to locate in the rural area. It is acknowledged that this type of activity could be defined as an

“urban activity” in the RPS, and as such, it is appropriate that the activity status is reversed. This approach is also consistent with other types of industrial activities are treated within the rural area. If an industrial activity, which includes a waste and diverted materials facility, could not establish in the industrial zone due to a certain effect, then there is policy support (operational or functional need) for it to establish in the General Rural Zone, even as a non-complying activity.

Recommended amendment:

Remove the rule dealing with this activity as a discretionary activity in the General Rural Zone, and have the general non-complying industrial activity rule apply. Amend the activity status from non-complying to discretionary in the General Industrial Zone.

7. Key Activity Centres

The feedback seeks the inclusion of a policy to recognise that Key Activity Centres in Selwyn should be developed to a scale that maintains the role of commercial centres in Christchurch. It is agreed that there is merit in recognising this cross boundary issue at a policy level.

Recommended amendment:

Include a policy to require that Key Activity Centres in Selwyn are developed to a scale that maintains the role of commercial centres in Christchurch.

8. Activities on the surface of water

CCC note that the territorial boundary cuts through the middle of some waterbodies, such as Te Waihora/ Lake Ellesmere, and that the draft Proposed Plan has some different provisions that apply to Te Waihora from what is in the Christchurch District Plan. The feedback therefore requests consistency in how activities on the surface of water are managed.

The use of motorised craft on Te Waihora has been specifically considered by DPC in the development of the draft provisions. DPC’s decision not to align with the Christchurch District Plan in this respect was primarily due to the difficulties in monitoring and enforcing a regime which permits certain motorised craft on Te Waihora (e.g. for customary harvesting, recreational and commercial fishing, game bird shooting and park management activities) while attempting to manage other uses. As such, no change is recommended.

9. Transport

The feedback requested a change to the draft Transport objectives to include a specific reference to “...reducing vehicle dependency” to ‘give effect’ to the RPS. While it is agreed that reducing private motor vehicle dependency is important for reducing emissions and traffic volumes into the City, it is considered that this matter is already comprehensively covered in the draft ‘Transport Choice’ objective and its supporting policies.

10. Strategic Directions

More specific direction is sought within the draft Strategic Objectives, particularly with regard to those matters identified in the RPS and noted in the feedback outlined above. On the basis that a number of the concerns raised are addressed by draft provisions within chapters that sit

‘underneath’ the Strategic Objectives, it is not considered appropriate (or necessary) to duplicate these matters within the overarching strategic framework.

11. Detailed ‘feedback by chapter’

A number of comments and suggested amendments have been provided at a more detailed level on a per chapter basis, as an Appendix to the primary feedback. Each Topic Lead has reviewed this feedback and incorporated changes to the draft provisions, where appropriate. As noted above, any recommended amendment that constitutes a key change will be reported back to DPC on 1 April 2020.

Environment Canterbury

Feedback received from Environment Canterbury (**ECan**) was very supportive of the District Plan Review process and provided confirmation that the draft provisions are generally consistent with the regional planning framework. The specific feedback provided on a range of chapters is of a technical nature and is being reviewed by the relevant Topic Leads. Subsequent amendments to the draft provisions are to be made, where appropriate, with any key changes to be reported back to DPC.

It is further noted that the flooding and coastal provisions of the Natural Hazards Chapter were not available at the time of pre-notification consultation, however ECan staff have been heavily involved in the recent development of these draft provisions.

Department of Conservation

The Department of Conservation (**DoC**) feedback acknowledges the on-going consultation with SDC as part of the District Plan Review process and considers that Council has made considerable progress in the plan development. However, DoC considers that further amendments to the draft provisions are necessary to ensure that the notified Proposed Plan gives effect to the higher order policy statements and achieves the purpose of the RMA.

Again, this specific feedback is being considered by the relevant Topic Lead and the draft provisions will be updated, where required. In saying this, there are limitations to the extent of amendments that can be made in response to DoC’s feedback, primarily due to the direction previously agreed by the Biodiversity Working Group, and the crossover with other statutory planning documents, including the Regional Pest Management Strategy and the National Environmental Standard for Plantation Forestry.

4.0 Conclusion

As part of the preparation of the Proposed Plan for notification it is necessary to undertake consultation with those statutory parties and agencies identified in Schedule 1 of the RMA. Only three parties took the opportunity to provide written feedback on the draft provisions during the consultation period. Overall, the responses were supportive of the District Plan Review process and provided constructive feedback to improve the efficiency and effectiveness of the draft provisions.

All feedback has been reviewed by the relevant Topic Leads and subsequent amendments are recommended where these improve the clarity and workability of provisions or better achieve the outcomes sought by higher order statutory policy statements or plans. At this stage, only minor

amendments to draft provisions are being considered in response to the feedback, however any key changes recommended will be presented to DPC on 1 April 2020.

Appendix 1 – First Schedule Consultation Feedback

28 February 2020

District Plan Review Team
 Selwyn District Council
 PO Box 90
 Rolleston 7643
 Email: districtplanreview@selwyn.govt.nz.

Dear Sir/ Madam

Christchurch City Council comments on the draft Proposed Selwyn District Plan

Christchurch City Council (the Council) thanks Selwyn District Council for the opportunity to make comments on the draft Proposed Selwyn District Plan (Referred to hereafter as the draft Plan). The Council supports a number of the provisions included in the draft Plan, but has concerns about some others. Some comments are also provided as suggestions based on our experience through the Christchurch District Plan Review and implementation of our new Plan, with the intention that Selwyn District Council avoids similar issues arising. Detailed comments are included in the attached document and key matters are highlighted below.

i. Provision for intensification

The draft Plan encourages residential intensification to be achieved particularly around the Key Activity Centres of Rolleston and Lincoln and in Greenfield Priority Areas. Whilst Council supports this policy intent, the draft Plan appears only to go as far as encouraging intensification, as opposed to requiring it be achieved. Opportunities for intensification in the draft Plan are currently limited to minor dwellings and comprehensive developments, where the latter require resource consents and the rule requirements and assessment matters for such applications seem likely to make it difficult for those provisions to be utilised¹. Council encourages Selwyn District Council to make a stronger commitment to intensification in the draft Plan to give effect to the Canterbury Regional Policy Statement (RPS)² and to reflect the commitments made in *Our Space*.

The General Residential Zone (GRZ) is described where a higher density of residential development is anticipated also stating that it is to provide a range of housing types to meet the diverse needs of the community (semi-detached and terraced housing being contemplated). The subdivision provisions for the GRZ however restrict site sizes to a minimum of 500m², which is relatively low density³, therefore it is questioned how effective the zone provisions will be in providing sufficient opportunities for a range of housing typologies. Under the National Planning Standards, there is the opportunity for District Plans to include medium

¹ Small site development is provided for in the draft Plan within Outline Development Plan areas (see draft rule SUB-R2) although only to a minimum net site area of 400m², which is still relatively low density.

² In accordance with Objective 6.2.2 and Policy 6.3.7 of the RPS.

³ The minimum site size in Christchurch's Residential Suburban zone is 450m², and the minimum site size in the Christchurch medium density zone is 200m²

and high density residential zones. Council suggests that these should be included to clearly show areas where higher densities are anticipated.

The draft Plan's emphasis on maintaining and enhancing existing character and amenity values, and on low-density residential activity outcomes, will make it difficult to approve consents for intensification proposals. It not clear how the draft Plan is to achieve medium density or high density residential development in accordance with emerging national direction⁴. The draft Plan's objectives, policies and assessment matters need to recognise that it is anticipated that the existing character will change in those residential areas intended for intensification. Central government have signalled its intention to introduce objectives and policies in its new proposed National Policy Statement (NPS) on Urban Development to emphasise that local authorities should consider amenity values for *future* communities as well as existing and recognising that a focus on the status quo can be a barrier to facilitating development⁵.

Further, it is not apparent how the commitments given under *Our Space* will be fulfilled, namely how this review "... will also assess additional provisions to encourage and enable redevelopment within existing urban areas and close to town centres"⁶. Table 5 in *Our Space* indicates an additional theoretical capacity for 775 dwellings be enabled in existing areas to provide enough capacity for Selwyn to meet its long term housing shortfall and therefore obligations under the NPS. A footnote to Table 5 notes this is subject to enabling this additional capacity via the District Plan Review. It does not appear that this additional capacity has been enabled through the District Plan Review. Providing more additional intensification capacity will also reduce the amount of land needed for urban expansion.

ii. **Concentric urban form and effectiveness in supporting public transport**

The draft Plan places considerable emphasis on achieving a concentric urban form. It is not clear from the draft Plan what this means. The Council supports higher density residential development closer to town centres, but notes that the term concentric urban form is not specifically referred to in the RPS or *Our Space*. There are issues if this concept is leading to the provision for low density residential development within or at the edge of urban areas. Particularly, if that provision allows residential densities as low as one household per hectare.⁷ The Council's experience is that low density residential development on the edge of urban areas makes it difficult to achieve good urban form when the urban area extends outwards, resulting in issues such as poor connectivity and inefficient use of infrastructure, specifically public transport.

The Council would also suggest giving serious consideration to providing for increased densities along corridors. Christchurch City Council is working with Selwyn District Council and other Greater Christchurch partners on the Greater Christchurch Future Public Transport Business Case, which will consider the relationship between public transport and land use along corridors. *Our Space* and the draft NPS on Urban Development also refers to increased densities along public transport corridors. Increased densities along corridors would not sit comfortably in a Plan that so strongly sought to achieve a concentric urban form.

⁴National Policy Statement on Urban Development

⁵ Ministry for Environment (2019), Planning Successful Cities Discussion Document, page 29-29

⁶ *Our Space* page 29

⁷ As appears to be indicated in UG-P5 for example.

iii. Provision for urban activities beyond the RPS Greenfield Priority Areas

The Council considers that any provision for future urban growth areas within Greater Christchurch, beyond the existing RPS Greenfield Priority Areas, should wait until the RPS has been reviewed, or otherwise amended through a change, so that the draft Plan gives effect to the existing RPS. The draft Plan provisions, such as policies UG-P1 and UG- P5, for other preferred future urban areas are inappropriate at this time. It is considered more appropriate for the draft Plan to include provisions that, within Greater Christchurch, avoid urban activities occurring outside of the existing urban areas and Greenfield Priority Areas. Any new provision for future urban growth areas, after the RPS has been changed or reviewed, should be introduced via a plan change or variation to the draft Plan.

iv. Use of versatile soils for urban, rural lifestyle and other activities

The Plan contains an objective, UG-02, to recognise and provide for versatile soils. The objectives and policies however do not indicate how versatile soils are to be recognised and provided for. Nor do they provide any specific direction as to how the development and use of such land should be managed to recognise its value for current and future generations. National direction on the use of versatile soils for urban development and rural lifestyle activities is currently being finalised in the form of a NPS for Highly Productive Land. The recent discussion document for that NPS proposed to require rural lifestyle development be directed away from areas of highly productive land and that its use for urban development be on the basis that it is the most appropriate option. The Council suggests that the draft Plan should better recognise the significance of highly productive land and provide appropriate direction on how such activities are be managed to recognise that significance.

v. Quarrying

Council is concerned if quarrying activities could locate in a rural zone that is adjacent to sensitive residential areas, particularly areas such as Templeton where there could be cross boundary issues (the Selwyn rural general zone is adjacent to residential zoned land within Christchurch). In the proposed rural general zone, quarrying activity that is less than 500m from a residential zone is a discretionary activity. However, in the Christchurch District Plan, if a quarry is less than 250m from a residential or school zone, the activity is non-complying. It would be good to have consistency in setback distances and activity statuses in both plans.

vi. 'Waste and diverted materials facilities'

'Waste and diverted materials facilities' are a non-complying activity in the industrial zone, and a discretionary activity in the rural zone. This could encourage these activities to locate in the rural zone, as the consent pathway could be easier. Once again, as the Selwyn Rural General Zone is adjacent to residential zoned land within Christchurch, this could be cause adverse effects. The Council also notes there are a number of other activities in the Rural General Zone that may meet the definition of "urban activity" as per the Greater Christchurch definition of "urban activity" in the Canterbury Regional Policy Statement. In the attachment the Council has drawn attention to these activities and recommended alternate activity statuses to address this potential issue.

vii. Key Activity Centres

There should be consideration of cross boundary issues/effects that commercial development in Selwyn (particularly Rolleston) may have on centres in Christchurch. In comparison, the Christchurch District Plan (Policy 15.2.2.2) states that development within the North Halswell Key Activity Centre is required to be developed to a scale that ensures the role of commercial centres in the Selwyn District are maintained. A similar policy in the Selwyn District Plan that

considers that Key Activity Centres in Selwyn are developed to a scale that maintains the role of Commercial centres in Christchurch, should be included in the Selwyn District Plan.

viii. Activities in the Surface of Water

The boundary between Selwyn District Council and Christchurch City Council cuts through the middle of some waterbodies, such as Te Waihora/ Lake Ellesmere. The draft Plan has some different provisions that apply to Te Waihora from what is in the Christchurch District Plan⁸. Consistency is considered appropriate given there is a boundary of an arbitrary nature through the lake.

ix. Transport

The RPS seeks to reduce dependency on private motor vehicles⁹. The transport objectives in the draft Plan do not state this. Reducing private motor vehicle dependency is important for reducing emissions and reducing the downstream traffic within Christchurch City. Therefore, Council would like to see greater emphasis on reducing private motor vehicle dependency in the draft Plan to give effect to the RPS.

x. Strategic Directions

The Strategic Directions Chapter should include more specific direction, particularly where such direction is provided by higher order documents such as the RPS. The comments above indicate a number of matters covered by the RPS that provide specific strategic direction. The RPS also includes specific direction on a number of other matters, including matters included in the chapter but with less specific direction. For example, the RPS contains directions to protect strategic infrastructure and to maintain the existing network of centres for commercial and other activities, rather than just being the “preferred” location for such activities. These matters should be reflected in the Strategic Directions Chapter of the draft Plan to give effect to the RPS.

Thank you for the opportunity to provide this input into the review. Council staff are willing to discuss any aspects of this submission.

For any clarification on points within this submission or for further discussion, please contact David Falconer, Team Leader, City Planning (David.Falconer@ccc.govt.nz) or Peter Eman, Principal Advisor Planning, (Peter.Eman@ccc.govt.nz).

Yours faithfully



Brendan Anstiss
General Manager Strategy & Transformation
Christchurch City Council

⁸ The Draft Selwyn District Plan permits the use of motorised water craft with no standards on Lake Ellesmere/ Te Waihora. However under the Christchurch District Plan, the use of motorised water craft on Lake Ellesmere/ Te Waihora is limited to use for customary harvesting, recreational and commercial fishing, game bird shooting and park management activities.

⁹ Objective 6.2.4 (2) of the Canterbury Regional Policy Statement

Feedback by chapter

| Section | Comments |
|---------------------------------|---|
| Definitions | See more specific comments in the specific definitions section below |
| Mana Whenua | Tangata Whenua - within their Part 1 (Intro and General provisions) - very good outline of recognition, relationships, resources of significance, iwi values, post-settlement matters, and planning documents. |
| TRAN - Transport | <p>1) In the ITA requirements it is noted that the Basic ITA does not include an assessment of Network Effects. This is an area of review in the Christchurch District Plan, with the review looking at opportunities to better manage Network Effects within the high trip generator provisions. Another area for review is how cumulative effects of multiple developments or staged development are managed under these provisions.</p> <p>2) Fire fighting access requirements: the proposed requirements are the same as in the Christchurch District Plan. While these have been raised as a potential issue for review (in regard to whether the access width is 4m or 3.5m) the Christchurch, Selwyn (draft) and Hamilton second generation plans all have a 3.5m width requirement, indicating a consistent approach to the District Plan implementation of the NZS.</p> |
| CL - Contaminated Land | The Selwyn Plan is quite similar to that of the Christchurch District Plan and makes reference only to the requirements of the NES for Assessing and Managing contaminants in Soil to Protect Human Health. The proposed objective and policy are similar to that of CCC. However, there seems to be a gap where the Plan does not have any policy of enabling the use land in the future, which is part of the proposed objective. |
| HH - Historical Heritage | <p>1) It will be important to clearly identify the extent of settings so it is clear what is protected. In the Christchurch District Plan this is done via Heritage Aerial Maps which also clearly identify the extent of the protected building or item. Settings cannot be protected via diagrams or maps on Heritage Item Record Forms, as these are only "material incorporated by reference" and are not legally part of the District Plan.</p> <p>2) Objective HH-P1 refers to a high degree of authenticity etc. Does this mean that items with only a moderate degree of authenticity or integrity will not be scheduled (as per the significant category in the Christchurch District Plan) - ie that all of the items on the draft schedule do meet the "high" test?</p> <p>3) In HH- P1, it is unclear whether the authenticity and integrity criteria are key criteria in the same way as criteria 1 to 6, ie are they weighted the same?.</p> <p>4) HH-P4 needs to include reference to utility connections to reflect Rule HH-R2.</p> <p>5) HH-P5.1 is potentially internally inconsistent, because it firstly refers to "significant adverse effects" then secondly to avoiding "any loss of fabric" or "effect on the level of significance of the item", which is a much stronger statement.</p> <p>6) HH-P11.2 has a problem in the second half of the sentence as the overall protection of the scheduled heritage item will not be ensured by complete demolition.</p> <p>7) In HH-R1 Maintenance or Repairs, the activity status is permitted, and therefore it is inappropriate to have a notification provision here, as there will be no application. That provision should be shifted to HH-R3.</p> <p>8) There is confusing wording in HH-R1.2.ii. (which appears to be almost a double negative). Damage to the item would probably be more likely with scaffolding fixed to the item. The wording in HH-R3 3.a. of "the level of intervention" is also confusing. What does this mean? Does it relate to the extent of alterations? Or is it about minimising the extent of changes necessary to meet the requirements of the Building Act etc and not doing more?</p> <p>9) This chapter is inconsistent with some of the others in listing its matters for control and discretion under the activities and not as a separate section following the rules.</p> |

| | |
|--|---|
| | <p>10) It is debateable whether rules should refer to policies (eg HH-R3.3.d and HH-R5.2.a) and use the policies as part of the matters for discretion. These wordings may have been promoted by the level of specificity of most of the policies in this chapter, but it would be more robust and consistent with the hierarchy of objectives, policies and rules in the RMA, for the rules/matters for discretion to be written in a stand-alone manner.</p> <p>See more specific comments in the specific heritage section below</p> |
| <p>TREE - Notable Trees</p> | <p>1) The Chapter uses the STEM methodology for assessing the significance of trees. CCC uses a modified version of this method (now called CTEM), developed to reduce some of the subjectivity in some of the categories and therefore increase consistency between different evaluators. The method also adds additional criteria. It would be worthwhile to discuss the differences between the two methods with CCC arborists if this has not already been done.</p> <p>2) A critical factor with assessing significance is the threshold score for listing for protection. This needs to be carefully justified, given the difficulty experienced in Christchurch with changing threshold scores between notification, mediation and the final IHP decision. Thresholds are very likely to be challenged in submissions.</p> <p>3) It would be helpful to make it clear (eg in the introduction) that the Chapter relates only to trees of significance on private land, as there are likely to be many trees on Council owned land which are also considered significant by the community.</p> <p>4) In TREE- P3, the words "protect trees from inappropriate subdivision, use and development" could be reviewed. Trees are only directly damaged by physical works occurring as a result of these processes.</p> <p>5) TREE-P2-P6, especially P3 could be shortened as there is considerable repetition of themes. The policies are probably too detailed and need only to state a course of action, not all the criteria for decision making. Some of this material belongs in matters for discretion.</p> <p>6) The words "alteration" and "modification" of trees should be deleted as they are too loose and imply significant changes to the tree which could result in loss of its values. In addition "alteration" is (appropriately) defined in terms of buildings, so does not belong in this chapter.</p> <p>7) The structure of the tree rules is very confusing. The rule requirements TREE-REQ1 and TREE-REQ2 are essentially activity standards, which set out what is or is not required for the listed activities to be permitted. The material would be more logically combined with the activity listings. It is not necessary to have rule requirements in this chapter.</p> <p>8) Matters of discretion for the rules are selections from the same universal list and are repetitive, so it would be more concise to place this after the TREE-Rule list, with each rule only including cross-references to the relevant matters of discretion.</p> |
| <p>Natural Environment Values</p> | <p>The approach to how SDC applies water body setbacks differs from that of the CDP in that different setbacks apply depending on the activity that could affect Lake Ellesmere, whereas CCC use a blanket 30m set back for a range of activities. This may well be appropriate given the large landward extent of Lake Ellesmere that is present in the Selwyn District.</p> <p>For plantation forestry, CCC will continue to manage this much more restrictively than the NESPF in Banks Peninsula and the Port Hills and to manage effects not covered by the NESPF. To avoid any inconsistencies in this respect, we would like to draw SDC's attention to the matters bullet pointed below and let SDC know that once our plan is brought into line with the NESPF, we will continue to manage plantation forestry on the Port Hills outside the NESPF (i.e. including less than 1ha in size) and will be managing the following additional effects not covered by the NESPF when the NESPF does apply:</p> <ul style="list-style-type: none"> the scale and extent of the proposed forestry and any cumulative effects, taking into account existing forestry in the vicinity; |

| | | |
|--|---|--|
| | <ul style="list-style-type: none"> the relationship of the planted area to existing landforms including ridgelines and in particular identified ridgelines. | |
| ASW - Activities on the Surface of Water | <p>The following comments also reflect the associated Coastal Environment, and Natural Character and Natural Feature and Landscapes chapters in Natural Environment Values.</p> <p>Policy ASW-P1 seeks to control activities on the surface of the District's high country lakes, therefore it would not apply to Lake Ellesmere. Rule ASW-R1 provides for the use of motorised watercraft as a permitted activity with no standards (except for the High Country Lakes). Under the Christchurch District Plan (CDP), the use of motorised water craft on Lake Ellesmere/Te Waihora is limited to use for customary harvesting, recreational and commercial fishing, game bird shooting and park management activities. Non-compliance with the Christchurch District Plan standards is Restricted Discretionary.</p> <p>The risk is that the use of motorised water craft for activities beyond those specified in the CDP, could occur on that part of Lake Ellesmere/Te Waihora in Selwyn District while requiring resource consent in Christchurch City. Examples include the use of motorised boats for any other purpose e.g. cruising or water skiing. It is acknowledged that some activities such as water skiing is not likely to occur due to the maximum depth of the lake being 2.1m but consistency is considered appropriate given that there is a boundary of an arbitrary nature through the lake.</p> <p>There is no provision for non-motorised recreational boating, recreational activities, including fishing, or any lake management or conservation activities.</p> <p>There is no provision for mai mai structures, etc. on Lake Ellesmere.</p> <p>The Coastal Environment chapter (in General District Wide Matters) provides cross-references to other chapters for certain matters/activities:</p> | |
| | Matter/Activity | Chapter containing relevant provisions |
| | The Rakaia River and Te Waihora/Lake Ellesmere are identified as Outstanding Natural Landscapes. | Natural features and landscapes. |
| | Customary harvesting, commercial and recreational fishing, game bird shooting and management activities at Lake Ellesmere/Te Waihora and Muriwai/ Coopers Lagoon, and any activity on the Rakaia River. | Activities on the Surface of Water. |
| | <p>As mentioned above though, the 'Activities on the Surface of Water' chapter refers only to use of motorised water craft and does not provide for the activities listed the second row of the above table except for customary harvesting.</p> <p>The Coastal Environment rules provide for customary harvest activity but do not recognise or provide for Ngai Tahu's rights to customary fisheries (commercial) activities on/in Lake Ellesmere (which would fall under the definition of Rural production). No provision is made for artificial Lake Ellesmere opening to sea which is provided for under the National Water Conservation (Te Waihoia/Lake Ellesmere) Order 1990 (section 4) or flood mitigation structures etc. (section 5 and 6). While the Regional Council deals with the lake opening to sea and any flood protection works, the CCC made these activities permitted to avoid the need for unnecessary consents from territorial authorities.</p> <p>Structures (e.g. public amenities) are not permitted in Lake Ellesmere High Natural Character overlay (rule CE-R3.6(c)) nor are any structures, such as those parts of jetties placed outside of the beds of the water bodies (ECan responsibility), i.e. on the margins of wetlands, lakes and rivers, which according to the Overview in the Natural Character Chapter, are collectively referred to as surface water bodies. The relationship between rules in various chapters is not clear.</p> | |

| | | | | | | | | | |
|--|--|---|--|--|--|--|--|--|---|
| | <p>Provisions for ONL (Lake Ellesmere) provide for some limited buildings and structures, subject to setbacks and size restrictions, which is inconsistent, in the case of Lake Ellesmere, with provisions in Activities on the Surface of Water chapters and/or Coastal Environment, as described above.</p> <p>The provisions as they stand, are not consistent with the Lake Ellesmere provisions in the Christchurch District Plan and may lead to the need for resource consents from SDC where none will be required from CCC.</p> | | | | | | | | |
| CE - Coastal Environment | <p>1) CE-02 does not distinguish between existing and proposed structures in terms of exposure to significant risk from coastal hazards which is an approach embodied in the NZCPS. The only associated policy (CE-P9) relates to redevelopment.</p> <p>2) As a general comment, the objective and policy framework relating to the Coastal Environment appears light with regards to 'subdivision, use and development'. The NZCPS provides strong guidance on this topic via Policy 25 – It is suggested that further consideration is given to bolstering this section of the proposed plan, particularly the precautionary approach promoted by the NZCPS.</p> | | | | | | | | |
| LIGHT - Light | The table for LIGHT – REQ1 Light Spill doesn't make sense. Perhaps the 2nd column is meant to be from 6am – 10pm? Both columns 2 and 3 show the same times but different maximum levels of light spill. | | | | | | | | |
| NOISE - Noise | SD Rule 4 references only Railway Designations, which does not include railway sidings (private land). If there are any sidings, this could be addressed by changing the terminology to Railway Network or provide for railway sidings separately. | | | | | | | | |
| UG - Urban Growth | See more details comments below | | | | | | | | |
| RESZ - Residential Zones | <p>Garage setbacks (e.g. GRZ-R10) - Needs to be clear if the setback is measured from the garage door or the nearest part of the garage building. This has been raised as a provision that lacks clarity in the Christchurch District Plan.</p> <p>LLRZ-R17 Camping Ground Facility</p> <table border="1"> <tr> <td> Activity status: PER 1. Camping Ground facilities that are permitted within Reserve Management Plan approved under the Reserves Act 1977. </td><td> Activity status when compliance not achieved: N/A </td></tr> <tr> <td> Activity status: RDIS 2. Alteration of an existing camping ground facility which is not permitted within Reserve Management Plan approved under the Reserves Act 1977. </td><td> Activity status when compliance not achieved: 4. When compliance with any of LLRZ-R17.2 is not achieved: DIS </td></tr> <tr> <td> Matters for discretion: 3. The exercise of discretion in relation to LLRZ-R17.3. is restricted to the following matters: RESZ-MAT in RESZ-Matters for Control or Discretion </td><td></td></tr> <tr> <td> Activity status: DIS 5. Establishment of a new camping ground facility which is not permitted within Reserve Management Plan approved under the Reserves Act 1977. </td><td> Activity status when compliance not achieved: 6. When compliance with any of LLRZ-R17.5 is not achieved: NC </td></tr> </table> <p>The default (4.) DIS activity status or (6.) NC activity status do not make sense as the activities listed in (2.) and (5.) have no standards to comply or not comply with. Camping grounds (and additions/alterations to them)</p> | Activity status: PER 1. Camping Ground facilities that are permitted within Reserve Management Plan approved under the Reserves Act 1977. | Activity status when compliance not achieved: N/A | Activity status: RDIS 2. Alteration of an existing camping ground facility which is not permitted within Reserve Management Plan approved under the Reserves Act 1977. | Activity status when compliance not achieved: 4. When compliance with any of LLRZ-R17.2 is not achieved: DIS | Matters for discretion: 3. The exercise of discretion in relation to LLRZ-R17.3. is restricted to the following matters: RESZ-MAT in RESZ-Matters for Control or Discretion | | Activity status: DIS 5. Establishment of a new camping ground facility which is not permitted within Reserve Management Plan approved under the Reserves Act 1977. | Activity status when compliance not achieved: 6. When compliance with any of LLRZ-R17.5 is not achieved: NC |
| Activity status: PER 1. Camping Ground facilities that are permitted within Reserve Management Plan approved under the Reserves Act 1977. | Activity status when compliance not achieved: N/A | | | | | | | | |
| Activity status: RDIS 2. Alteration of an existing camping ground facility which is not permitted within Reserve Management Plan approved under the Reserves Act 1977. | Activity status when compliance not achieved: 4. When compliance with any of LLRZ-R17.2 is not achieved: DIS | | | | | | | | |
| Matters for discretion: 3. The exercise of discretion in relation to LLRZ-R17.3. is restricted to the following matters: RESZ-MAT in RESZ-Matters for Control or Discretion | | | | | | | | | |
| Activity status: DIS 5. Establishment of a new camping ground facility which is not permitted within Reserve Management Plan approved under the Reserves Act 1977. | Activity status when compliance not achieved: 6. When compliance with any of LLRZ-R17.5 is not achieved: NC | | | | | | | | |

| | |
|--|---|
| | <p>provided for under Reserve Management Plans are permitted. New camping ground not permitted within an RMP is already DIS and it is not clear what non-compliance there could be to make it default to NC.</p> <p>GRZ-P24 – includes restricted hours of operation for new community correction facilities. Surely, these facilities are operational 24hrs or are the inmates/guests/patients left to their own devices at night? Maybe this is intended to restrict public visiting hours or public uses? I understand from the definition that this is not intended as prisons (although this is not explicit) but the definition does include activities that would require overnight stays.</p> <p>SETZ-REQ8 – External Appearance. I am unclear what the intent of this provision is but it seems to require better road frontage integration although this zone is for single story low density on large sections although reads as a high density/mix use provision.</p> |
| RURZ - Rural Zones | <p>Concern that quarrying activities could locate in a rural zone that is adjacent to sensitive residential areas. Of particular concern are areas such as Templeton where there could be cross boundary issues. In the proposed Selwyn District Plan rural zone, quarrying activity that is less than 500m from a residential zone is a discretionary activity (CDP rules are that if it's less than 250m from a residential or school zone, the activity is non-complying). It would be good to have consistency in setback distances in both plans.</p> |
| CMUZ - Commercial and Mixed Use Zones | <p>CMUZ-O5 - '...appropriate levels of amenity...' - this is too uncertain, who decides what an appropriate level of amenity is? How do you decide what an appropriate level of amenity is?</p> <p>CMUZ-P1 - CMUZ-P1.2 is unworkable, as it essentially says 'avoid activities in the TCZ that adversely affect the TCZ' and will be confusing for plan users and administrators because of the overlap/nesting between the CMUZ and TCZ.</p> <p>CMUZ-P2 - CMUZ-P2.3 - what does 'civic service activities' mean? This could helpfully be a defined term.</p> <p>CMUZ-P5 - Last sentence says '...you will need to refer to...' - it is interpreted as unorthodox to refer to the person reading the plan. I think the 'you will need to' can just be removed.</p> <p>CMUZ-MAT3 - Just noting concern over linking to an external document/website for the CPTED principles. Reliance on an external website presents a risk of the content being amended without control..</p> <p>Appears to be little consideration of cross boundary issues/effects that commercial development in Selwyn (particularly Rolleston) may have on centres in Christchurch (in comparison to Policy 15.2.2.2 of the CDP where development within the North Halswell KAC is required to be developed to a scale that ensures the role of commercial centres in the Selwyn District are maintained, and similarly that the Belfast/Northwood KAC is required to be developed to a scale that ensures the role of commercial centres in the Waimakariri District are maintained.)</p> <p>TCZ-R4 - Just curious as to why residential activity above ground floor is restricted discretionary rather than permitted (compared to being permitted in our commercial core zone). Also, should the matters for discretion refer to TCZ-R4.4 and TCZ-R4.5 (residential units) rather than TCZ-R3.4 and TCZ-R3.5 (which don't exist)? And refer to CMUZ-MAT2 & CMUZ-MAT3 rather than TCZ-MAT2 & TCZ-MAT3 (these don't exist)? (Similar issues with referencing in LCZ-R4)</p> <p>TCZ-R24 - heading is for airfields and helicopter landing areas, but the text refers to corrections facility activities.</p> <p>General - Some commercial zoning in Lincoln does not appear to have been carried over into the proposed plan (Lincoln New World and town centre areas).</p> <p>NCZ - Having regard to CCC's zoning for centres that support the immediate residential neighbourhood, it is appropriate to add something to the objectives and policies that states that neighbourhood centres should be accessible by walking or cycling (e.g. CDP Role of Centres Policy 15.2.2.1).</p> <p>NCZ-R11 - Retail activities - NCZ-R11.1.a. - the sentence about floor area is incomplete.</p> <p>NCZ-R23 - Primary production activities - what is the justification for permitting these in the NCZ? How does</p> |

| | |
|-------------------------------|---|
| | <p>this activity meet the purpose of the zone and service the needs of residents in the surrounding area?</p> <p>LFRZ - Intro text - 'Please note that' should be expressed in terms such as other provisions also apply. Same terminology in the NCZ, LCZ & TCZ intro text.</p> <p>LFRZ-P1 - Should refer to 'scale of commercial activities' rather than 'range of commercial activities'. Large format retail centres can sell any range of products, but the key thing is the scale at which they do (i.e. large floor or yard areas).</p> <p>LFRZ-P1 - the second sentence is missing some words and does not make sense in it's current form.</p> <p>LFRZ-P2 - The policy refers to setbacks from road boundaries only. This is likely to be acceptable for the location of the current LFRZ, however, there is a question of its appropriateness if additional large format retail areas are zoned? Should also include a reference to rural/residential boundaries. This will then need to be reflected in LFRZ-REQ4 as well.</p> <p>LFRZ-P3 - 'trade effects on trade competition' statement is unnecessary</p> <p>LFRZ-R8- Offices - As there is not strong policy direction to turn down offices in the large format retail zone, there is a risk that the LFRZ could morph into a centre. Suggest beefing up the objectives/policies for the LFRZ so as to minimise this risk.</p> <p>LFRZ-R8 - research activity - this activity does not match with the purpose of the zone (particularly as it can operate at an unlimited tenancy size and is a permitted activity).</p> <p>LFRZ-R21 - primary production activities - This also seems to go against the purpose of the zone. Why have a large format retail zone that permits primary production in it?</p> <p>LCZ-R15 - was just wondering if it made more sense to exclude camping ground activities from visitor accommodation activities, given that visitor accommodation activities can arguably include camping grounds (and LCZ-R15 makes visitor accommodation permitted, but LCZ-R16 makes it discretionary, so wouldn't an exception in LCZ-R15 be more consistent with how other rules have been written?)</p> <p>LCZ-R23 - this is also in other commercial zones, but it allows some primary production activities to take place in those zones, which while unlikely, doesn't really make sense to have as a permitted activity.</p> |
| INZ - Industrial Zones | <p>1) GIZ-O1 - '...activities that support the functioning of industrial areas.' - Clarity sought regarding what this function is. Objective needs more detail on the function of the industrial zone.</p> <p>2) GIZ-P1 - Does not make sense to have 'and scale' in the sentence. Could this be taken out?</p> <p>3) GIZ-P3 - 'Avoid activities... incompatible with...character and function of the Zone...' - The character and function of the zone is not described and should be clarified. This needs to be included in order to assess whether activities are incompatible and therefore need to be avoided.</p> <p>4) GIZ-P4 - There may be issues with considering cumulative effects, having regard to case law (TBC).</p> <p>5) GIZ-P4 - '...urban form effects...' - Our experience is that very few people understand what urban form effects are, therefore greater clarity is needed around this.</p> <p>GIZ-R4 - Residential activity - why do you need to specifically provide for this activity when it is inherent in the definition of 'residential unit'?</p> <p>6) GIZ-R5 - 'wet industry' should be defined.</p> <p>7) GIZ-R9 - Is the 2,000m2 a typo? It's a huge area, particularly when comparing it to the equivalent rules in the CDP which permits ancillary retail of up to 250m2.</p> <p>8) GIZ-R9 - GIZ-R9.1.c is missing. If it is supposed to be missing, then the reference to it in the 'activity standard when compliance not achieved' column needs to be removed.</p> <p>9) GIZ-R11 - Reference to non-existent GIZ-R11.1.d needs to be removed.</p> <p>10) GIZ-R23 - Concern that 'Waste and diverted materials facilities' are a non-complying activity in the industrial zone, and a discretionary activity in the rural zone. This could lead to adverse outcomes on urban and rural communities, particularly thinking of sensitive residential areas such as Templeton where there could be cross boundary issues (Selwyn rural zone is just across the road from the township).</p> <p>11) GIZ-REQ4 - Setbacks - During the Christchurch District Plan Review, there was discussion over building setback distances (3m or 6m). A smaller setback was found to provide better outcomes as it limited the activities that the area could then be used for (i.e. not large enough to be used for storage/vehicle access/loading areas, etc.). The Selwyn Plan seeks a setback of 10-15m for the Rolleston Industrial Precinct,</p> |

| | |
|------------------------------------|---|
| | with the only controls being over buildings and outdoor storage. Large setbacks could also result in inefficient use of the industrial land. |
| MPZ - Maori Purpose Zone | 1) The introduction to the chapter is very brief. Readers would benefit from some description of where the zone is located, its size etc. (there appears to be only one location) |
| | 2) MPZ-01 has problematic wording in b) - "adjacent to the zone". It is not appropriate for an objective for the zone to apply to land outside the zone. The problematic wording is repeated in MPZ-P4. |
| | 3) In MPZ-P2, at what point does the development plan kick in and how, when most activities are permitted? There is no reference in the rules to a requirement for a development plan. |
| | 4) There is a need to edit the RU-RXX references in the chapter to refer to the general rural zone GRUZ. |
| | 5) It is not clear in the rules that for general land in the zone, built form rules (MPZ-rule requirements) are in accordance with the GRUZ zone. This can be deduced from MPZ-P4 but needs to be stated in the rules. |
| KNOZ - Knowledge Zone | 1) Objective KNOZ-01 needs reordering because it begins with a description or factual statement rather than emphasising the environmental outcomes sought to be achieved by the Plan and its policies and rules. |
| | 2) Objective KNOZ-02 and KNOZ-P3 use the words "undermine viability" which is a high threshold test. This phrase needs to be considered carefully as these words could facilitate an argument that particular non-complying activities do not undermine vitality. |
| | 3) The activity rules in this chapter would benefit from being reordered in a more logical manner. Ideally all permitted activities should be listed first, followed by all discretionary activities then all non-complying activities. The categories are currently mixed, especially towards the end of the list. |
| | 4) This chapter poses some difficulties with definitions, as set out in this and the following two points. KNOZ-R5 Industrial Activities lists any industrial activity as permitted but this is incorrect, as the next clause requires such activity to be a High Technology Industrial Activity (not defined but must be a subset of Industrial Activity). The activity description should just be High Technology Industrial Activity. If necessary other industrial activities could be separately listed as Non-complying if this is what is meant. |
| | 5) A linked point is that KNOZ-R4 Rural Sector Commercial Activities include High technology industrial activities, which would imply that the latter activity should be defined and separately listed as it is currently included in two definitions. The last sentence of this definition should probably say something like "it excludes industrial activities other than high technology industrial activities". |
| | 6) KNOZ-R14 Keeping of Animals is not defined but possibly should be. It could cover livestock farming, research laboratories working on animals experimentally, boarding kennels and catteries, or just the owning of domestic pets. Each of these have quite different effects. |
| | 7) KNOZ- REQ1 repeats the problem CCC currently has with its limited notification rules. Our legal advice is that these rules cannot specify in advance the parties who will be limited notified. |
| | 8) Some rule requirements and matters for control and discretion seem to be missing from this chapter eg KNOZ-REQ5 Fencing and KNOZ-REQ6 Outdoor Storage. |
| DPZ - Dairy Processing Zone | <p>DPZ-O1 - States that dairy processing activities and facilities are recognised as an important regional resource - are they identified in the RPS or regional plan?</p> <p>We were unsure why this has been given a specific purpose zone, and query if the view that it is an 'important</p> |

| | |
|---|--|
| | regional resource' reflects one of the criteria that needs to be met in order to create special purpose zones according to the National Planning Standards. |
| Special Purpose Terrace Downs Zone | <p>Rule TEZ-R1 and TEZ-R2– the wording of the first sentence in the matters of discretion in TEZ-R1.2., and matters of control in TEZ-R2 to R5, is unclear and confused. Suggest editing: “2. The design and appearance of buildings is positioned such that the extent to which:</p> <p>a. It is in accordance (...)</p> <p>Rule TEZ-REQ2 – provides for limited notification of resource consent applications and specifies that it should be notified only to NZ Fire Service Commission. CCC has similar rules in the Christchurch District Plan, however, these have been determined to be ultra-vires by legal counsel (refer to RMA s77D which does not provide for rules specifying limited notification to a particular person/s) and the Council is preparing a plan change to remove these rules from the Plan. The same advice will apply to any other similar rules anywhere else in the proposed Selwyn District Plan.</p> <p>TEZ-R7 to R12 – the permitted activities in these rules have no applicable standards specified, therefore the height, setback etc. standards do not apply to them, which is highly unusual. Was that the intention? Consequently, the status of activity or non-compliance is marked as N/A. The NPS does not specify/anticipate any such provisions. This creates a potential for unanticipated developments under the permitted activity rules that the Council will have no control over because non-compliances are not specified and there is no default discretionary/non-complying status to enable any Council control.</p> |
| Special Purpose Porters Ski Zone | <p>SKIZ-R1 – There is a contradiction between Activity status 1. and the condition “Where: ...” due to a double negative. Suggested amendment:</p> <p>Activity status: CON</p> <p>1. All buildings not listed below. Where: a. It is not located within the Red Tussock Gully within shown in Appendix X.</p> <p>Shouldn't there be another activity listed, with non-complying status, for any buildings in the Red Tussock Gully? I assume that the Appendix will identify that area.</p> <p>The wording of Matters of control in 4. is confused and unclear. Suggest amending:</p> <p>“4. The design and appearance of buildings is positioned such that the extent to which:</p> <p>a. It is in accordance with (...)”</p> <p>Amend 5. to read: “The location of the buildings are <u>is</u>.” as the verb ‘to be’ relates to the ‘location’ not ‘buildings’.</p> <p>It is not clear what activity status and standards apply to the buildings in Red Tussock Gully as there is no activity listed for that area (which is excluded from SKIZ-R1).</p> <p>SKIZ-R1 applies to all buildings and yet SKIZ-R2 to SKIZ-R18 provide for other, more specific buildings with various applicable standards, e.g. residential units, community facilities, gondolas or visitor accommodation. It seems that either SKIZ-R1 is superfluous or that it should be listed last and state: SKZ-Rx - Any buildings not specified in activities SKZ-R2 to SKZ-R18 (adjusting the numbers as necessary).</p> <p>SKIZ-R6 Parking Areas – the description of activities in 1. does not relate to the title of activity. Should it say: “1. Car parking hardstand areas and any ancillary structures”? The condition: “Where a. It is not located in the Red Tussock Gully” should be changed to another activity i.e. 3. Under the same SKIZ-R6 – Parking areas in the Red Tussock Gully, Activity Status: NC.</p> |

| | |
|--------------------------|--|
| | <p>It is noted that some activities are Permitted without any applicable standards, e.g. SKIZ-R8 Community Facility, and the default status for non-compliance is shown as N/A. This anomaly has been commented on above in relation to TEZ-R7 to R12, please refer to the comments provided there.</p> <p>SKIZ-R9 Conference – Is it meant to be ‘Conference facilities’? The activity within a facility, i.e. conferences, do not need to be provided for separately as the ‘facility’ provides for the related activity within i.e. conference. The comments regarding no applicable standards and the N/A default activity status provided above apply here as well.</p> <p>SKIZ-REQ2 – In the table in 1. amend the heading in the 3rd column to “Shall not exceed <u>the height of</u>”.</p> |
| PORTZ - Port Zone | <p>PORTZ-REQ2 - Should the reference to Johns Road actually be Jones Road?</p> <p>PORTZ-REQ4 - Setbacks - same concern with the 10m setback here as with the building setback in the industrial zone. It's only a building setback rather than an activity setback, so there is a risk that it could be used for loading, access, etc. And also potentially inefficient use of the land.</p> |
| Designations | <p>Explaining 'education purposes' within each school designation is a bit repetitive. The Christchurch District Plan does not do that.</p> <p>Parks and recreation or scenic reserves do not have a specific dedicated Open space and recreation zone/s. SDC appear to rely on the Selwyn DC designations for open spaces and the provisions for community facilities and public amenities within other zones, e.g. LRZ. However, RMA s176(2) (Effects of designation) states that <i>(2) The provisions of a district plan or proposed district plan shall apply in relation to any land that is subject to a designation only to the extent that the land is used for a purpose other than the designated purpose.</i></p> <p>Explanation in ‘How the Plan Works’, GA-PS5 states “If a site is subject to a designation then the designation requirements of the RMA apply.” However, there is no statement in the proposed Plan regarding the effects of zone rules applying to facilities/activities (e.g. community facility) within the designated park/reserve, where the facility is permitted by the zone rules and is not for the purpose of the designation or where the purpose of the designation is not clear and/or specific.</p> <p>Only some of the more recent designations for recreation reserves and sports parks have conditions specifying the type of use (e.g. sports park), introducing limits on noise, lighting etc. but may have no or have few built form standards/parameters or activity standards such as hours of operation. The older parks and reserves have no such conditions /standards and it is unclear what standards should apply to activities or facilities that are in accordance with the designation’s purpose. The Council could refer to the Reserves Act Management Plans for these parks and reserves that have them but it is not clear what the relationship is between RMA designations provisions and the Reserves Act RMPs.</p> <p>We also note that the built form standards for those facilities provided for in the zone rules, e.g. community facilities, are tailored for the zones the reserves are in, i.e. mostly residential, and may not always be most suitable for park or community facilities.</p> <p>Because there are no open space zone based objectives, policies, activity or built form standards, it’s not possible to specify, for example, what activities are anticipated, which would become discretionary or non-complying and when or to provide for community consultation in case of new or altered facilities and/or uses planned for the park. There are no stated objectives that activities/facilities within the parks should achieve, how (policies), nor matters of discretion to “measure” and appropriately mitigate the effects of activities/facilities.</p> |

| | |
|-------------------------|--|
| General Comments | <p>From our experience, we suggest great care is taken when underlining terms.</p> <p>Consistency of formatting in the definitions section (i.e. are terms capitalised or not, at the moment it's a mixture of both).</p> <p>Order of activities - can they be in order of 'Permitted' through to 'Prohibited'? Or alphabetical? At the moment there does not appear to be any order to them.</p> <p>Map viewer - the colour of some layers changes if different layers are overlaid on top of each other. This makes it really tricky when trying to use the legend as some of the colours do not match up. We recognise that this may be difficult to overcome and the colours themselves are prescribed by the National Planning Standards, however if there is a way to overcome it that would be ideal.</p> <p>Height rules - Across multiple zones, there is a height for buildings and a different (higher) height for structures. The definition of a structure includes buildings, so you can end up with buildings that are far taller than anticipated. Suggest adding an 'excludes buildings' from the rule relating to structures? Or add in a different activity status for structures that are taller than the specified building height?</p> <p>These are probably things that will get tidied up at some point, but noticed some underlined text does not actually link to anything and there are a few instances where the html in the online plan hasn't been coded correctly (leaving you with things like '<p>' still showing in the text. Also noticed a few typos (e.g. PORTZ-MAT1.3. has a 'P' at the start of the text) and missing full stops.</p> |
|-------------------------|--|

Specific comments on Urban Form

It is recommended the policy framework be tested for different scenarios including potential private plan change requests and resource consent proposals. For instance, the policies set out in the Urban Growth section relate mostly to the circumstances where zoning might be justified. It doesn't provide any clear direction about how proposals for resource consents (i.e. not plan changes) would be determined. Policy UG-01 could be amended for this purpose.

We highly recommend an independent review of the draft provisions.

Part 1 District Wide Matters / SD-DI – District Identity

SD-DI – Objectives (District Identity)

SD-DI-02 Economic Prosperity

It is unclear how this objective addresses an outcome of economic prosperity.

SD-DI-05 Vibrant and Viable Centres

This objective gives effect to the CRPS, which states that centres should act as community focal points and should be the location where commercial activities are focused.

It introduces the concept of the 'Activity Centre Network', the detail of which is provided as a lengthy definition, rather than a policy, and which buries what is a rather important policy framework. It would be preferable to include it as a policy. The definition also contains a lot of explanation that is inappropriate for a definition and it lacks the specificity and clarity needed for a defined term. The Christchurch District Plan also has a policy that sets out the role of different centres and similarly suffers from a lack of clarity and specificity and vertical alignment within the Plan. We are looking at a plan change to remedy this.

The hierarchy of centres and zones is a little unclear and is expressed in different ways throughout the provisions. In SD-DI-05, the objective refers to 'Activity Centre Network' but in UG-03 the reference is to the 'Township Network' (capitals but not defined); is there a difference or are these one and the same?

Our District Plan also has a hierarchy of centres and zones and this has led to confusion for plan users and administrators. Based on our experience, it would be less confusing to have a single network of zones that reflect the centre types; this is a matter that was identified through our district plan monitoring programme and we will be considering this when reviewing our plan to give effect to the National Planning Standards. Have you considered this approach in your section 32? Is there a need to distinguish the centres as KACs, Service Activity Centres and Rural Activity Centres as well as Town, Local and Neighbourhood Centres, particularly when the differences are relatively subtle? Couldn't any differences be articulated by the different zones?

There also appears to be a hierarchy within the hierarchy, which adds to the complexity i.e. within the identified KACs, there appears to be a hierarchy with Lincoln, for example, being secondary to Rolleston and Darfield being secondary to Lincoln. It is unclear how the provisions give effect to this hierarchy. If they don't, then it just adds unnecessary confusion.

Part 2 District Wide Matters / UG - Urban Growth

GENERAL COMMENTS

Frequent reference to unspecified development plans lacks certainty and clarity needed for objectives and policies in a district plan. It is effectively deferring consideration of all relevant matters to preparation of the development plans, with no indication of what these might be or how these might be prepared (including whether by statutory or non-statutory processes).

Many terms are ambiguous or unclear such as 'best practice', 'pleasant', 'sustainable', 'resilient'.

Part 2 – District Wide Matters/UG – Urban Growth – First paragraph

This chapter states that urban growth demands will be met by *"...encouraging a consolidated, compact and concentric settlement pattern that optimises the use and development of resources."* The Council supports objectives and supporting policies, that seek to achieve and deliver consolidated and compact urban settlements. However, learning from how Christchurch City has grown and expanded since the 1950's, we question the appropriateness of adopting a concentric zone model for shaping Selwyn districts townships, in particular those predicted to experience higher residential demand. Concentric models provide for urban land usage in rings, with the middle being a central business area and typically higher to lower densities transitioning from the centre to the outer zones (rings). Required changes to the way we need to travel and reduce the impact of car emissions (in response to climate change), heightens the need for urban forms to better support and help deliver efficient public transport. Whilst concentric urban forms have positive benefits such as enabling the creation of walkable neighbourhoods, this relies on a high level of self-sufficiency within the townships. Based upon the travel patterns of residents (refer to Census data with Commuter flows from Selwyn into the City - http://archive.stats.govt.nz/datavisualisation/commuterview/index.html?_ga=2.218665681.957672882.1582080606-1824292560.1515542485) and that Christchurch City will continue in the foreseeable future to be the dominant employment base, greater consideration should be given to what urban form is more effective in addressing the above challenges. The Council recognises the proposed plans policies are seeking to achieve greater self-sufficiency, however we are not aware of any economic evidence that would justify a position that business growth in Rolleston and the wider Selwyn District, will significantly reverse peak traffic flows, such to justify the appropriateness of a concentric urban settlement pattern. Christchurch City is itself, reviewing its urban form and considering whether a more corridor based approach is more appropriate, particular to better support mass rapid transit options.

SD-UDF-01 - Compact and Sustainable Township Network – support, although note the difference in terminology used between the Christchurch District Plan Strategic direction 3.3.7 which promotes a *"...consolidated urban form"*. This is also the wording used under the CRPS Chapter 6, see Objective 6.2.2 Urban form and settlement pattern *"...The urban form and settlement pattern in Greater Christchurch is managed to provide sufficient land for rebuilding and recovery needs and set a foundation for future growth, with an urban form that achieves consolidation..."*.

OBJECTIVES

The Objectives would read more logically if reordered as follows:

UG-04 Urban Capacity

UG-02 Urban Growth (principles / overarching direction)

UG-01 Location of Township Growth

UG-03 Township Form

UG-05 Urban Amenity and Integrated Development

This would establish the need to provide for growth, the areas to be protected, the areas to grow and then the form that growth should take.

In the first instance an objective 'urban form' would be useful to set out what the desired urban form is for the district and how this sets the scene for managing urban growth. It is not clear from the existing suite of policies how different parts of the District are intended to function and grow and the growth priorities for the District.

Reference is made in UG-03 to urban form but in our experience, the term 'urban form' is not widely understood, and this has implications for users and administrators of the plan and ultimately achieving desired outcomes.

To assist, this section would benefit from an overall objective that clearly sets out what the desired urban form is for the district, drawing on CRPS directions such as:

- Urban development is focused in priority areas (existing urban area and GPAs) to support growth to those priority areas (especially of the period to 2028);
- A focus on consolidation and intensification of urban areas
- Within the Greater Christchurch part of the district, ensuring that new urban activities only occur within existing urban areas for identified GPAs as shown on Map A of the CRPS.
- Supporting and maintaining the existing network of commercial centres
- Development and distribution of business, residential and other activities in appropriate locations (setting up the framework for zone provisions).
- Rural settlements that....(etc)

The Selwyn 2031 Plan arguably provides much clearer articulation of the urban growth strategy than the draft proposed district plan does and could usefully inform the basis of a clear urban form policy. For instance, Selwyn 2031 sets out a strategy of:

- Concentrating urban expansion within the Greater Christchurch area;
- Consolidating and intensifying growth around a network of townships and avoiding the creation of new settlements;
- Providing sufficient zoned capacity to cater for projected needs;
- Integrated land use and infrastructure; and
- Maintain rural/urban contrast and making efficient use of land etc.

Perhaps **UG-02** could be re-worked for that purpose? As it stands, UG-02 needs an introductory sentence as it is only a heading and then five clauses. Could it start with the overarching objective that the form of urban growth is one that minimises the adverse effects of travel for work, education, business and recreation, minimises the costs of new infrastructure and avoids adverse effects of development on the matters listed in 1-5? Climate change mitigation will be a key urban form driver for the next decade and beyond and should be added. The policies would then implement that through a focus on township consolidation, accessibility etc.

UG-02 only recognises that urban growth should not adversely affect strategic infrastructure, and fails to recognise that urban growth, if shaped well, can contribute to positive outcomes for strategic infrastructure. The title of UG-02 does not seem to represent the rather focused nature of the content of the objective, which only addresses where urban development is to be avoided.

It is also suggested that **UG-02, 4** – is reworded to more plainly state the outcome sought in regard to versatile soils. It is not clear to the reader whether the district’s objective is to avoid urban development of versatile soils, being the principle method to “provide for the finite nature of versatile soils”. Further, what does the wording “recognise versatile soils” mean in practice? Is this a simple acknowledgement that the district has versatile soils, or is the direction to uphold the land as a resource for future generations to use for food production? Objectives need to be clear of their intent and outcome sought, to ensure the policies and rules that seek to achieve the objective are themselves clear and effective.

UG-02(2)(3) suggest “avoids activities ~~that~~ with a potential to generate significant adverse reverse sensitivity effects” to recognise that those activities may not actually generate those effects.

UG-02(2)(3) – reverse sensitivity effects on what?

UG-01 Location of township growth. The objective could be read as a township either is to expand or alternatively to intensify. The objective could be made clearer as to whether both outcomes are required for each township, or if there is justification, that either only expansion, or alternatively intensification is the direction for a particular township. The plan should be very clear as to outcomes sought for its townships, to ensure the community understands a transition from lower to higher densities is planned to occur, should this be the means to meet housing demands.

Further consideration needs to be given to the structure and intent of this objective, specifically as to where the exceptions can apply. For example, the objective is clear as far as stating that new urban areas only be located in or around existing townships, unless however it is consistent with any relevant development plans (and see definition of “development plans”). The Council’s adoption of a “development plan” does not necessarily enable a change of land use within the Greater Christchurch area, as this would first require a change to the CRPS. The Christchurch District Plan is clear under 3.3.7 Objective - Urban growth, form and design, that urban activities are only provided for within the existing urban areas; and on greenfield land on the periphery of Christchurch’s urban area identified in accordance with the Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A.

UG-03 (2) how is a plan user to understand what the role and function of each ‘urban area’ (undefined) is and where the ‘Township Network’ is identified? Is this the ‘Activity Centre Network’?

UG-03 KACs should be defined and written in full. Then, reference to KACs and town centres overlap and so is unclear, because some town centres (Rolleston and Lincoln) are town centres and KACs.

UG-04 The first sentence doesn’t make sense. Isn’t the objective ‘sufficient land capacity to provide for a range of opportunities for business and housing development to meet medium term needs’? Extending township boundaries is a planning response to that, not an objective in itself. For clarity, the medium term should be specified; this links to the NPS-UDC direction that a 10 year (medium term) supply is zoned in district plans.

There seems to be an over-emphasis on zoning more greenfield land (i.e. extending townships) as a default planning response rather than a range of options including through intensification. Over the life of the district plan this is likely to encourage more greenfield growth at the expense of intensification (with the consequential adverse effects on land efficiency, versatile soils, the

transport network, emissions etc). Is climate change mitigation not a resource management issue that this District Plan seeks to address? (We have not seen the draft section 32 report).

This policy seeks to ensure that new growth areas are developed, recognising local context and character, however, character is not specified in the policy (and arguably ought to be). Defaulting to an unspecified 'relevant development plan' does not provide enough clarity or certainty for a policy. If plan users need to look to the zone descriptions for guidance, there is very little guidance in the zone chapters for this purpose. For new greenfield extensions, what character and context is there to consider other than perhaps natural features, landscapes and constraints etc and which is covered

POLICIES

UG-P5 Numbering issues (clause 3 should be followed by (a-e))

UG-P5.4 – The objective reads to 'encourage' intensification of existing urban activities, rather than 'require' or 'provide for'. It is questioned whether this wording 'encourage' is too vague as to the outcomes sought. If the plan, through its zoning provisions, does enable intensification to occur through for example requiring minimum density yields and/or minimum allotment sizes, then this should be more clearly stated/reflected (i.e. using the term "provide for" rather than "encourage").

UG-P1. This policy introduces the term "Urban Growth Overlay" which means "*...a spatial layer shown on the planning maps that identifies and manages areas where development plans adopted by the Council identify the preferred 'greenfield' locations for new urban areas around existing townships to support urban development capacity. The Urban Growth Overlay is a transition overlay that applies until the policy pre-requisites have been met to enable the land to be considered for urban zoning under the 1st Schedule of the RMA91.*" There is no link to what the "policy pre-requisites" are, nor where these are found within other parts of the proposed Plan. Further, within the Greater Christchurch area, what actually 'avoids the zoning of land to establish any new urban areas', is in fact the CRPS as this does not provide in any way for new greenfields areas that are not identified as a Greenfield Priority Area. This policy has no effect until such time as the RPS is changed, and therefore, it is questioned in terms of its appropriateness for inclusion at this stage. It also introduces a new term "Urban Growth Overlay", which does not follow the National Planning Standards, and uses the term "Future Development Area". This could create unnecessary confusion and inconsistencies across planning documents applicable to the Greater Christchurch Area.

UG-P4 – The plain (Oxford English Dictionary) meaning of the term "promote" is to "...To advance the interests of, move to a stronger or more prominent position". In order to achieve the objectives, either land is zoned for a purpose and outcome, or it is not. To merely promote it, may not infer it has to be achieved. It is therefore recommended that this policy be reworded to be clearer of the intent, namely that land is zoned to provide for residential development if it meets the stated policy requirements. The same comments apply in regard to the use of the term "concentric" as for comments on UG-O3.

UG-P5 – The focus of this policy appears to be on the extension of townships, rather than a combination of greenfield growth and redevelopment of existing urban areas (infill and intensification), which is considered a feasible option particularly in parts of the townships an older housing stock. If the housing targets were moved to be included as an objective for Urban Growth (suggesting being UG-02 and/or UG-04), then the policy could be reworded to focus more on the means of how the targets will be met. It is the Council's position that for new urban areas, a minimum density of 12hh/ha is too low. Christchurch City's lowest density areas (i.e. Residential Suburban Zones) achieve 12hh/ha or above, and any new urban greenfield areas should be achieving higher so as to achieve higher order objectives for a consolidated urban form. (See also Council's submission points to Our Space). It is recommended that this policy be merged with UG-P9 as it will ensure a more comprehensive picture of how the growth targets can be met.

UG-P6 – It is not clear as to whether this policy will best achieve a consolidated and compact urban form that is envisaged under UG-O3. It appears to enable new urban areas to be provided in all townships if (it is assumed a Housing Capacity Assessment), which indicates a need to provide for further development capacity. No policy exists which requires consideration as to whether providing for this demand is more appropriately met through expansion of a nearby township, in order to potentially achieve other plan objectives (such as more efficient use of infrastructure).

Part 2 - District Wide Matters Subdivision, Rule SUB-REQ1 Site area. Lower the minimum site size for the General Residential Zone to 300m², to facilitate a greater range of housing typologies and better achieve urban consolidation objectives.

UG-P7 (and related UG-P9)

Overall observation is that this policy lacks clarity, is partly inconsistent with the CRPS and could be integrated with Policy UG-P9).

Business growth should be prioritised through intensification and redevelopment (to make efficient use of land) before considering urban expansion. This is likely to be the desired outcome but it is not clearly expressed as such. It would therefore be useful if policies UG-P7 and UG-P9 were integrated. At the very least, this policy ought to be elevated and its outcomes prioritised over expansion of the urban area.

As it reads, additional commercial growth outside the existing urban area does not need to be identified through the settlement strategy identified in the RPS (i.e. Map A). This is not appropriate given the CRPS direction to avoid urban activities outside the existing urban area (within Greater Christchurch) – CRPS Policy 6.3.1(4). Furthermore, we now have a well-established hierarchy of planning documents and processes commencing with the Urban Development Strategy/Future Development Strategy framework followed by the RPS and then district plans. This policy seeks to circumvent that staged approach.

The trigger for promoting the zoning of land to extend a township boundary within Greater Christchurch for new commercial activities should be identification within the Regional Policy Statement, rather than reliance on a Business Development Capacity Assessment and Future Development Strategy both of which are prepared under non-statutory processes. This will ensure that such growth is appropriate and considered in the context of the wider Greater Christchurch economy.

Clause 2(a) is unclear. What does “any subsequent urban growth area or urban containment boundary’ refer to. These terms may have been included to recognise the certainty inherent in any future change to the CRPS but it would be better to draft the plan clearly within the current planning framework and, if necessary, amend the plan via a submission or variation to reflect any future changes to the CRPS.

COMMERCIAL PROVISIONS

Management approach to providing for commercial activity

Similar to our district plan, the Selwyn District Plan introduces a type of centres-based approach where commercial and community activities are enabled in commercial zones within an 'Activity Centre Network' – these being the 'preferred location' for these type of activities 'in accordance with their anticipated role' (SD-DI-05). The anticipated role is expressed via the definition of the Activity Centre Network rather than being set out as a policy or rule (which is not best practice).

Potential cross-boundary issues or where a consistent Greater Christchurch approach would be desirable:

It is good to see greater consistency between SDC and CCC (and the CRPS) in terms of limiting the extent to which urban activities like commercial activity can occur in rural and industrial zones (and to a lesser extent in residential zones) and this approach will help achieve the urban form objectives stated in Part 2. However, this needs to be reinforced by strong and directive policy to avoid issues that Christchurch has experienced with dispersed commercial activity over time (particularly retail and offices) and the potential for cumulative (or 'death by a thousand cuts') impacts on commercial centres. Many of the objectives and policies as currently worded are too weak to uphold that strategy. For instance, commercial activities are enabled very widely in residential zones with the activity status and assessment matters for breaches of scale limits being unlikely to avoid the cumulative effects of dispersed commercial activity (discussed further below).

We have similar provisions but have identified issues with those that Selwyn District Council might benefit from awareness of:

The Selwyn District Plan adopts a less directive policy approach focused on avoiding adverse distributional and urban form effects. Our previous City Plan adopted a similar, less directive (individual effects) policy approach (and our Specific Purpose Airport Zone still uses those policy considerations as it was considered separate to the wider IHP District Plan Review). Two significant issues are likely to arise with this approach that we sought to remedy through our recent District Plan Review (and appears to be more effective):

- (1) **Urban form effects are not well understood by plan users and administrators** such that there is a risk that the effects are poorly or inconsistently considered in resource consent decisions. For business activity, the desired urban form in the Selwyn District Plan appears to be one of consolidation and a pattern of land use that promotes and reinforces a close proximity and good accessibility between living, business and other employment areas, recognising that the way in which social, business and cultural activities are distributed in the District has a major influence on travel demand and energy consumption. It promotes an urban form that directs particular land uses into specific zones, to achieve particular outcomes including protection of land supply, ensuring appropriate levels of amenity, and the effective planning and delivery of infrastructure. These urban form outcomes are not, however, clearly expressed in the draft Plan.

It would be better to clearly articulate in policy what the urban form effects are that the District is seeking to *achieve* (including a network of consolidated centres with commercial activity directed into commercial zones) and those it is seeking to *avoid* (dispersed commercial activity), rather than include reference to the term assuming it is understood by the lay and even professional planning community.

(2) Reference to the avoidance of adverse distributional effects, either individually or cumulatively, is unlikely to achieve the intended Strategic Objective of Vibrant and Viable Centres.

A strong, directive and clear policy approach rather than an individual effects based approach is likely to be more effective and ought to be considered through a Section 32 evaluation. We draw on case law and our own experience to reach that conclusion.

Although distributional effects are a relevant RMA consideration, case law has established that individual adverse effects on a centre need to be significantly adverse (but not necessarily ruinous) before they can properly be regarded as going beyond the effects associated with trade competition. Therefore, inclusion of a reference to adverse distributional effects will not withstand legal scrutiny. Even with the addition of the word '*significantly*' to 'adverse', it is unlikely to have any bearing on a single out-of-centre commercial proposal such that it adds little value but a lot of cost to a single consent application. For instance, under this policy framework, almost all out-of-centre proposals would need to be accompanied by an economic assessment that considers distributional effects, and in 99.9% of those cases, the economic assessment is likely to conclude that the economic impacts would not be significantly adverse on a centre.

It appears that plan drafters have sought to address this limitation by reference to *cumulative* adverse distributional or urban form effects. Again, this is unlikely to be an effective means of achieving the intended objective because only when a centre has declined to its tipping point, will an out-of-centre commercial activity ever likely result in a significantly adverse effect on the viability of a centre, by which time it is too late. Auckland Council¹ acknowledged this in their retail evidence base for the Auckland Unitary Plan, where they identify that a focus on individual effects, even incrementally through time with the cumulative aggregation of individual decisions or developments, is likely to result in adverse urban form effects. They point to an alternative approach where the District Plan foresees these cumulative effects and seeks to avoid them through strong centres based policy direction. This is the approach that Christchurch City has taken.

Increasingly, the effects of retail have been evaluated more widely in relation to its alignment with city planning objectives and its wider spatial urban economic context. This is important as urban form develops incrementally through time with the cumulative aggregation of individual decisions or developments. Therefore, the effects of urban form emerge through time (without clear attribution to any individual decision). It means the alignment of retail to urban planning objectives is crucial as planning objectives are unlikely to be achieved if effects are evaluated only upon single applications without considering their effect of alignment to planning direction or wider context.

Auckland City Council, 2013

Significant evidence was provided to the Independent Hearings Panel for the Christchurch DP Review on the need for a policy based approach (which proactively anticipates cumulative effects) rather than a purely individual effects-based approach (which enable dispersed growth up until the point that adverse effects on a centre are significant) to achieve a centre's based commercial

¹ Susan Fairgray, Research, Investigations and Monitoring Unit, Auckland Council (2013), "Auckland Retail Economic Evidence Base", page 198.

strategy². In summary, the effective delivery of a centre's based framework relies on a 'whole of plan' approach to managing commercial activity through strong, directive and clear policies where commercial activity is directed to centres and discouraged outside (other than in limited appropriate circumstances). The current suite of policies does not achieve this.

Activity Centres are the preferred location for commercial and community activities but there is not strong policy direction of this outcome. Rather, the zone provisions are fairly enabling of commercial activities in non-commercial zones, including residential zones. The overarching residential zone policy for non-residential activities (RESZ-P18) supports commercial activities in residential zones provided they serve the local community (what commercial business wouldn't?), do not give rise to adverse amenity effects, and do not undermine the *viability*³ of commercial centres. As discussed above, there is a risk that this strategy of seeking to manage the effects of individual commercial proposals rather than adopting a proactive, directive, policy led approach (even when considering cumulative effects) will not deliver the urban growth objectives of consolidation of commercial activity in centres but rather will promote dispersed commercial activity.

Large Format Retail Zone

In respect of the 10 hectares of additional LFR land proposed for Rolleston, we offer a precautionary comment that whilst it is appropriate to provide for large format retail activities that can't readily be accommodated in traditional centres, in our experience these zones have tended to morph over time into low amenity car dependent centres with a range of tenancy sizes. Given the range of activities provided for as permitted, restricted discretionary or discretionary activities in the proposed draft Selwyn DP, and the related policies and rules, there is a risk that the same poor outcome might result. In our opinion, it could be better to anticipate and provide for the needs of large format retail but as part of a higher amenity, accessible centre that provide the best outcome for communities.

Why not just call the Chapter 'commercial zones' instead of 'commercial and mixed use zones'? It is confusing when there are no zones called mixed use zones and the commercial zones provide for a mix of uses.

RURAL PROVISIONS

It is good to see greater consistency between SDC and CCC (and the CRPS) in terms of limiting the extent to which urban activities like commercial and industrial activity can occur in rural zones. This needs to be supported by strong and directive policy i.e. "avoid urban activities unless....", without which Selwyn District will likely experience similar pressures as we experience by those wishing to take advantage of lower cost rural land for non-rural purposes.

One obvious exception relates to the classification of waste management facilities (clearly an urban industrial activity) as a discretionary activity in the rural zone but a non-complying activity in the industrial zone. It should be provided for in an industrial or other urban zone to give effect to the CRPS direction.

² See for instance Decision 11 (notably para 103) and the Council evidence of Philip Osborne <http://www.chchplan.ihp.govt.nz/wp-content/uploads/2015/03/310-CCC-Phil-Osborne-evidence-economics-CommercialIndustrial-13-4-15.pdf>

³ Note that the policy talks about 'viability' but the assessment matters for breaches for the scale rule talks about 'vitality'. These are two different but related concepts.

COMMITMENTS IN OUR SPACE

We expected to see specific provisions that address the matters that we as a Partnership have identified as key growth issues for the Greater Christchurch area? Presumably these issues will be articulated in the section 32 report and will include:

- A commitment to delivering higher density housing
- Meeting housing needs and preferences for current and future residents including the provision of social and affordable housing? Have policy approaches such as incorporation of inclusionary zoning been considered?
- Integrated land use and transport planning
- Living with and mitigating climate change impacts. How does the plan respond to this?

The draft provisions for the residential zones only go so far to addressing these matters. For example RESZ-02 enables a wide range of housing typologies and densities, but the subdivision densities only appear to provide for sites over 650sqm. There is a significant emphasis on maintaining existing residential amenity values but this amenity is not clearly defined in the Plan. Furthermore, a potential future issue to consider in this regard is that the draft NPS-UD which clearly seeks to redefine amenity so as not to constrain attainment of higher densities.

SDC has set in motion a proposed change to the RPS to rezone additional land for residential growth purposes. It is not yet clear how structure planning for these areas has been undertaken that includes the consideration of development infrastructure and the downstream effects on the Greater Christchurch transport network, as committed to in Our Space.

We would like to see reference to increased densities in the plan, informed by the current density review and as a minimum a commitment to 12d/h (as indicated in Action 9 of Our Space).

Capacity conclusions in Our Space (Business land)

We query the evidential basis for rezoning around 10 hectares of existing B2 (industrial) land at Rolleston for commercial purposes (Large Format Retail) given that Our Space, prepared collaboratively with the GC Partnership identified there to be at worst, a five hectare shortfall over the medium term (to 2028) and potentially a five hectare surplus (if vacant potential land is used more efficiently).

Potential for Urban Growth in the General Rural Zone in the Proposed Selwyn District Plan

Minimum Site of Allotments (per residential unit) – Note areas listed below are within General Rural Zone

Inner Plains – 4 ha

Port Hills below 60m contour – 4 ha

Port Hills above 60 m contour – 40ha

Port Hills ONL – 100 ha

These minimum site size requirements are consistent with the definition of “Rural Activity” in the definitions for Greater Christchurch in the CRPS which includes residential activities on allotments of 4 ha or more.

Subdivision in the General Rural Zone

Subdivision in the General Rural Zone is a **controlled activity** where minimum site areas are complied with. Where minimum site areas are not complied with in the General Rural Zone, it is considered a subdivision application for an undersized allotment and is classified as a **restricted discretionary activity** subject to the site being at least **1 ha** in size, and subject to the minimum site area requirements being met through adjoining balance land. When either of those standards are not complied with, the subdivision application is classified as a **non-complying activity**.

The matters of discretion when minimum site size areas are not complied with but a site is still at least 1 ha in size and minimum site areas are met through balance land are restricted to (of relevance):

- the shape and location of the balance land in order to retain an open rural landscape;
- mechanisms proposed to ensure that the balance land is free and will remain free of a residential unit

The subdivision objectives and policies require:

- site sizes enable a residential density appropriate to the zone;
- the avoidance of any site being created that due to its size and location cannot not contain a residential unit as a **permitted or controlled activity** unless the site is located in the General Rural Zone and the overall density of the subdivision complies with the “*zone standard*” (**not defined – presumably minimum site areas to manage residential density**) and there is a resource consent application lodged to consider the erection of the residential unit on the site accompanying the subdivision application, and subject to it being granted;
- a range of site sizes for subdivision are provided for while achieving average net sizes no smaller than those specified for the zone;
- that subdivision is managed to achieve the objectives and policies relevant to the zone (in this context the general rural zone);

Residential Units in the General Rural Zone

The erection of residential units in the general rural zone are **permitted activities** where minimum site size requirements are provided for. Where minimum site size requirements are not complied with, it is classified as a residential unit on an undersized allotment and is classified as a **restricted discretionary activity**, subject to the site still being at least 1 ha in size and adjoining balance land making up the minimum site size requirements for the zone. Where balance land is not included it is classified as a **non-complying activity**.

The matters of discretion when minimum site size areas are not complied with but a site is still at least 1 ha in size and minimum site areas are met through balance land are restricted to (of relevance):

- the extent that the development will result in the fragmentation of the rural area and the loss of land for primary production;

- the number of residential units on undersized allotments which may be located together and the potential for the development to alter the surrounding character towards a more urban character

The General Rural Zone objectives and policies require:

- a rural area/zone that retains contrast in character to urban areas, prioritises primary production over other activities to recognise its importance to the economy and wellbeing to this district;
- maintaining a rural character and amenity values of each Rural Area (Note: amenity values for the inner plains appear not to be described anywhere);
- The management of density and location of residential development;
- clear delineation between rural and urban areas including Christchurch City;
- the avoidance of residential units on sites smaller than the required minimum allotment sizes (unless this is achieved through balance land adjoining an undersized allotment) that maintains a predominance of open space surrounding the allotment (not reflected in subdivision policies – could be better aligned – but the subdivision chapter cross references the outcomes in other chapters);

Key Points:

- The minimum site sizes for residential units are consistent with the definition of “rural activity” for Greater Christchurch as set out in the CRPS (greater than 4ha);
- The activity statuses for subdivision and erection of a residential unit subject to compliance with minimum site areas are well aligned with this and are enabling (**controlled and permitted respectively**)
- The objective and policy framework between the subdivision chapter and rural chapter is also enabling in this respect when minimum site size areas are complied with;
- Where minimum site size requirements are not complied with, the subdivision and rural chapter requirements are consistent in that a absolute minimum site size of 1 ha is required together with adjoining balance land.
- In these circumstances, the matters of discretion provide for consideration to be given to the impacts of the development occurring on an undersized allotment in terms of potential fragmentation of the urban area, even though balance land is provided.
- The subdivision objectives and policies include no guidance from an outcome perspective when balance land is included in an application (matters of discretion will be relied on solely)
- The general rural zone objectives and policies may inadvertently support circumstances where balance land is used to meet minimum site size requirements by directing that residential units on undersized allotments be avoided unless balance land forms part of the proposal;
- Between the two chapters, there is no clear cut guidance on circumstances when balance land is provided other than to avoid when it is not. This could be improved – However the subdivision chapter includes a policy that directs / links back to the outcomes for the zone in which the subdivision is proposed (in this context, the general rural zone);
- The policy direction between the two chapters is consistent in terms of circumstances when balance land is not provided – i.e. avoid, but could be improved in the subdivision chapter, though this may not be necessary as it directs users to relevant zone chapters to consider the applicable objectives and policies.

Overall Comments

- The General Rural Zone policies refer to protecting the rural character and amenity of each “rural area” (which a sub units within the general rural area). It should be highlighted that there are no descriptions of the amenity values for each of these areas included in the rural chapter, other than general amenity and character policies. This may make it difficult to determine what the actual amenity values are that should be protected on a case by case basis. These values should be clearly described.
- The policy and rule framework to control subdivision and residential units aligns with the Great Christchurch definition of “rural activity” in the CRPS in terms of minimum site requirements;
- The provisions are well structured in this respect as where a site meets the minimum site requirements (with no balance land) developments are enabled. Where a site includes no balance land, or is less than 1 ha in size, developments are to be avoided;
- Where a subdivision / residential development activity involves balance land there is no clear cut policy direction on how to guide decision makers of provide direction from an effects perspective, though where balance land is included in such proposal, they are restricted discretionary. The matters of discretion relate to considering the effects of the balance land on open space and amenity on the areas in the general rural zone, and potential for fragmentation to occur.
- The requirements of the rule also require certainty to be provided by way of consent condition or other legal mechanism that precludes the erection of a residential dwelling on the balance land. Though this could be made clearer that this should be **in perpetuity**.

Specific comments on Rural provisions

Non-Rural Activities in the General Selwyn Zone

The Selwyn District Plan includes a rule framework for 51 activities in the General Selwyn. Outside those where a specific framework is included, there is a “catch all” discretionary activity rule.

Of the 51 activities where a rule framework is included, the following activities (having regard to the Greater Christchurch definition of “rural activity” under the CRPS that I consider are not rural activities:

- Industrial activities – Noncomplying
- Non rural focussed research activities – Discretionary (permitted)
- Waste and diverted material facilities – Discretionary
- Landfills – Discretionary
- Community facilities – Restricted Discretionary (**could be urban or rural (unclear)**)
- Community correctional facilities – Restricted Discretionary
- Integrated health care facilities – Noncomplying
- Health care facility – Noncomplying
- Hospitals – Discretionary
- Pre-school – Noncomplying
- Education activities – Discretionary
- Conference facilities – Permitted
- Visitor accommodation – Permitted
- Commercial composting – Discretionary (**could be urban or rural (unclear)**)

The only limb of the Greater Christchurch “rural activity” definition in the CRPS that these activities could potentially qualify under is “Business that support rural land use activities”.

Where restricted discretionary activity statuses apply the discretion includes matter such as the extent to which the facility needs to be located in a rural zone and the effect of the activity on rural character and amenity.

Objective and policy direction for rural activities:

- Providing for the economic development of the rural area by enabling a range of activities that have a direct relationship with, or are dependent on, primary production, have a functional or operational need to locate in the rural area, and maintain amenity values;
- Avoids the establishment or expansion of any industrial or commercial activity unless the activity has a functional or operational need to locate in the rural area;
- Note that amenity of the general rural zone is not described so for discretionary and restricted discretionary consents, the broad objective and policies that relate to character and amenity will have to be relied on with no specificity

Overall Comments

- The catch all rule in circumstances where a rule framework is not included for a land use activity in the general rural zone should be **non-complying** rather than discretionary. This is needed to complement the policy direction that requires the establishment of non-rural

activities in rural zones to be avoided unless there is a functional or operational need for the activity to be located in the rural area.

- The objective and rule framework are relatively clear with regard to non-rural activities being established in the rural zone, except the inclusion of “unless there is a functional or operational need” has the potential to water this down.
- Again the fact that the amenity values associated with the “areas” that are included within the General Rural Zone are not described will mean it is will be challenging on a case by case basis to establish what the values are that need to be protected. Plan users / decision makers only have high level general policy direction to rely on. The values of these zones should be clearly described.
- It should be noted that where an avoid policy is used, the most appropriate activity status to complement this is **non-complying**. Therefore, we recommend the following changes to the list of potential non-rural activities that a rule framework is provided for:
 - Non rural focussed research activities – ~~Discretionary~~ **non-complying**
 - Waste and diverted material facilities – ~~Discretionary~~ **non-complying**
 - Landfills – ~~Discretionary~~ **a Specific Purpose Zone may be more appropriate**
 - Community facilities – ~~Restricted-Discretionary~~ **Discretionary** (given the uncertainty around whether this is an urban or rural activity)
 - Community correctional facilities – ~~Restricted-Discretionary~~ **non-complying**
 - Hospitals – ~~Discretionary~~ **a Specific Purpose Zone may be more appropriate**
 - Pre-school – ~~Noncomplying~~ **Discretionary to align with education facilities. Note: Policy 6.3.1 of the CRPS states that educational facilities in rural areas can be provided for in limited circumstances where no other practical options exist in an urban area.**
 - Conference facilities – ~~Permitted~~ **non-complying**
 - Visitor accommodation – ~~Permitted~~ **Discretionary**
 - Commercial composting – ~~Discretionary~~ **non-complying (but note that it is unclear whether this is an urban or rural activity.**

| GRUZ-R23 | MINERAL EXTRACTION |
|---|--------------------|
| <p>There are a number of potential issues with this rule that warrant further discussion as set out below:</p> <ul style="list-style-type: none"> - Use of the notional boundary for some sensitive activities is not appropriate. Whilst it might be appropriate for a house on a large rural lot, it may not be appropriate for a school where the playground is in use for play and eating lunch etc or for visitor accommodation or a hospital or care facility that may use the outdoor area for recreation, quiet contemplation etc - It is unclear what the 200m setback distance is based on (it is not the Victorian EPA standard which uses 250m without blasting, 500m with blasting and 500m with respirable crystalline silica). A report prepared for Auckland Council in 2013⁴ which compared a range of Australian standards suggested that a 200m setback distance was not considered sufficient. - It is noted that matters of discretion specifically exclude consideration of amenity effects due to dust. It is assumed that SDC has sought to transfer this function to Environment Canterbury to consider along with the health related effects of dust but we would like clarification of this. Whilst the benefits of this approach are acknowledged (e.g. ECAN has the technical capabilities to assess dust impacts) there is arguably a benefit of the TA maintaining some control and accountability for the amenity related effects of dust from quarries (the argument that two sets of eyes are better than one). If that is the case Policy GRUZ-P9 could usefully add that dust effects are excluded from the assessment of amenity effects. - The matters for discretion set out some minimum requirements for what should be included in a site rehabilitation plan but it is not clear what effects these matters are seeking to address or the outcomes sought. Further clarity is recommended otherwise these matters can be satisfied simply by stating for example: we will eventually rehabilitate the site for rural use, it will take 300 years and we will use clean-fill (and subject to a clean-fill management plan). There is a risk of significant legacy issues for the district (as we have experienced) as a result. - We would be interested in understanding the evidential basis for the 13km birdstrike risk contour. CIAL sought a similar setback distance as part of our District Plan Review and it could not be justified by a credible evidence base. As such, a 3km Christchurch International Airport Bird Strike management area was adopted for the CDP (refer to Appendix 6.11.7.5 and relevant hearings evidence, transcripts and decision). | |
| <p>Objectives and Policies: There is reference to maintaining amenity values of each Rural area but other than for ONLs etc there is no policy direction as to what those amenity values are. This could pose issues for the flatland rural zones and in particular when activities like quarrying are proposed as a recent Environment Court case has identified (see Harewood Gravels Decision No [2017] NZEnvC 165 – page 35). In that case the Court opined that amenity values need to be established by reference to a district plan or similar and through identification and objective assessment of the values of people and communities.</p> | |
| <p>Policies GRUZ-P9 and/or P10 could usefully include reference to reasonable timescales to avoid legacy issues that we have experienced with quarries in our District where there is a reluctance to conclude a quarry operation in a timely manner (very few quarry operations in our District have ever concluded and even those with limited consent durations typically seek extensions of time).</p> | |

⁴ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/history-unitary-plan/docs345airqualitybuffersheavyindustry/Appendix-3.45.2.pdf> (see page 31)

This can unreasonably prolong the adverse effects on the rural environment including its communities.

Specific comments on definitions

Part 1, Interpretation, DEFINITIONS

As a general comment, it is recommended that the definitions be reviewed by a senior planner and/or legal adviser to ensure the wording is clear, grammatically correct and that definitions do not contain rules. There are also some overlapping definitions and as a result some activities are subject to two different/conflicting sets of standards.

Access Strip - these can potentially also be fee simple parcels of land (no easement) and the definition only refers to 'strip of land created by the registration of easement'. Consider widening the definition. An example may be an access link between (82) Brookside Rd and (22) Henley Close, Rolleston.

Active Frontage - "means commercial buildings where the ground floor level features glazing, windows or doors which allow views into the premises. It refers to that part of the all of the building with glazing occupying the entire area between 1m and 2m in height, as a minimum." - this definition needs to be redrafted as it is poorly worded. The second sentence in particular is very hard to understand. It also seems to (not clear from the draft wording) contain a rule about the minimum amount of glazing required (?) which should be in the rules instead of the definition.

Activity Centre Network - part (a)(ii) of the definition refers to Rolleston as the focus of the district's "retail and commercial activity". It is noted that the definition of "commercial activity" refers to trading of goods and services, therefore includes retailing, making the use of the term 'retail' in (a)(ii) superfluous. The same applies to (b)(i). Sub-clauses (a)(iii) & (iv) show 'commercial services' as a defined term but there is no such definition. The words "retail and commercial services" should be replaced with "commercial activities".

Amenity planting - includes **horticultural planting** which is a contradiction in terms as horticultural planting is defined as for "commercial purposes" while amenity planting is for "shelter and aesthetic appeal" and to "visually screen".

Area of a sign - The first sentence of the definition limit the area of a sign to free standing s or signs projecting from a building facade, while the second sentence refers to signs on the building facade. This creates a contradiction and should be resolved by integrating the two sentences into one. for example: "means the total area of a free standing sign or sign that projects from a building façade or, where signs are painted on or integrated with the building façade, the area of an imaginary rectangle enclosing the sign text, symbols, and images of that sign (see Figure 1). (...)". It is not clear where Figure 1, referred to in the definition, is located.

Artificial outdoor lighting - the current wording of the definition would 'catch' any interior building lighting that might/will escape outdoors through the windows. That would include house lighting. If that was not the intention, the definition may need to be clarified/altered.

Boarding of animals - the definition includes veterinary clinics and hospitals which provide overnight accommodation for recuperating animals but not pet shops. The rules, however, (in GRZ-R25 for

example) list 'veterinary facility' (another defined term although not shown as defined in GRZ-R25) as a permitted activity where one of the activity standards refers to 'boarding of animals' overnight and limits the number of animals to 4. It all seems very circular. On top of that, 'Boarding of animals' is listed as a separate activity in GRZ-R26 where boarding of animals is fully discretionary. This contradicts the permitted activity status for veterinary facility in GRZ-R25. Veterinary clinics/hospitals which provide medical care for sick animals (including overnight recuperation) should, in my view be taken out of the definition of 'Boarding of animals' as these are normally associated with catteries and boarding kennels (boarding service for a tariff) rather than veterinary facilities (medical clinics). This would resolve the circular rules and the contradictory activity status.

Building coverage and Building footprint - the words 'coverage' and 'footprint' should be underlined, both in titles and the explanations of these definitions, to indicate that they are part of the defined term. In the draft only the word 'building' is underlined.

BUILDING IMPORTANCE LEVEL 3, Level 4, Level 5 - Need to finish the introductory sentence "Has the same meaning ..." - "... as Building Regulations 1992"? It is also not clear what these definitions are related to. It would be clearer to state at the beginning "In relation to ... (XX rules?)"

Building node - unclear wording/meaning with regard to 500m and 100m: "A building node is contained within an area not exceeding 500m from the principal residential unit in relation to the High Country, Front Range and Malvern Hills ONLs, and not exceeding 100m ...". Is it meant to say "... not exceeding a 500m distance from the principal residential unit ..., and (...) 100m distance"?

Camping ground facilities - the current wording of the definition is not consistent with other definitions. I suggest a change to: "~~includes the use of any land~~, means any building or structure and the use of land for the establishment or operation of a camping ground. Camping ground has the meaning set out in the Camping Ground Regulations 1985"

Cleanfill and Cleanfill Area have exactly the same definition. This is intentional? The definition of 'Cleanfill' is not considered necessary.

Cleanfill Material - in subclause b) add the underlining to 'hazardous substances' as it is a defined term.

Cluster – insert 'in' as shown in underlined text and delete 'code' wording in b):

"In the General Rural Zone and (...), means a group of two or more sites, each smaller than 4ha in net site area, that:

- a. are located not more than 100m from each other; and
- b. any of the following applies to each of the sites: ~~<ol style="list-style-type: lower-roman;">~~

Commercial activity – "means any ~~activity~~ trading in goods, equipment or services. (...)"

Commercial services – what is the difference between this and 'commercial activity'? There appears to be none. Delete one or redefine one.

Community facility/ Public amenity:

1. CCC has differentiated between publicly owned community facilities as opposed to privately owned ones. The private ones are considered to be commercial facilities as they are operated to make profit on top of recovering costs, in which case they could potentially be directed to commercial centres.

2. The definition includes facilities for “recreational, sporting, cultural” purposes. This is very broad and could include a small stadium, a set of basketball courts, a skateboard park, and a cinema complex with all their potential adverse effects. I note that a broad range of sporting facilities are also permitted under ‘**Public amenity**’, a definition which includes parks, sport areas, cemeteries. What’s more, in General residential Zone, for example, Public amenity is permitted with no activity or built form standards, and “Activity status when compliance not achieved: N/A”. There is no such status for activities, you need to choose another status for non-compliance (as per the NPS). Again, rules for some facilities appear to be duplicated, circular and contradictory. Also see comments under ‘Public amenity’ below.
3. Associated with point 2. Are comments on provision for parks and reserves – refer to the Designations chapter (parks and reserves only) comments below.

DRIVE THROUGH FACILITIES – grammatical error correction required: “... customers ~~who~~ whom remain within their vehicle ...”. The second part of the definition is unclear, i.e. regarding “determining car parking the que length” (which one is it – car parking or queue length?) and it is in fact a rule which should be in the relevant activity standards rather than in the definition.

Figure – “means figure”. Really? Go figure ...

Health care facility – “Means ~~uses~~ land and/or buildings used for ...”

Horticultural planting – “A stand or row of food producing trees, vines or bushes cultivated for commercial purposes”

INDUSTRIAL ACTIVITY - Delete the note below the definition proper as it does not belong in the definition. It is an advice note that belongs in rules: (...) ~~*For the purposes of calculating parking requirements, warehousing and distribution activities generally have a much lower parking demand and therefore a different parking requirements apply.~~

Intensive outdoor primary production – the terms ‘self-sufficiency’ and ‘subsistence farming’ appear to have been mixed in the second part of the definition. Suggest amending to: “(...) It excludes domestic pig production for domestic self-sufficiency / subsistence farming home use which involves no more than 25 weaned pigs or six sows. The definition relies on a very wide term “Primary production” which includes mining and quarrying. It seems that the intent of this definition is more aligned with the defined term “Rural production” and the definition title could be changed to “intensive outdoor rural production”.

Intensive Primary Production and **Intensive Indoor Primary Production** – as above, it is suggested that the definitions should refer to ‘rural production’ instead of ‘primary production’ both in title and within the definition itself.

Internal boundary – the current definition would mean that the site’s boundary along shared access/ ROW would also be treated as internal boundary for the purposes of rules such as setbacks which may not realistic or necessary. Suggest amending to: “Means any boundary of the net site area of a site other than a road boundary.”

Maintenance or repair – it is not clear what “line” means in part (a) of that definition.

Major hazard facility and **Major hazardous facility** – it is not clear why both definitions are needed as they most likely overlapping. Clarify or delete one.

Parking areas – “Means a continuous portion of a site(s) or part of any site(s) where parking for motor vehicles and cycles is required to be provided. It also includes associated road and accessway

arrangements and is inclusive of parking spaces required to comply with the minimum rates required in this Plan.” – It is unclear why the word ‘continuous’ is used. Parking can be provided on several disconnected parts of a site. What is the difference between ‘portion’ and ‘part’? It seems to be a duplication. The phrase “includes associated road (...) arrangements” would suggest that the road is part of the parking area. Also, an accessway could be a long driveway to a rear site and it wouldn’t form a part of the parking area. Was the definition referring to the isles between parking spaces?

Place of assembly – refers to undefined “community centres and halls” rather than the defined “community facility”. Is that intentional or not? This will matter for the car parking requirements, e.g. the rules in TRAN-TABLES 8 – 10 specify car parking requirements for a ‘Place of assembly’ (inclusive of community centres and halls but not the wider community facility) and for the undefined ‘Recreation facility’ which is limited to ‘sport courts’ and ‘gymnasias’ in the actual rule. In effect, sports fields or stadia do not seem to have parking requirements as they are part of ‘community facility’ and ‘public amenity’ definitions which do not appear to have applicable car parking rules.

Principal building – the definition excludes ‘accessory buildings’ but is silent on ‘minor residential unit’. Suggest adding it to the definition exclusions.

Public amenity – also see comments under ‘community facility’ above. It is noted that Public amenity is a permitted activity in Residential zones, therefore cemeteries are permitted without any activity standards. Was that the intent or an oversight?

RENEWABLE ELECTRICITY GENERATION ACTIVITIES and Small and community-scale distributed electricity generation activities – “small and community-scale **distributed** electricity generation” – the meaning of this part of the definitions is unclear because of the use of the term ‘distributed’. Is it referring to electricity generation which is distributed at a small community scale or small scale electricity generation for small community distribution? Suggest clarifying/rewording.

Residential unit types – units on rear sites do not have public road frontage per se, only the access way / ROW will have limited access to the road. Suggest amending the definition accordingly.

Reverse sensitivity – the term ‘alteration’ is shown as defined which doesn’t make sense as the definition relates to historic heritage items only. Remove definition link.

Rural activity – includes ‘Primary production’ which includes mining. Is it the intent to enable mining (and quarrying) as part of permitted rural activities? Wouldn’t the use of the defined term ‘Rural production’ be more appropriate in place of ‘Primary production’? The effects of mining on rural amenity would be contrary to the Rural objective and policies GRUZ-O1 and GRUZ-P1 therefore the permitted status does not seem appropriate. Inadvertently, it would seem, mining would be permitted through the permitted status of GRUZ-R19 Intensive Primary Production, as an example. It is also noted that ‘Rural activity’ is not listed in the list of activities /rules for Rural Zone so it is not clear what the purpose of this definition is.

Rural residential activities – this activity is not provided for in the Rural zone or the Large lot residential zone so it is not clear what the purpose of the definition is. Also, the definition contains a rule “... density of between 1 and 2 households per hectare” which should be avoided in definitions. The density described in the definition would indicate that rural residential activities are provided for in the Large Lot Residential Zone but this term/definition is not used or referred to in the LLRZ.

School – the definition contains reference to ‘training *schools*’. The word ‘school’ should be avoided in the wording explaining the meaning of the term ‘school’ - replace ‘school’ with ‘purposes’:
 “Means land or buildings used for teaching or training purposes schools.”

Secondary frontage – the definition is poorly worded, confusing and contains repetition. Suggest redrafting.

Shared and group accommodation – this definition could also mean a normal, single household / family residential unit. Suggest clarifying the definition to distinguish it from a residential unit. Sharing of facilities is not a sufficient distinction as facilities, e.g. kitchen, are shared by members of a regular household unit as well.

Shelterbelt – what does ‘20m wide’ mean? Is it the depth/thickness of the shelterbelt? Again, this is a rule within a definition and it should be in the relevant rules instead.

Sky glow – amend spelling error: ~~luminaries~~ to luminaires

Temporary accommodation – the definition fails to define the ‘temporary’ nature of the activity sufficiently. It needs to specify that the activity is intended to have limited duration and incidence (e.g. one-off, infrequent, transitional or with an identified end date, as opposed to regular and ongoing) or that it is ancillary to a temporary activity.

Tertiary education – a definition should not contain the term being defined by this definition, i.e. tertiary education, in its explanation. Suggest redrafting to e.g. “... purpose of facilitating ~~tertiary~~ education, training, development and instruction at a tertiary institution level ...”.

Urban activities – the definition includes sports fields and recreation facilities serving urban population but “excluding activities that fall within the definition of rural activities”. The definition of ‘Rural activities’ includes any size “parks, reserves, conservation parks and recreation facilities” but unlike the CRPS equivalent definition, it does not require them to be “large-footprint”. This creates tension and can be interpreted as excluding parks, recreation facilities etc. that can be defined as ‘rural activities’ since both definitions refer to the same size-non-specific parks, recreation facilities etc. Suggest amending the ‘Rural activities’ definition to refer to large-footprint parks as in the CRPS definition or specify that such parks/recreation facilities need to be serving rural population only.

Veterinary facilities – refer to the comments under ‘Boarding of animals’.

Selwyn District Plan – Historic Heritage section

Thank you for the opportunity to comment on the Proposed Selwyn District Plan draft heritage provisions. It is refreshing to see a straightforward format and clear and simple policy and rule framework.

Some comments from Christchurch City Council’s Heritage team follow based on our experience using the Christchurch District Plan (CDP) heritage provisions delivered by the Independent Hearings Panel (IHP) in 2016 following the Christchurch District Plan Review.

Historical Heritage heading

- Suggest using the term “heritage” or “historic heritage” to be consistent with the RMA definition, rather than “historical heritage”

HH - Overview

- Mana whenua heritage needs to be acknowledged in this section – this is the start of human history of the district. Then the subsequent waves of settlement to include all cultures should be acknowledge
- Suggest arrangement of headings to align with CCC plan – Cultural heritage covers off all heritage in an inclusive, holistic way, and then historic heritage and mana whenua heritage are sub chapters.

HH - Policies

Identification and scheduling

HHP1

- We think this needs to be more specific (not necessarily with the sort of detail that is in the CDP, but enough to understand what determines significance) – at what point does an item meet the threshold for scheduling? District-wide significance? A certain number of values met? See the CDP Identification and Assessment policy which is rightly or wrongly very explicit.
- Consider adding design value to the architectural and aesthetic value criterion. We have found difficulties in assessing designed and evolved cultural landscape value does not fit easily within this set of criteria, and a modification of that criterion could be one way of achieving this.

Use and development

HHP5 and HHP6 – Suggest that clarifying the term “significance” above would be useful if wanting to use the term “significance” in these policies. Suggest using “significance” or “values” terminology in one point, rather than both, as they are related attributes.

HHP7 –Support a policy highlighting the importance of settings. Is there a rule in the subdivision chapter which requires consent for subdivision of heritage settings to support this policy?

HHP9 – 5 – suggest rewording this as relocation of the heritage item beyond its heritage setting will inevitable mean that heritage values are diminished to some extent.

Demolition and partial demolition

HHP11

- Suggest that the introductory phrase clarifies that these are a set of factors that are taken into account. The cost implications criteria cannot be considered in isolation. Many applicants could make a case for this alone, but the impact of options on heritage values must also be considered
- 2 - meaning of this factor is unclear
- 4 – suggest the work “feasible” is changed due to it having a definition in the plan which relates to commercial viability which is not a relevant consideration in isolation for heritage demolition. “Reasonable” is a possible option. In conjunction with HH-P1 above, could also add “retain the *significance* of the heritage item” or something similar to convey that investigation of alternatives needs to consider if there are any conservation repair options that enable the heritage item to be worthy of scheduling as a result.

Future consideration of historic heritage

HH-P12

- It appears (from the placeholder heritage fabric definition and policy HH-P12) that Selwyn District Council (SDC) is still considering its approach to interior heritage fabric. Prior to the District Plan Review the Christchurch City Plan protected interiors of almost all heritage items which had interiors. The IHP decision limited interior protection to those buildings that had full inventories of interior features documented in the Plan. Given severe time constraints and the huge amount of work in providing this level of detail on interior fabric in the Plan, the interior inventories submitted to the IHP for inclusion numbered less than 50 of 679 heritage items. This has left the vast majority of interior fabric of CDP heritage items vulnerable to wholesale change without any regulatory oversight until the Christchurch City Council (the Council) can reintroduce protection of interior fabric site by site with owner support using an alternative simplified methodology we are currently considering for a future plan change.
- Distinguishing between exterior and interior heritage fabric is artificial in heritage conservation terms and interpretation of interior versus exterior fabric has proved to be complicated and required an internal legal opinion. The ICOMOS New Zealand Charter 2010 considers exterior and interior fabric holistically – interior fabric is an integral part of the story and heritage values of the place. We would strongly support Selwyn District Council considering simplified approaches to assessing, documenting and protecting interiors of heritage items in the Proposed Selwyn District Plan (PSDP).

HH - Rules

HHR1 – Maintenance or Repairs

- Notification note - We suggest that it is helpful for the local authority to notify Heritage New Zealand Pouhere Taonga (HNZPT) for all heritage applications regardless of whether the site is on the New Zealand Heritage List/Rārangi Kōrero (note correct spelling), as sites may be an archaeological site governed by the Heritage New Zealand Pouhere Taonga Act 2014. In addition this also gives HNZPT the opportunity to take an interest in heritage applications affecting heritage sites protected in the district plan which are not listed with HNZPT. Note that there are other references in the draft to consulting HNZPT where the item is listed with them which we also suggest amending for this reason.

- Heritage Professional – we note that the only reference to Heritage Professional in the draft proposal appears to be in relation to scaffolding and that Heritage Professional is defined applying the CDP definition. The wider inclusion of certified Heritage Professionals in the CDP has had some benefits in terms of recognising the expertise they bring to heritage projects. We would however suggest that if the definition is retained it is simplified to remove the first of the two criteria, as in our experience the key criteria for suitable candidates for Heritage Professional certification are a relevant heritage qualification and sufficient demonstrated experience achieving good conservation outcomes.
- If SDC is considering wider use of certified Heritage Professionals in the PSDP, for example where works are “in accordance with the design and/or supervision of a Heritage Professional, we also suggest amending the wording used in the CDP so that the Heritage Professional is required to confirm their support for the proposal. We have found that sometimes a Heritage Professional has been engaged by the applicant at some stage of the project but has either not been fully involved throughout the project or does not fully support the proposal or an aspect of the methodology.

HHR2 – Earthquake strengthening

- The CDP allows a minimum level of Building Code compliance work to be undertaken as part of permitted repairs. This has proved problematic in practice as it means a lot of invasive work can be done, which can be very damaging to heritage fabric, without any resource consent required. Where a Heritage Professional (defined in the CDP) is not engaged resource consent is required with a Controlled activity status. While methodology is a Matter of Control in the CDP, in reality the Controlled activity status makes it difficult to steer applicants to consider alternatives to the proposed methodology when it is not supported by Council.
- Council’s Heritage team recommends elevating the activity status of earthquake strengthening to Restricted Discretionary to enable notification and the opportunity to decline the application so there is scope to guide the applicant to ensure that any alternatives to invasive building code proposals are considered.
- Are other aspects of Building Code compliance covered under Alterations?

HHR3 – Alterations and Additions

- As above, does this include Building Code compliance? Does this include Reconstruction?
- It is noted that the Alterations definition includes signs attached to buildings. Is this intended to specifically relate to heritage items? If so, suggest this is specified. (See also signage in settings noted in HH-R4.)

HHR4 – Works within a heritage setting

- 1 - Has controlling signs in heritage settings been considered?
- 2– Agree there is merit in including earthworks in the heritage provisions as in the CDP it is hidden in the earthworks provisions. Suggest that requiring consent for all earthworks in heritage settings can have the unintended consequence of triggering assessment for earthwork proposals with negligible effects which are otherwise permitted works, which has been our council’s experience. The intention of the heritage earthworks rule in the CDP which applies both constraints of volume and proximity to heritage items, was to control the effects of earthworks which have the potential to have a major impact on the setting, such

as changing the contours of the site or physically affecting the heritage item through vibration or impact damage. We are considering that replacing the rule with a Matter of Discretion when consent is triggered for general earthworks, heritage or other reasons could be effective for assessing the more significant works, and reducing some unnecessary consents.

HH-R5 Relocation of a heritage item within its setting

- (1e) Matters for discretion – note that the terms “reconstruction” and “upgrade works” have not be used elsewhere in the heritage chapter.

Schedule HH-SCHED 2

- Support the simple approach of a single ungrouped schedule.
- Note that H179 and H180 are blank.
- Note that the setting definition link current links to the text for Alterations.
- Support definitions of building, items and structures.
- Would be interested to see some examples of the record forms to understand the format which is being used.
- Will heritage settings be shown in the PSDP?
- Will the planning maps show heritage items and the extent of settings?

Sites and areas of significance to Maori

Selwyn District is an area which has been affected by several waves of colonisation by Māori and Europeans. As a result there are sites, places and buildings which are of cultural or heritage value to individuals, families, iwi, Rūnanga and communities in the District.

May not be acceptable or appropriate to use ‘colonisation’ when speaking of the waves of Maori tribal settlement.

The overview of this part of the plan ‘Sites and areas of significance to Maori’ would ideally provide a strong acknowledgement of the iwi and runanga who hold mana whenua in the district, which had been written in conjunction with mana whenua.



DOCDM-6219662

28 February 2020

Selwyn District Council
districtplanreview@selwyn.govt.nz

Attention: Andrew Mactier

Dear Andrew,

Draft Selwyn District Plan 2020

Please find enclosed the submission by the Minister of Conservation in respect of Draft Selwyn District Plan. The submission identifies the Minister's concerns.

Please contact Ken Murray in the first instance if you wish to discuss any of the matters raised in this submission (0275734624 and kmurray@doc.govt.nz).

Yours sincerely

Andy Thompson
Operations Manager
Mahaanui

RESOURCE MANAGEMENT ACT 1991**SUBMISSION ON THE DRAFT SELWYN DISTRICT PLAN**

TO: Selwyn District Council

SUBMISSION ON: Draft Selwyn District Plan

NAME: Minister of Conservation

ADDRESS: RMA Shared Services
Department of Conservation
Private Bag 4715
Christchurch Mail Centre 8140
Attn: Ken Murray

STATEMENT OF SUBMISSION BY THE MINISTER OF CONSERVATION

Pursuant to clause 3 of the First Schedule of the Resource Management Act 1991 (RMA), I, Andy Thompson, Operations Manager, Mahaanui, acting upon delegation from the Minister of Conservation, make the following submission in respect of the Draft Selwyn District Plan.

1. This is a submission on the draft Selwyn District Plan.
2. The Department has appreciated the on-going consultation with Selwyn District Council on the draft plan provisions. Council has made considerable progress in the plan development.
3. The specific provisions of the Draft Plan that my submission relates to are set out in Attachments 1 to this submission. The decisions sought in this submission are required to ensure that the to be notified Selwyn District Plan:
 - a. Gives effect to the New Zealand Coastal Policy Statement and the Canterbury Regional Policy Statement.
 - b. Recognises and provides for the matters of national importance listed in section 6 of the Act and to has particular regard to the other matters in section 7 of the Act.
 - c. Promotes the sustainable management of natural and physical resources.
 - d. Take account of the principles of the Treaty of Waitangi in particular by having regard to the Te Waihora Joint Management Plan [Te Waihora Joint Management Plan \(PDF, 3,000K\)](#).
 - e. The changes sought are necessary, appropriate and sound resource management practice.
4. I **seek** the following decision from the Council:
 - 4.1 That the particular provisions of Draft Plan that I support, as identified in Attachment 1, are retained.
 - 4.2 That the amendments, additions and deletions to Draft Plan Change sought in Attachment 1 are made.

4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

5. I wish to have further discussions with Council on the matters raised in the submission.

Andy Thompson
Operations Manager
Mahaanui

Pursuant to delegated authority
On behalf of
Minister of Conservation

Date: 28 February 2020

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

ATTACHMENT 1:

**DRAFT SELWYN DISTRICT PLAN
SUBMISSION BY THE MINISTER OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Draft Selwyn District Plan Change is shown in *Italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------------------------------|-------------------|---|--|
| Outstanding Natural Landscapes | | | |
| 1 | The whole chapter | <p>This section is strongly supported as it; Consistent with Part 2 RMA in particular s6(b) and gives effect to the Canterbury RPS by; Identifying the attributes and characteristics of the areas of outstanding natural landscapes; Including strong objectives and policies to protect these outstanding natural landscapes which are national significance; Including earthworks and building and structures rules that protect those values. New rules are required in the Rakaia and Waimakariri Rivers ONL to also manage cultivation to halt the encroachment of agriculture onto the margins and beds of these outstanding braided rivers. Such rules would assist in;</p> <ul style="list-style-type: none"> • Implementing the National Water Conservation (Rakaia River) Order 1988; and • Ensure seamless management between SDC and ECAN in an area where the banks | <p>Retain as drafted with changes as outlined below. Include controls on cultivation in the Rakaia and Waimakariri River ONL to protect the braided rivers and their margins values. Ensure that the Rakia ONL includes its tributaries such as Wilberforce and Mathias.</p> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|---|--------------------|------------------------|---------------------|------------------------------|----------------------------------|------------------------------|----------------------|---------------------------|--------------------|-------------------------------------|--------------|-----------------------------|----------------------|------------------------------|--|--|-----------------------|-------------------------------|---------------------|-----------------------------|-------------------|--------------------------------|-----------------|--|
| | | <p>of these rivers may be difficult to determine.</p> <ul style="list-style-type: none">• Protect braided river birds including the banded dotterel (nationally vulnerable) which nest and feed on the higher and still bare terraces, wrybills (nationally vulnerable) which feed on shallow riffles and nest on bare gravel bars, Black billed gulls (nationally critical) and black fronted terns(nationally endangered) which nest on bare gravel bars; and• Protect the highly specialised indigenous fauna and indigenous flora found on the beds and their margins. | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | Rule NFL- R3 | <p>This rule is strongly supported as it protects the views of the outstanding landscapes from either SH 73 or the Midland Railway Line. The management of horticulture plantings, woodlots, amenity plantings and shelterbelts potentially require further plan provisions to ensure these plantings do not contribute wildings which can rapidly degrade the outstanding landscape values. It is suggested that in the first instance the species identified should be from Table 3 Canterbury Regional Pest Management Strategy.</p> | <p>Include a second matter</p> <p><u>Where the activity does not include the planting of any introduced conifer trees including clones.</u></p> <table><tr><th><u>Common name</u></th><th><u>Scientific name</u></th></tr><tr><td><u>Bishops pine</u></td><td><u><i>Pinus muricata</i></u></td></tr><tr><td><u>Contorta (lodgepole) pine</u></td><td><u><i>Pinus contorta</i></u></td></tr><tr><td><u>Corsican pine</u></td><td><u><i>Pinus nigra</i></u></td></tr><tr><td><u>Douglas fir</u></td><td><u><i>Pseudotsuqa menziesii</i></u></td></tr><tr><td><u>Larch</u></td><td><u><i>Larix decidua</i></u></td></tr><tr><td><u>Maritime pine</u></td><td><u><i>Pinus pinaster</i></u></td></tr><tr><td><u>Mountain pine and dwarf mountain pine</u></td><td><u><i>Pinus mugo</i> and <i>P.uncinata</i></u></td></tr><tr><td><u>Ponderosa pine</u></td><td><u><i>Pinus ponderosa</i></u></td></tr><tr><td><u>Radiata pine</u></td><td><u><i>Pinus radiata</i></u></td></tr><tr><td><u>Scots pine</u></td><td><u><i>Pinus Sylvestris</i></u></td></tr><tr><td><u>Sycamore</u></td><td></td></tr></table> | <u>Common name</u> | <u>Scientific name</u> | <u>Bishops pine</u> | <u><i>Pinus muricata</i></u> | <u>Contorta (lodgepole) pine</u> | <u><i>Pinus contorta</i></u> | <u>Corsican pine</u> | <u><i>Pinus nigra</i></u> | <u>Douglas fir</u> | <u><i>Pseudotsuqa menziesii</i></u> | <u>Larch</u> | <u><i>Larix decidua</i></u> | <u>Maritime pine</u> | <u><i>Pinus pinaster</i></u> | <u>Mountain pine and dwarf mountain pine</u> | <u><i>Pinus mugo</i> and <i>P.uncinata</i></u> | <u>Ponderosa pine</u> | <u><i>Pinus ponderosa</i></u> | <u>Radiata pine</u> | <u><i>Pinus radiata</i></u> | <u>Scots pine</u> | <u><i>Pinus Sylvestris</i></u> | <u>Sycamore</u> | |
| <u>Common name</u> | <u>Scientific name</u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Bishops pine</u> | <u><i>Pinus muricata</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Contorta (lodgepole) pine</u> | <u><i>Pinus contorta</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Corsican pine</u> | <u><i>Pinus nigra</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Douglas fir</u> | <u><i>Pseudotsuqa menziesii</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Larch</u> | <u><i>Larix decidua</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Maritime pine</u> | <u><i>Pinus pinaster</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Mountain pine and dwarf mountain pine</u> | <u><i>Pinus mugo</i> and <i>P.uncinata</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Ponderosa pine</u> | <u><i>Pinus ponderosa</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Radiata pine</u> | <u><i>Pinus radiata</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Scots pine</u> | <u><i>Pinus Sylvestris</i></u> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Sycamore</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | VAL Activity | The proposed activity status for any plantation | It is suggested that the planting complies with the species identified in 2 | | | | | | | | | | | | | | | | | | | | | | | | |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|---|---|--|---|
| | Status Plantation Forestry | forestry activity in the visual amenity landscapes is a controlled activity. Given the location of the visual amenity landscapes on the lower slopes of areas that have been identified as ONL's, the strength of the winds including south west winds, there is a significant potential for spread of wilding trees from these plantings into the ONL areas. Whilst the selection of appropriate species will reduce the risk of wilding tree spread, the location of the planting is also a significant factor affecting risk of spread. | above. Include a new restricted discretionary activity rule with the further matters for control. <u>Planting:</u> (a) <u>The species being planted and their ability to spread;</u> (b) <u>The plantings exposure to seed dispersal (take-off sites) with reference to slope, aspect and wind exposure;</u> (c) <u>The type and intensity of land use and the type of vegetation cover in surrounding areas where tree seed is capable of being blown or spread;</u> (d) <u>The adequacy of the applicant's proposed wilding management plan;</u> (e) <u>The siting and design of the planting, including orientation and specie composition;</u> (f) <u>Potential effects of wilding tree spread on natural landscape values including indigenous vegetation, natural character of indigenous vegetation.</u> |
| Provisions that protect Ecosystems and Indigenous Biodiversity | | | |
| 4 | Introduction | The area of Arthurs Pass National Park is 114,356 hectares (not 963,619 hectares) of which about half is in Selwyn District, the remainder in Westland District. | See Arthurs Pass National Park Management Plan |
| 5 | Protection of Crested grebes ASW And EIB-R6 | The provisions for prohibiting motorised surface water activities on identified lakes except in certain circumstances and protection of crested grebe habitat on the margins of lakes is strongly supported as Crested grebe is nationally endangered bird. The restrictions on surface water activities have assisted in the recovery of this species. | Retain as drafted. |
| 6 | Protection of Canterbury mudfish Draft Rules EIB-R1.6 and R6 And Method EIB-MAT2 Canterbury | There are still concerns about the draft rule EIB-R1.6 which <i>permits the clearance of any indigenous vegetation (indigenous or exotic) or earthworks in the Mudfish Habitat Overlay where this is in accordance with, and explicitly specified in an approved management plan established through the Local Government Act process.</i> Some of the Council drains may actually be modified streams which receive water from springs. As a | It is suggested that Draft rule EIB-R1.6 be amended to read <i>Clearance of any indigenous vegetation (indigenous or exotic) or earthworks undertaken within any water race, drain or pond identified in the Mudfish Habitat Overlay where this is in accordance with, and explicitly specified in an approved management plan established through the Local Government Act or Resource Management Act 1991 processes which avoids adverse effects on these mudfish.</i> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|--|--|--|
| | mudfish, Crested grebes | <p>consequence, Council may have to apply for a discretionary activity under the ECAN Land and Water Plan Regional Rule 5.150. A management plan would assist Council to give effect this rule.</p> <p>The draft rule (EIB-R6) is supported. However, the matters for control or discretion for Canterbury mudfish (Nationally critical) habitat (EIB-MAT2) fails to recognise that their remaining habitat is primarily in drains and stock water races on the Canterbury Plains. These stock water races and drains flow through the former wetland habitats of Canterbury mudfish.</p> <p>The matter descriptor is also required to recognise that the habitat of Canterbury mudfish when the water flow is low or only in pools or the drain is dry is the mud. The mudfish burrow into the mud. Mudfish are also found around the roots of trees in wet soil.</p> | <p>It is suggested that Council amend EIB-MAT2 to read;</p> <ol style="list-style-type: none"> 1. <u>Whether any vegetation and/or associated sediment or sediment in any stock water race or drain</u> subject to the application is significant (as assessed against the criteria in EIB- Schedule 1 <u>or as shown on Mudfish Habitat Overlay</u>; 2. <u>Whether, upon specialist ecological assessment, the vegetation and/or sediment and/or tree/s provide habitat for the indigenous fauna</u>; 3. <u>The extent to which the removal of vegetation and/or tree/s would adversely affect the ability of identified protection areas to provide for the needs of the relevant indigenous fauna</u>; 4. <u>The extent to which the protection area has been previously modified by the removal of habitat</u>. 5. <u>The potential to restore habitat of indigenous fauna</u>. |
| 7 | Protection and management of the habitat of Longfin eels in drains | <p>The drains of Selwyn District which flow into Te Waihora are a significant habitat of Longfin eels. These drains are also where Australasian bittern (nationally critical) feed. The construction of the drains and their on-going excavation of sediment and weed has resulted in straight, steep sided drains whose banks can slump, with a wide floor occupied in summer by shallow warm water. The habitat for Longfin eels has been severely degraded. There is also a significant loss of cultural values including of Te Waihora.</p> <p>Compounding matters is the reluctance of some landowners/drain managers to allow the re-battering of banks and complete riparian vegetation planting even when assistance is available to carry out these works. Effective riparian management will stabilise the banks, trap mud in overland flow and shade the bed of the drain reducing the requirement for drainage</p> | <p>Include a controlled activity rule which requires a management plan to be prepared to sustainably manage the drains including its margins to create a sustainable habitat for longfin eels and reduce the frequency of drainage operations.</p> <p>If a management plan is not prepared a discretionary activity consent is required.</p> <p>The Objective of the Drain Management Plan To ensure that the drains and their margins are managed in a way which restores the habitat of longfin eels by; Stabilising the banks; Reducing the quantity of mud and other sediment entering the drain by effective riparian management. Where practical shades the water to reduce water temperatures.</p> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|-----------------------------|---|---|
| | | <p>operations to restore the drains floodwater capacity. The present approach to drain management fails to sustainably manage the significant habitat of longfin eels.</p> <p>There is also the potential for an argument whether the drain is a farm drainage canal or a modified watercourse. If it is a watercourse then there is the requirement to apply for a discretionary activity under the ECAN Land and Water Plan Regional Rule 5.150. A management plan would assist the drain manager to give effect this rule.</p> | |
| 8 | Indigenous biodiversity. | <p>The work carried out by Council subsequent to the Working Group has strengthened the provisions in the Plan. This includes the new definition of Exotic pasture species.</p> <p>The Department is still assessing the definition of improved pasture to see whether it may enable the clearance of vegetation which is significant. Perhaps also includes no indigenous vegetation species that is threatened or at risk.</p> <p>The broad definition of clearance is also supported as it manages almost all activities which can and often have resulted in the loss of indigenous biodiversity in Selwyn District. The exception is trampling by livestock such as cattle which can destroy sensitive areas of indigenous vegetation and reduce canopy cover of tussock grasslands.</p> | <p>Retain definition of exotic pasture species with an amendment means pasture grasses that are not indigenous, and <u>shall</u> may include <u>any one</u> of the following species:</p> <ul style="list-style-type: none"> a. Ryegrass (<i>Lolium species</i>); b. Cocksfoot (<i>Dactylus glomeratus</i>); c. clover (<i>Trifolium species</i>); d. Sweet Vernal (<i>Anthoxanthum odoratum</i>); and e. Browntop (<i>Agrotis capillaris</i>). <p>Amend the definition of clearance to Include: <u>trampling by livestock</u></p> <p>Amend the definition of improved pasture to <i>means an area of pasture where exotic pasture species have been deliberately introduced, where those exotic pasture species dominate in cover and composition, and where the naturally occurring indigenous species are largely absent from that area</i> and there are no threatened or at risk indigenous plants present.</p> <p>And include a definition of threatened plants and reference the Department of Conservation Threat classification publication which is prepared in consultation with a range of botanists.</p> |
| 9 | EIB Indigenous Biodiversity | These objectives and policies generally give effect to Part 2 and s31(1)(b)(iii) RMA and Canterbury | <p>Retain the draft objectives and policies with the following amendments.</p> <p>Amend EIB-P4 to read;</p> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|---|--|--|
| | Objectives and Policies | Regional Policy Statement. It also manages threats to indigenous biodiversity values However, EIB-P4 could allow existing activities of for example indigenous shrubland clearance that has occurred in the mountain lands of Selwyn District. The area of indigenous biodiversity of Selwyn District, in particular on the Canterbury Plains is extremely sparse with about 1-2% of the total area remaining. Enhancement of indigenous biodiversity in these areas is required. | <i>....or enable continuation of existing activities <u>where they do not result in the further loss of indigenous biodiversity.</u></i> Amend EIB-P10 to read; <u>Ensure</u> Promote <i>the overall maintenance and promote the enhancement of Selwyn's indigenous biodiversity values</i> |
| 10 | EIB Rules EIB-R1 | Rule R1.7 refers to EIB-R8.2. This rule does not seem to exist. | Retain Rule EIB-R1 with appropriate amendments to; EIB-R1.6 with regard to mudfish as discussed above in Rule EIB-R6. EIB-R1.7. |
| 11 | EIB Rules EIB-R2 | The exception to EIB-R2 1(c) in the Canterbury Plains Area is supported as these are habitats for Canterbury mudfish and their margins may be habitats for indigenous plants. | Retain Rule EIB-R2. |
| 12 | EIB Rules EIB-R3 Banks Peninsula | The condition (a) is uncertain – if the clearance of indigenous vegetation exceeds 100m ² per hectare of indigenous vegetation in any five-year period a consent is required is permitted. This condition could enable 500m ² of each hectare of indigenous vegetation to be cleared every five years. So, if there is a 20-hectare block of unimproved pasture containing tussock grassland so in each five-year period 1 hectare could be removed. If it was 1000m ² per five-year period per property or landholding, such indigenous vegetation clearance would be managed if it was not identified in the indigenous species and Area lists. (EIB-SCHED3.a). | Further discussions are required on the interpretation of this permitted activity rule and whether it will maintain the indigenous biodiversity of Banks Peninsula part of Selwyn District. It is suggested that there be a maximum area able to be cleared on any landholding in a five-year period. |
| 13 | EIB Rules EIB-R4 Hills and High Country | The condition (a) is uncertain - the clearance of indigenous exceeds 500m ² per hectare of indigenous vegetation in any five-year period a consent is required. This condition could enable 500m ² of each hectare of indigenous vegetation to be cleared every five years. So, if there is a 200-hectare block of manuka or kanuka shrubland 50 hectares could be cleared as a permitted activity in | Further discussions are required on the interpretation of this permitted activity rule and whether it will maintain the indigenous biodiversity of Hills and High Country. |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|---------------------------------------|--|---|
| | | a five-year period. | |
| 14 | EIB Rules EIB-R4 Braided Rivers | <p>ECAN has completed a report on land use change on the margins of lowland Canterbury braided rivers in 2015. https://www.ecan.govt.nz/get-involved/news-and-events/2019/braided-rivers-whats-the-story/ See link: The 2015 report.</p> <p>Indigenous vegetation is extremely sparse along the major rivers- for example there is a small area on Rakaia Island and scattered remnants along the margins with scattered trees and shrubs of kowhai, matagouri or kanuka. (see Page 10 of the report for a fuller description). The rivers are also significant habitats of braided river birds. The Rakaia River has an outstanding form of a braided river and is an outstanding wildlife habitat as stated in the National Water Conservation (Rakaia River) Order 1988 http://legislation.govt.nz/regulation/public/1988/0241/latest/DLM126953.html?search=ts_act%40bill%40regulation%40deemedreg_Rakaia_resel_2_5_a&p=1</p> <p>Encroachment of agriculture on the riverbed and its flood plain will further result in the loss of values. The flood plain can be of a considerable width. Agriculture encroachment reduces that width resulting in floods of the same size having a greater depth – flooding normally dry habitats used by braided river birds for nesting. These floods also have more erosive power, which can erode terraces and create new channels or re-open old channels. This can also become a significant natural hazard matter.</p> <p>The 500m² of indigenous vegetation in any five year is inappropriate as these areas are acutely threatened land environments.</p> | <p>Include separate rules to protect indigenous vegetation and the habitats of indigenous fauna primarily braided river birds on the margins of the Waimakariri and Rakaia Rivers within Selwyn District in particular its flood plain.</p> <p>Include the activity status when compliance with is not achieved for EIB-R4.1(c) as non-complying.</p> |
| 15 | EIB Rules EIB-R5 | <p>This rule is supported as it;</p> <ul style="list-style-type: none"> Manages indigenous vegetation on the margins of wetlands and therefore manages the gradation between | Retain the rule and Council perhaps consider identifying the significant waterbodies which at times have intermittent flow such as the Waikirikiri Selwyn and its tributaries of the Hororata, Hawkins, Wainiwaniwa. |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|----------------|--|---|
| | | <p>wetlands and the terrestrial indigenous vegetation;</p> <ul style="list-style-type: none"> Recognises the importance of spring habitats (waipuna) and their margins from both an indigenous biodiversity viewpoint (such as Canterbury mudfish habitat in the upper Canterbury plains area of Waikirikiri and Hororata Rivers) and the habitat of rare plants and iwi values including Longfin eels in the lowlands; and Recognises in the high country above 800m above mean sea level the important values of the indigenous biodiversity and its intricate role in protecting Selwyn District's outstanding natural landscapes. <p>A non-complying activity is required if the activity does not comply with the restricted discretionary activity conditions.</p> <p>With regard to EIB-R5 1.b - waterbodies this rule is supported in part. It is an efficient means of management where the waterbody is permanent. However, this rule has considerable limitations where the waterbody is intermittent. The prime example is Selwyn Waikirikiri River and its tributaries such as Wainiwaniwa. There are significant indigenous biodiversity values on bed and the wet margins of these rivers including Canterbury mudfish habitat and some rare plants like <i>Juncus holoschoenus</i> var. <i>holoschoenus</i>. Such a rule also has the potential during high flows to reduce loss of soil to water and its transport into Te Waihora/Lake Ellesmere where it can be deposited in wetlands and their margins. Because of the significance of the indigenous vegetation on limestone outcrops and its margins including its threatened plant communities, any clearance of indigenous vegetation should require</p> | <p>Include a new EIB-R5 1.e</p> <p><u>Indigenous vegetation on and within 10 metres of limestone outcrops</u></p> <p>Include new activity status when compliance is not achieved;</p> <p>10. When compliance with EIB-R5.1c, 1.d and 1e is not achieved, non-complying.</p> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|--|--|--|
| | | a consent. | |
| 16 | EIB R7 Indigenous biodiversity in the plains area | The examination of a soil profile may indicate whether the area has been cultivated in the past. Such soils may have significant indigenous invertebrate populations. Alternatively, Council may wish to also investigate whether LCDB5 is suitable. The Department's ecologists could assist Council on this matter. | Consider whether LCDM5 is also suitable for identifying areas of indigenous vegetation in the plains area. |
| 17 | EIB-R8 | Support as it will maintain indigenous biodiversity in significant natural areas. | Retain. |
| 18 | EIB-R9 | Protection of significant indigenous vegetation bordering Castle Hill and Arthurs Pass settlements and the Hill and High Country requires strong management of potential pest species. Some species may not be able to be planted because they are unwanted organisms under the Biosecurity Act 1993 such as Crack and Grey willows. | Consider whether planting of crack or grey willows should be prohibited. Retain the other species identified. |
| 19 | EIB MAT 1 Matters for Control or Discretion | These matters for control or discretion are robust. Giving that there are areas outside of a bank of a braided river which are flooded and therefore may contain bare gravel which is a suitable nesting habitat for banded dotterel and possibly other braided river birds, a further matter is required for the Waimakariri and Rakaia Rivers. This matter is to ensure the protection of nesting and possibly roosting habitat for braided river birds. | Retain and include a new matter for control or discretion: <u>Whether the habitat to be cleared on the margins of Waimakariri or Rakaia braided river beds are habitats or suitable habitats for braided river birds.</u> |
| 20 | EIB MAT 2 | The matter descriptor of: <i>The extent to which the protection area has been previously modified by the removal of habitat of Canterbury mudfish or Crested grebe could have ramifications for Canterbury mudfish protection as their habitats are modified stock water races or drains. Given the artificial habitat is all the habitat that is left in parts of Selwyn District after their wetland homes were drained, such a matter descriptor will not protect these very significant habitats.</i> | Delete EIB-MAT2 4. |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------------------------------|-----------------------|---|---|
| 21 | EIB Schedules 1 and 2 | The Department ecologists are still examining this section and may have further input. | |
| 22 | EIB Schedule 3 | <p>List A Port Hills Area. Threatened plants should also be listed with pictures in the plan List B Hills High Country and Rivers Area. Threatened plants should also be listed with pictures in the plan. Given the Courts decision in Dewhirst, there may be significant habitat on the flood plain used by braided river birds. The Kahikatoa /manuka (<i>Leptospermum scoparium</i>, kanuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i> shrublands should be included. The requirement for a % canopy cover should be deleted with regard to <i>Poa cita</i> as its cover can be manipulated by intensive grazing by cattle. All matagouri scrub/shrublands should be included as on-going land development has resulted in this species being threatened at risk. There should be no size limit for the area of indigenous vegetation on limestone because of the diverse specialised indigenous vegetation found on limestone areas including a number of threatened species – Limestone wheatgrass <i>Australopyrum calcis subsp. Optatum</i>, Castle hill forget-me-not <i>Myosotis colnesoi</i>.</p> | <p>The Department's ecologists are presently unavailable. Further advice will be provided to council on this list. In List A Banks Peninsula part of Selwyn District there are threatened plants including <i>Brachyglottis saxifragoides</i> and <i>S. sciadophila</i>, <i>Coprosma wallii</i> and <i>Myosotis pygmaea</i>, Native verbena <i>Teucrium parvifolium</i> and white mistletoe <i>tupeia Tupeia Antarctica</i>.</p> <p>Rimu and matai are also present. In List B Include; <u>Bare gravel bars that could be the habitat of braided river birds – banded dotterel, black fronted tern, wrybill and black billed gull on the Rakaia and Waimakariri Rivers beds and margins.</u> <u>Poa cita</u> <u>Kahikatoa /manuka (<i>Leptospermum scoparium</i>, kanuka (<i>Kunzea robusta</i> and <i>Kunzea serotina</i> shrublands</u> <u>All matagouri scrub/shrublands</u> <u>Any limestone areas</u> Threatened species including; <i>Gentianella grisebachii</i>, Delicate myrrh <i>Oreomyrrhis colensoi</i> var. <i>delicatula</i>, Canterbury pink broom <i>Carmichaelia torulosa</i>, <i>Wurmbea novae-zelandiae</i>, <i>undescribed hebe</i>, <i>Lepidium sisymbrioides</i>, Grassy matt sedge <i>Carex inopinata</i>; <i>Aciphylla montana</i> var. <i>gracilis</i>; dwarf woodrush <i>Luzula celata</i>; Marsh arrow grass <i>Triglochin palustris</i>, <i>Carex tenuiculmis</i>, yellow mistletoe <i>Alepis flavida</i></p> |
| Coastal Environment Provisions | | | |
| 23 | General | This section is generally supported. | |
| 24 | Policy CE-P4 | As noted in the draft plan further work is required to identify the future risk of increased inundation of water on the margins of Te Waihora /Lake Ellesmere. Significant river water inflows into this lake can result in the lake water levels rising to an extent that waters will enter the Lower Selwyn Huts and compromise sewage disposal from the Upper Selwyn Huts. Because of the ongoing risk of flooding of the Lower Selwyn Huts, the Department is renewing the hut leases till June | c. <u>Maintain a very low density of buildings and structures within the Upper Selwyn Huts and Greenpark Huts Settlements and concentrate any development at the inland part of Rakaia Hut Settlement</u> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|--------|--|--|--|
| | | <p>2024. There is no expectation that the leases will be renewed after this date. The Department's approach gives effect to the New Zealand Coastal Policy Statement 2010 and implements the provisions of Canterbury Conservation Management Strategy and the Joint Management Plan.</p> <p>In the future, with on-going sea level rise, the opening of the Te Waihora mouth will be more difficult. As well, as sea level rises, more seawater will flood into Te Waihora. There is therefore the expectation that in the future higher lake levels will occur flooding land and any development on its margins.</p> | |
| 25 | Policy CE-P9 | <p>This policy fails to give effect to NZCPS 2010 Policy 25 as it relies on remediation or mitigation to avoid increasing the risk. For example, higher floor levels may reduce the risk of water entering a house but access to the house and sewage infrastructure may be severely compromised. In the case of coastal erosion, the placement of rock riprap to protect a new development may remediate the coastal erosion but such an approach is contrary to NZCPS Policy (e).</p> <p>There seems to be no definition of high hazard areas.</p> | <p>Reword Policy CE-P9 to give effect to NZCPS Policy 25</p> <p>Include a definition of high hazard areas</p> |
| 26 | Coastal Environment overlay Rule HNC 11 | <p>Should c read: <i>The building or structure is <u>not</u> within the Coastal Erosion Overlay Area.</i></p> | <p>Amend C to read. <i>The building or structure is <u>not</u> within the Coastal Erosion Overlay Area.</i></p> |
| 27 | Rule CE-REQ4 Building and structures setback | <p>A setback of 20 metres from the seaward extent of the coastal environment which is Mean High-Water Spring along the Canterbury Bight will allow buildings in the backshore wetlands and in the cliff area.</p> <p>On the Canterbury Bight coastline there are few structures or buildings apart from fences and several roads. The only significant development is</p> | <p>It is suggested that a setback of 120 metres from the seaward extent of the coastal environment (MHWS) would ensure no new buildings or structures (apart from fences) are located on the upper gravel beach, its backshore wetlands and the dongas and coastal cliffs.</p> |

| PC REF | PLAN PROVISION | POSITION AND REASON | RELIEF SOUGHT |
|---|----------------|--|---------------|
| | | the Tent Burn Salmon Farm which is at least 150m from MHWS. A few Rakaia Huts are closer to MHWS. | |
| Natural Character of Surface Water Bodies and their Margins | | | |
| | | | |
| | NATC REQ3 GRUZ | Further work is required on the vegetation planting rule. An example where planting could be beneficial is the planting of indigenous plants found in the area. Perhaps restoration of natural character could be permitted under certain circumstances. Whereas the planting of exotic pasture species would permit encroachment onto the margins of the rivers | |
| | | | |
| | | | |
| | Schedules | The schedules do not include the margins of any lakes apart from Te Waihora / Ellesmere and Coleridge. Examples include Blackwater Lake Lake Letitia Lake Marymere Lake Hawdon Lakes Evelyn Selfe etc... These are small lakes were earthworks etc could alter their natural character. | |
| | | The schedules do not manage tributaries of the major rivers. Examples include Harper and Wilberforce rivers which are major tributaries of the Rakaia. | |

Proposed Selwyn District Plan: Schedule 1, Clause 3 Consultation

Environment Canterbury thanks the Selwyn District Council (the Council) for the opportunity to provide Schedule 1 (Clause 3) feedback on the Proposed District Plan. We wish to acknowledge the extensive work that has been undertaken by the Council in preparing the proposed district plan, including the early engagement with Environment Canterbury at each stage of development.

Environment Canterbury is very supportive of the District Plan review process that the Council has undertaken. The proposed provisions are generally consistent with the regional planning framework. The specific feedback below is of a technical nature and has been provided by staff under delegated authority. The Canterbury Regional Council will be briefed on the proposed Selwyn District Plan once notified, and will have the opportunity to formally submit on the notified plan.

The feedback below follows the same the structure as the proposed District Plan. Potential formatting issues have been identified in the table that follows.

Strategic directions

All of the strategic directions are consistent with Environment Canterbury policy, in particular the references to managing and responding to the effects of climate change.

Natural Hazards

NH-P1

This will be consistent with the Canterbury Regional Policy Statement (CRPS) so long as the Residential Zone, Commercial Zone or Industrial Zone do not contain any areas within the Greater Christchurch area that were not zoned in the District Plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, at the date the Land Use Recovery Plan was notified in the Gazette (December 2013).

NH-R2.7(a)

Non-compliance with this provision would result in a non-complying activity, even within Residential, Commercial, and Industrial Zones. This does not appear to be consistent with the intent of NH-P1. We recommend reconciling this rule with NH-P1.

NH-P11

We recommend that the Fault Avoidance Overlay is renamed the Greendale Fault Avoidance Overlay as this is the only mapped fault avoidance area in the plan. If it is

intended that other fault avoidance areas will be mapped in the plan, then the name could be changed when these other areas are introduced by way of a plan change.

NH-R1

Under (1)(b)(i) and 5(b) the finished floor height of the existing building will only be relevant if the reconstructed building is in the exact same location. If the location of the building platform is moved, then the finished floor level may need to account for new circumstances.

NH-R2

Environment Canterbury has recently provided feedback on the draft natural hazard provisions. Some of the content of the natural hazards provisions appears to not yet be reflected in this round of consultation so we have not repeated those comments here.

Hazardous Substances

Environment Canterbury recommends clarifying whether policy HAZS-P2 is intended to require a demonstration that a new major hazard facility does not have the potential to cause an unacceptable level of risk, or that it does have that potential? If the intention is the latter, as the policy currently reads, relying on applicants to demonstrate something that will be detrimental to the outcome of their application could be a disincentive for providing a thorough risk assessment.

Sites and Areas of Significance to Maori

SASM-REQ1

We would like to clarify if the intention is to restrict permitted activity earthworks beyond what is enabled under the district wide earthworks rules? If yes, the reliance on being able to determine whether an area of soil has previously been disturbed could make it difficult to enforce the rule. An alternative could be to add an extra requirement to the district wide permitted activity rule for earthworks undertaken in SASMs, for accidental discovery protocol, or limiting the permitted thresholds within these areas, if that would achieve the same intent.

Ecosystems and Indigenous Biodiversity

We acknowledge that the drafting of these provisions took place before the release of the proposed National Policy Statement on Indigenous Biodiversity (NPSIB). We also acknowledge that the NPSIB does not yet carry any legal weight, so we have not commented on the consistency of the draft district plan provisions with this document. We are, however, happy to engage further on how the district plan might give effect to the NPSIB in the future.

EIB-R1

EIB-R1.7 refers to permitted clearance except when it is covered by EIB-R8.2. There does not appear to be an R8.2, only an R8.1.

EIB-R2

Indigenous vegetation clearance in areas of improved pasture is not permitted within an SNA. We note that this is something being addressed in the NPSIB but recommend that clearance in accordance with RMA existing use rights should be included in the permitted activity rules to provide clarity to landowners. This should decrease the likelihood of challenges to these provisions.

EIB-R3

The restricted discretionary activity is only triggered where clearance exceeds 100m² but there is no rule providing for clearance less than 100m², unless it is permitted by R1 or R2. We recommend removing condition (a) from this rule (R3) to clarify that a restricted discretionary consent is required for any clearance (regardless of threshold) within these areas that is not otherwise permitted by R1 and R2.

EIB-R4

As with R3 above, this rule is only triggered where clearance exceeds 500m², but there is no permitted activity rule providing for clearance less than 500m², unless it is permitted by R1 or R2. If the intention is to enable clearance below the 500m² in areas that are not SNAs then this does not appear to be provided for in the rules unless permitted under R1 or R2.

EIB-R5

The requirement for indigenous vegetation clearance within riparian setbacks is complementary to the provisions in the Canterbury Land Water Plan that manage the effects of riparian vegetation clearance on water quality but not on terrestrial indigenous biodiversity. This provides good integration with the regional planning framework. We recommend moving “except where provided for in EIB-R2 or EIB-R3” above the “where” section of the rule to more clearly clarify that these permitted activity rules still apply.

EIB-R6

As with EIB-R5 above, the inclusion of provisions to protect mudfish habitat and crested grebes compliments the regional planning framework.

EIB-R7

The consent requirement for indigenous vegetation clearance within the Canterbury Plains overlay is consistent with CRPS Policy 9.3.2 for the protection of indigenous biodiversity that

is not protected under Significant Natural Area (SNA) provisions. As with our comments on EIB-R5 we recommend moving “except where provided for in EIB-R2 or EIB-R3” above the “where” section of the rule to more clearly clarify that these permitted activity rules still apply.

EIB-R8

A non-complying activity status for indigenous vegetation clearance and earthworks within an SNA is consistent with CRPS Policy 9.3.1. As with our comments on EIB-R2, we recommend that existing use rights should be provided for by way of a permitted activity rule to avoid confusion and challenge.

Natural Character

The requirements for setbacks from waterbodies are consistent with the regional planning framework and will help achieve the objectives in the Land and Water Regional Plan.

Natural Features and Landscapes

NFL-R1

The restrictions on activities within the NFL overlays is consistent with the direction in the CRPS. We are undertaking some further assessment to determine whether any of the restrictions on specific activities (buildings and structures, horticultural planting, woodlots, shelterbelts and plantation forestry) are currently occurring within NFL overlay areas on Environment Canterbury owned or managed land.

We do request that there is a permitted activity regime reflected in these rules for the repair, maintenance, and upgrade of existing flood protection infrastructure. We note that this pathway has been provided for in other chapters such as the ecosystems and indigenous biodiversity chapter. We request that these permitted pathways are consistently provided across all the relevant chapters in the district plan. We also request that there is lower threshold activity status for new flood protection infrastructure other than non-complying in some of the NFL overlays.

The CRPS requires integrated management between lead agencies to ensure that natural hazard management and preparedness for natural hazard events occurs in a coordinated manner (CRPS Policy 11.3.9). Policy 10.3.3 requires management for flood control and the protection of essential structures, including maintenance, upgrade and repair of essential structures that are located in, on, under or over a river or lake bed or its bank or margin.

Essential structures in beds include, but are not limited to, bridges, fords, and other structures associated with the State Highway network, cables, support structures for infrastructure, pipelines and other crossings, water intakes, water conduits and races, canals for the conveyance, storage and discharge of water, dams, including those for major electricity generation facilities or irrigation schemes, river gauging towers and flood-protection works and plantings.

It is difficult to predict where new rating district networks may be required for flood protection works and it will be difficult to enable these with a non-complying activity status (in the NFL overlays for the Rakaia River area, Waimakariri Rivers area or Te Waihora/Lake Ellesmere area). Rather than an exemption from these rules we want to ensure there is pathway to enable any upgrades to the height and/or location of stopbanks in the future if it is deemed necessary (this will always be following public consultation).

We would welcome any further opportunity to discuss the application of rules within NFL overlays that might impact on the provision of flood protection services.

There doesn't appear to be any activity restrictions on new intensive primary production activities within the NFL areas. We would like to query whether this has been a conscientious decision and that any effects from new intensive primary production in NFL areas would be dealt with under other chapters in the plan, or if this is a potential gap in the planning framework?

Subdivision

SUB-P1

We request some clarification on whether SUB-P1(c) (location) includes the consideration of natural hazards and whether there should be cross reference back to the Natural Hazards chapter here. We note that SUB-P6 refers to overlays and note that this could serve as the cross reference to the Natural Hazards chapter.

Rule requirements

The use of rule requirements provides a succinct avenue to determine the appropriate activity status within the rules. This will be beneficial for plan users.

Site area

The net area average and minimum standards in SUB-REQ1 are consistent with the direction in the CRPS for urban and rural settlement patterns.

Water

The requirement for residential, commercial and industrial sites to be connected to a reticulated water supply in SUB-REQ10 is consistent with the directions in Chapter 5 and Chapter 6 of the CRPS.

Wastewater

The requirement for residential, commercial and industrial sites to be supplied with a reticulated wastewater connection in any towns where a network is present is consistent with the directions in Chapter 5 and Chapter 6 of the CRPS.

Noise sensitivity management

The use of noise sensitivity overlays in SUB-REQ15 is consistent with direction in Chapter 6 of the CRPS for managing reverse sensitivity effects.

Natural Hazards

We recommend that SUB-REQ16.1 requires that every site created shall be outside the Plains flood management overlay “and” “any High Hazard areas”.

Sites of significance

Avoiding subdivision that creates new sites containing sites of significance is consistent with CRPS Policy 13.3.1.

Ecosystems and indigenous biodiversity

Avoiding subdivision that creates new sites containing SNAs or other significant habitat is consistent with CRPS Policies 9.3.1 and 9.3.2.

Outstanding Natural Landscapes and Visual Amenity Landscapes

Avoiding subdivision that creates new sites within Outstanding Natural Landscapes and Visual Amenity Landscapes is consistent with CRPS Policies 12.3.2 and 12.3.3.

Coastal environment

Avoiding subdivision that creates new sites within the coastal erosion overlay and coastal inundation overlay is consistent with CRPS Policy 11.3.1 and 11.3.8.

Activities on the Surface of Water

The prohibition on the use of motorised watercraft in the restricted areas is consistent with achieving biodiversity outcomes that cannot be provided through the Navigation Safety Bylaw. The exception for scientific investigations or monitoring, law enforcement, emergency search and rescue work should enable Environment Canterbury to still undertake scientific research activities on the surface water of these areas. We request, however, that the exemption also extends to other Environment Canterbury functions such as biosecurity, where the use of motorised craft may be necessary to undertake pest or weed control programmes on aquatic species such as toxic algae.

We also request a point of clarification on whether the Crested Grebe Management Area Overlay only covers some areas of the listed lakes, or if the listed lakes and the overlay are one in the same? E.g., does the prohibition apply to the Overlay, or the lakes, or both?

Coastal Environment

Environment Canterbury would like to clarify whether flooding and inundation in the coastal environment is intended to be addressed within the Coastal Environment chapter or in the Natural Hazards chapter? We acknowledge that the planning standards may have requirements around the location of these provisions, but it was unclear where they are currently covered other than in the subdivision chapter SUB-REQ16 and SUB-REQ23.

CE-R3.6

We recommend condition (c) includes that the location is not within the Coastal Erosion Overlay which would be non-complying under R3.17.

Earthworks

The references to Canterbury Regional Council in the overview section are helpful and should provide clarity to plan users on the interplay between district and regional planning rules.

We recommend that a cross reference to the setbacks provided in the Natural Character chapter for earthworks is included in the district wide earthworks chapter.

Urban Growth

We would like the opportunity to see the urban growth overlay areas to review consistency with the CRPS. The supplied maps did not appear to contain the Urban Growth Overlay.

We also question the need for a minimum housing targets definition, when the targets are set out in UG-P5. A cross-reference to this policy might be more beneficial than creating an extra definition.

UG-P5

Action 9B in the Schedule of Future Work in Our Space 2018-2048 only refers to the provision of the projected medium-term shortfall. Policy UG-P5 is not specific to addressing a medium-term shortfall and therefore goes beyond the strategic direction provided in Our Space. This means there is a risk that UG-P5 will be inconsistent with future regional capacity policy that is limited to providing for the medium-term shortfall.

UG-P11

We recommend clarification on whether UG-P11 applies to 'all' identified hazards. Not all high hazard areas will be identified, since they rely on a definition. We recommend that this policy includes a reference to "High Hazard Areas".

Rural Zone

The policies and rule requirements managing reverse sensitivity effects are consistent with the regional planning framework. The requirement for sensitivity setbacks should be an effective way to manage reverse sensitivity. The minimum allotment sizes in GRUZ-REQ1 are also consistent with the CRPS.

Carmel Rowlands

Planning Section Team Leader

(Authorised under delegated authority from the Canterbury Regional Council)



Date: 05/03/2020

For all enquires please contact:

Sam Leonard

Senior Planner, Strategy & Planning

Phone: +64278017849

Email: sam.leonard@ecan.govt.nz

Table of potential formatting issues:

| Provision | Potential issue | Recommendation |
|--------------|--|---|
| SD-IR-O2 | It appears there is a missing word (infrastructure?) in the first sentence. | Insert “infrastructure”: The development, upgrade, maintenance and operation of all <u>infrastructure</u> is enabled in a way that minimises adverse effects |
| SD-IR-O3 | The important infrastructure definition is not linking in the ePlan. | |
| SD-MWV-O1 | The leading sentence doesn’t match the suffix used for the list of verbs. | Amend leading words in the list: a) Promotes <u>ing</u> b) Recognises <u>ing</u> c) Enables <u>ing</u> d) Provides <u>ing</u> e) Continues <u>ing</u> Alternatively, the leading sentence could be changed to make it read accordingly. |
| SD-UDF-O1 | Township Network definition is missing a hyperlink and is also not listed in the definitions section. | |
| NH-R2.1 | The rule requirement references are missing from this rule. | |
| CE-R3.11 | The word “not” appears to be missing from condition (c). | Insert “not”: The building or structure is <u>not</u> within the Coastal Erosion Overlay area |
| UG-P7(b)(ii) | Using the words ‘with’ rather than ‘within’ could imply that land alongside a KAC or Industrial, Port, Knowledge or Commercial and Mixed-Use Zone is captured by this policy. As opposed to land “within” these areas. | Amend with to within: Consolidated <u>within</u> a KAC or <u>within</u> existing Industrial, Port, Knowledge or Commercial and Mixed-Use Zones. |