



PUBLIC AGENDA

FOR THE MEETING OF

DISTRICT PLAN COMMITTEE

TO BE HELD AT THE

SELWYN DISTRICT COUNCIL OFFICES,
COUNCIL CHAMBERS

ON WEDNESDAY 19 FEBRUARY 2020

COMMENCING AT 1:00 PM

Committee Members

Chair

Tim Harris Group Manager Environmental and Regulatory Services

Selwyn District Council

Mayor Sam Broughton

Councillor Mark Alexander

Councillor Jeff Bland

Councillor Debra Hasson

Councillor Murray Lemon

Councillor Malcolm Lyall

Councillor Grant Miller

Councillor Bob Mugford

Councillor Nicole Reid

Councillor Jenny Gallagher

Councillor Shane Epiha

Councillor Sophie McInnes

Te Taumutu Rūnanga

Hirini Matunga

Environment Canterbury

Councillor Craig Pauling

Te Ngāi Tūāhuriri Rūnanga

Tania Wati

Project Sponsor

Jesse Burgess
Phone 347-2773

Project Lead

Justine Ashley
Phone 027 285 9458

Agenda Items

Item	Page	Type of Briefing	Presenter(s)
Standing Items			
1. Apologies	4	Oral	The Chair
2. Declaration of Interest	4	Oral	
3. Deputations by Appointment	4	Oral	
4. Outstanding Issues Register	4	Written	
5. Confirmation of Minutes	4	Written	
Specific Reports			
6. Update on draft Proposed District Plan programme	5-56	Written	Justine Ashley
7. Communication Strategy for formal public consultation	57-68	Presentation	Katrin Johnston
8. West Melton Rifle Range <ul style="list-style-type: none"> • Update report 	69-99	Written	Vicki Barker
9. Resolution to exclude the public <ul style="list-style-type: none"> • Natural Hazards – Flooding Preferred Option Report and Communications and engagement summary • Natural Hazards – Report on Draft Flooding Provisions • Natural Hazards – Coastal Hazards Preferred Option Report and Updated Communications and engagement summary • Natural Hazards – Report on Draft Coastal Hazards Provisions 	100-101	Written	The Chair

Standing Items

1. APOLOGIES

2. DECLARATION OF INTEREST

Nil.

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. OUTSTANDING ISSUES REGISTER

Nil.

Subject	Comments	Report Date / Action	Item Resolved or Outstanding
-	-	-	-

5. CONFIRMATION OF MINUTES

Nil.

Specific Reports

6. Update on draft Proposed District Plan programme

Author:	Justine Ashley (District Plan Review Project Lead)
Contact:	(03) 347 2811

Purpose

To provide the Committee with an update on the draft Proposed District Plan programme and to outline the steps prior to formal public notification.

Recommendation

“That the Committee notes the report.”

“That the Committee notes the recommended changes to draft provisions (in Appendix 2) since they were last presented to DPC at the Chapter/Topic Workshop, subject to any further amendments agreed by DPC.”

Attachments

‘Update on draft Proposed District Plan programme’ report

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 February 2020

PURPOSE: Update on draft Proposed District Plan programme

PREPARED BY: Justine Ashley, District Plan Review Project Lead

EXECUTIVE SUMMARY

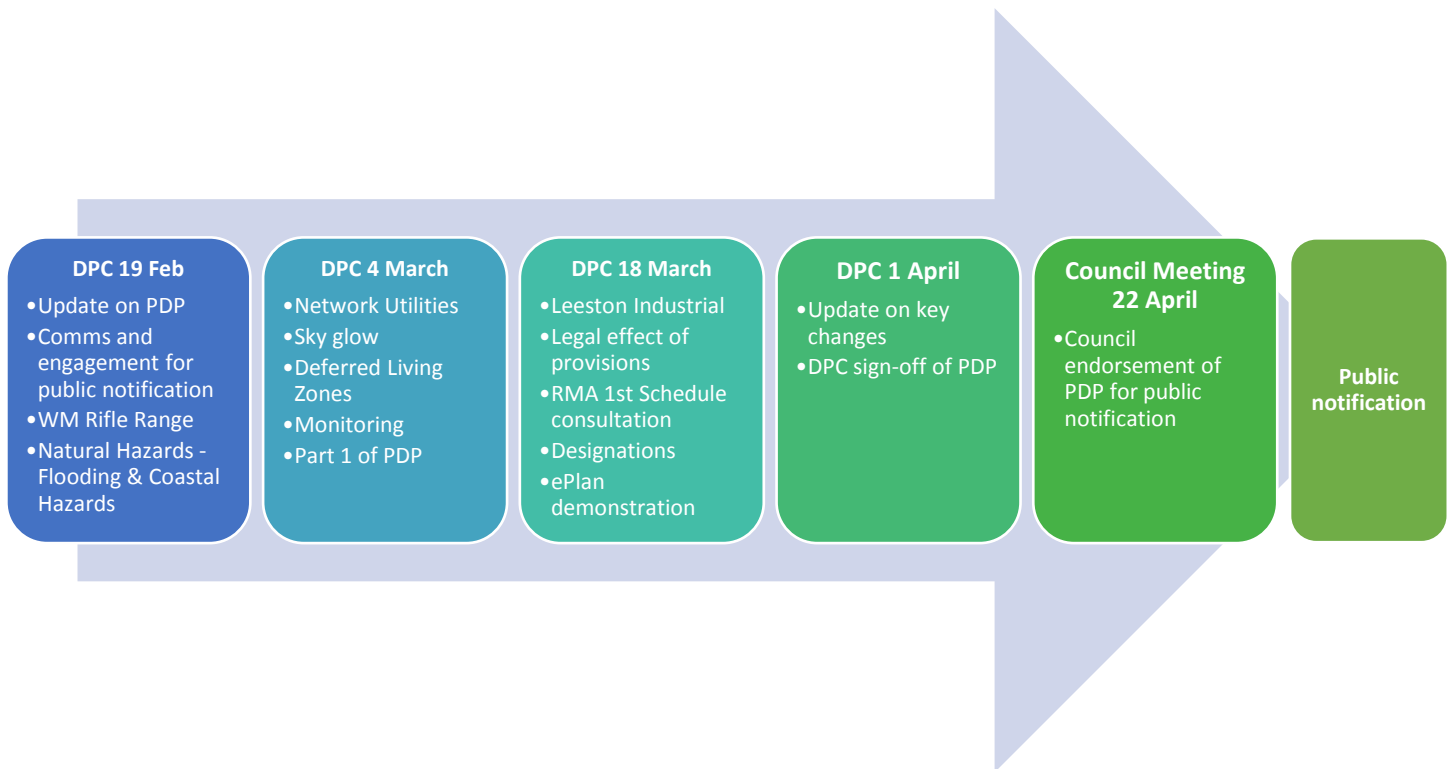
<i>Purpose</i>	To provide the Committee with an update on the draft Proposed District Plan programme and to outline the steps prior to formal public notification.
<i>Recommendations</i>	<ol style="list-style-type: none"> 1. That the Committee notes the report. 2. That the Committee notes the recommended changes to draft provisions (in Appendix 2) since they were last presented to DPC at the Chapter/Topic Workshop, subject to any further amendments agreed by DPC.
<i>Recommendations/amendments post DPC workshop:</i>	



1.0 Update on draft Proposed District Plan

1.1 Overview

The draft Proposed District Plan (**PDP**) provisions and associated s32 evaluation reports are continuing to be refined, integrated and 'road tested' ahead of public notification in May 2020. An overview of the draft work programme (through to public notification) is outlined below.



The list of contents of the draft Proposed Plan is contained in **Appendix 1**. It is intended that DPC are provided with a demonstration of how to use the ePlan at the workshop scheduled for 18 March 2020. Each Committee member will be provided with a link to the draft ePlan as part of this workshop agenda.

1.2 Workstreams still in progress

The following topic areas are still being progressed and will therefore need to be endorsed by DPC prior to the formal notification of the Proposed Plan:

- the **flooding and coastal hazard components** of the Natural Hazards Chapter, both of which have been awaiting completion of technical modelling reports (on DPC agenda for **19 February 2020**);
- the **rezoning of industrial land in Leeston** and the **upliftment of the deferred zoning** status on residential zoned land in Leeston and Darfield, due to the time required to commission technical assessments, preparation of Outline Development Plans and the need for landowner/stakeholder engagement to be undertaken (scheduled for DPC agendas on **4 and 18 March 2020**);

- confirmation of the approach to be taken for managing the effects of lighting on **sky glow** (scheduled for DPC agenda on **4 March 2020**); and
- the **Designations** Chapter, which is subject to statutory timeframes leading up to the notification of the Proposed Plan (scheduled for DPC agenda on **18 March 2020**).

All draft provisions are otherwise continuing to be refined and integrated ahead of endorsement by DPC, which is scheduled for **1 April 2020**.

2.0 Key changes in draft provisions

The table in **Appendix 2** to this report provides a list of any notable recommended changes to draft provisions since they were last presented to DPC at the Chapter/Topic Workshop, and the reasons for those changes. These amendments have been incorporated into the current draft version of the Proposed District Plan. Any feedback from DPC on these changes can be addressed as part of the current refinement/testing phase.

3.0 Te Taumutu Rūnanga Advisory Group feedback

Council received feedback on draft provisions, including the Tangata Whenua chapter of the Proposed Plan, from Te Taumutu Rūnanga Advisory Group on 11 October 2019. A follow-up workshop was held between Topic Leads and Mahaanui Kurataiao Ltd consultant planner, Sandra McIntyre, on 12 November 2019 to discuss technical aspects of the feedback. A summary of the feedback received and subsequent analysis by the Topic Lead is contained in the tables in **Appendix 3**.

The Advisory Group feedback is summarised as follows:

1. Support for draft provisions that identify and protect **Sites and Areas of Significance to Māori**, subject to minor text amendments and some amendments to the spatial extent of some streams/creeks identified as Nga Wai Sites;
2. Support for specific policy direction to recognise the cultural importance of **springs** and a commitment from SDC to undertake further work to ground truth and protect Ngai Tahu values associated with springs;
3. Recognition of general provisions that protect **indigenous vegetation**, while providing for the harvesting of **mahinga kai** as a permitted activity (note on-going dialogue with MKT regarding use of, and wording for the term mahinga kai);
4. Acknowledgement of the overlap between SDC and ECan in addressing **water quality** issues, particularly in terms of the need for the District Plan to **avoid duplication** with the Land and Water Regional Plan, including ECan's recently notified Plan Change 7, and the requirement to give effect to the upcoming National Policy Statements for Freshwater Management (revised) and Indigenous Biodiversity (new).

5. Support for provisions that recognise and provide for mana whenua's relationship with the values of the **Coastal Environment**, including provision of access, when considering resource consent and/or plan change applications for new development within the Coastal Environment;
6. Support for the creation of a new **Maori Purpose Zone** to enable the use of Māori land for kāinga nohoanga, including residential and associated business development, while recognising the environmental constraints that apply to this land (i.e. susceptibility to **flooding and coastal inundation**). Further work between the Topic Lead and MKT is underway to refine the draft provisions that apply to this zone;
7. Support for provisions that require **setbacks from waterbodies**, including those identified specifically as a 'Site and Area of Significance to Māori' and those otherwise covered by the requirement to protect the natural character of all waterbodies. The setbacks apply to buildings, earthworks and certain types of planting (e.g. horticultural planting, woodlots and shelter belts – note that Plantation Forestry is managed under a National Environmental Standard and additional waterbody setbacks are administered by ECan).
8. Support for on-going **partnership** with Rūnanga, including the continuation of the Biodiversity Working Group (in some shape or form), continuing dialogue with MKT to refine drafting, sharing of Natural Hazard information, and formal engagement with iwi authority.

The draft provisions have been updated in response to feedback from the Advisory Group, with a few specific matters being the subject of on-going engagement via MKT. These matters, which were identified by Mr David Perenara O'Connell at a hui with Council at Ngāti Moki marae on 5 December 2019, relate to:

1. The definition of customary practice/mahinga kai;
2. Clarification of the request by Rūnanga to identify additional wāhi taonga management sites, including those where affected landowners have not been notified through the earlier engagement phase;
3. The need for a buffer area around listed Sites and Areas of Significance to Māori. The original MKT report suggested a 200m buffer around listed SASM, however there appears to be insufficient justification for the inclusion of a buffer;
4. Subdivision/use of 'General Land' (i.e. not Maori Reserve Land) in the Maori Purpose Zone (Kainga Nohoanga);
5. The recognition of Ngāi Tahu history within the Historic Heritage Chapter (to be undertaken);
6. Constraints on Rūnanga activities associated with re-directing coastal drains for restoration works and the associated costs and complexities of needing resource consents from both ECan and SDC.

At this stage, Topic Leads are awaiting advice from MKT as to how these matters may be resolved prior to notification.

4.0 RMA First Schedule consultation

The First Schedule of the RMA requires Council to undertake pre-notification consultation with identified parties during the preparation of a proposed district plan. This 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.

A summary of the First Schedule consultation feedback received and the nature of any subsequent amendments to draft provisions will be reported to DPC on 18 March 2020.

5.0 Next steps

Aside from continuing to work on draft chapters and s32 evaluation reports over the next 6 weeks, other priorities for the DPR Project Team include:

- the development of an in-house submissions data management software to be used for the formal notification and further submission phases;
- linking the ePlan chapters to the draft Planning Maps to enable provisions to be filtered on a per property basis and improving the overall functionality of the ePlan;
- providing technical input into the development of communication and engagement material for public notification, as well as providing support during the pre-notification Natural Hazards engagement phase; and
- working alongside the Proposed District Plan Hearings Panel in preparation for the hearing of submissions phase.

6.0 Conclusion

The current version of the draft provisions and supporting s32 evaluation reports are a 'working draft' as they continue to be subject to on-going refinement as a result of road-testing live resource consent applications, further integration across chapters, formatting into an ePlan, and to incorporate the last of the outstanding workstreams and any further feedback from the Advisory Group, Iwi Authority and other statutory bodies.

A summary of key amendments to the draft provisions since they were last presented to DPC is provided in **Appendix 2**. A similar approach will be taken in terms of reporting any key amendments occurring between now and 1 April 2020, when DPC endorsement will be sought prior to formal adoption of the Proposed Plan by full Council on 22 April 2020. This will be followed by adoption of the Proposed Plan for notification by full Council, which initiates the First Schedule RMA submission, further submission, hearing and recommendation/decisions process.

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

Appendix 1

Contents of draft Proposed District Plan

PART 1 INTRODUCTION AND GENERAL PROVISIONS

INTRODUCTION

Chapters:	Mihi (TBC)
	Purpose
	Description of the District
	Statutory Context

HOW THE PLAN WORKS

Chapters:	General Approach
	Relationships between spatial layers

INTERPRETATION

Chapters:	Definitions
	Abbreviations

NATIONAL DIRECTION INSTRUMENTS

Chapters:	National policy statements
	National environmental standards
	Regulations

TANGATA WHENUA/MANA WHENUA

Chapters:	Tangata Whenua
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PART 2 DISTRICT WIDE MATTERS

STRATEGIC DIRECTIONS

Chapters:	Directions overview
	District identity
	Infrastructure, risk and resilience
	Mana whenua values
	Urban form and development

ENERGY, INFRASTRUCTURE AND TRANSPORT

Chapters:	Energy
	Network Utilities Infrastructure
	Transport

HAZARDS AND RISKS

Chapters:	Contaminated land
	Hazardous substances
	Natural hazards

HISTORICAL AND CULTURAL VALUES

Chapters:	Historical heritage
	Notable trees

Sites and areas of significance to Māori

NATURAL ENVIRONMENT VALUES

Chapters:	Ecosystems and indigenous biodiversity
	Natural character
	Natural features and landscapes
	Public access

SUBDIVISION

Chapters:	Subdivision
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GENERAL DISTRICT-WIDE MATTERS

Chapters:	Activities on the surface of water
	Coastal environment
	Earthworks
	Light
	Noise
	Signs
	Temporary activities
	Urban growth

PART 3 AREA SPECIFIC MATTERS

ZONES

Chapters:	Sections:
Residential zones	Residential zones
	Large lot residential zone
	Low density residential zone
	General residential zone
	Settlement zone
Rural zone	General rural zone
Commercial and mixed use zones	Commercial and mixed use zones
	Neighbourhood centre zone
	Local centre zone
	Large format retail zone
	Town centre zone
Industrial zones	General industrial zone
Special purpose zones	Grasmere zone
	Māori purpose zone
	Knowledge zone
	Dairy processing zone

	Terrace Downs zone
	Porters Ski zone
	Port zone

DESIGNATIONS

Chapters: [Insert name of requiring authority] – to come

PART 4 APPENDICES AND MAPS

Chapters: Appendices

Maps

Appendix 2

Overview of recommended changes to draft provisions

Appendix 2: Overview of recommended changes to draft provisions

The following table provides a list of any notable recommended changes to draft provisions since they were last presented to the District Plan Committee at the Workshop on 24 July 2019:

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
Subdivision	SUB-O1 The subdivision of land for various purposes is recognised and provided for	Remove this objective, consequential renumbering	This objective doesn't add anything that isn't already addressed by the other objectives
Subdivision	<p>SUB-P3 Other than infrastructure or reserve sites, ensure that every site created by subdivision on which a building may be erected has all of the following features:</p> <ol style="list-style-type: none"> 1. Access to sunlight 2. Adequate size and appropriate shape to contain a building square 3. In Residential Zones, adequate size, shape, orientation and access for outdoor living space 4. In Commercial and Mixed Use Zones, General Industrial Zone, Dairy Manufacturing Zone, Knowledge Zone and Port Zone, adequate size and shape for car parking and storage space 5. Access to infrastructure and facilities consistent with those required for the intended use of the site 6. Sufficient provision of and access to suitable water supply for firefighting 	<p>Add</p> <p>9. Access to an existing reticulated stormwater system or sufficient suitable land to accommodate effective on-site stormwater management.</p>	To emphasise the need to consider stormwater at subdivision stage. Requested by Mahaanui.

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
	<p>purposes, consistent with that required for the intended use of the site</p> <p>7. In those areas of the General Rural Zone and Maori Purpose Zone where a reticulated water supply is unavailable, sufficient suitable land to accommodate on-site potable water supply</p> <p>8. In the General Rural Zone, Maori Purpose Zone and in those townships without a reticulated wastewater disposal network, sufficient suitable land to accommodate on-site wastewater treatment and disposal</p>		
Subdivision	Emergency services facility sites are subject to all zone requirements, including site size.	Add a rule (SUB-R12) to provide for subdivision to create emergency services facility sites as a Controlled activity	To provide a more straightforward consenting path for these sites, which have more servicing requirements than reserves, but require more site size flexibility than general sites.
Subdivision	Updating cross leases, company leases and unit titles are subject to all zone requirements	Add a rule (SUB-R13) to provide for updating cross leases, company leases and unit titles as a Controlled activity	To provide a more straightforward consenting path when these forms of title need to be updated to reflect new building work that has occurred on the site since the survey plan was drawn.
Subdivision	Subdivision within the Māori Purpose Zone has a minimum lot size of 650m ² , to provide for kāianga nohoanga development	Update provisions (SUB-REQ1.14) to provide for 20ha development of General Māori Land, within the Māori Purpose Zone, equivalent to its surrounding rural zone.	Kāianga nohoanga development will occur on land subject to Te Ture Whenua Act, so Plan does not need to make provision for it in the subdivision chapter.

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
Rural – Scheduled sites	Provision for the Brink's Chicken and Feedco Feedmill as scheduled sites.	Removing specific scheduling for these activities, and having the general primary industrial provisions address future development.	The scheduling of these sites would have rendered future expansion as a discretionary activity, which is the same as if these activities were to be assessed under the primary industry provisions. Therefore, any scheduling becomes unnecessary duplication.
Rural – Farm quarrying	Not provided for	Include a permitted exemption for farm quarrying where the area of excavation is less than 1,500m ² . Also include a definition of 'farm quarrying'.	To provide for small scale on-site quarrying needed for rural production.
Light	LIGHT-R4 Temporary Activity	New rule that permits artificial outdoor lighting associated with temporary activities which operates between 7am and 10pm only. Lighting operating outside these time frames needs to comply with the light spill standards in LIGHT-R1.	<p>Provision for lighting associated with temporary activities was a gap in the draft that needed to be addressed.</p> <p>Proposed approach similar to CCC. Approach is considered justified as the activities are temporary in nature and the Light provisions reflect the NZ Standard which recognises 10pm as the cut-off time when the light lux levels need to be reduced. Also proposing a 10pm shut-off for public recreational lighting so this approach to temp lighting would fit and would not significantly undermine the sky glow provisions. The Operative Plan also provides an exemption for lighting in the rural provisions.</p>

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
Public access	PA-R1 The creation of an esplanade strip outside of subdivision is a controlled activity	Delete rule	The creation of esplanade strips outside of subdivision is managed by s235 RMA. Rule not required.
Public access	PA-R2 The creation of an access strip outside of subdivision is a controlled activity	Delete rule	The creation of access strips outside of subdivision is managed by s237B RMA. Rule not required.
Network Utilities: Subdivision and Significant Electricity Distribution Lines (Orion)	Previously a resource consent was triggered by a subdivision proposal within <u>32m of the centreline</u> of Significant Electricity Distribution Lines.	The trigger for subdivision has now been reduced to <u>14m of the centreline</u> . Orion has agreed to this change on the basis that it is consistent with the approach of Transpower.	This change reduces consenting costs on landowners.
Visitor Accommodation	Previously in Living / Residential Zones it was permitted if the proprietor lived on-site for up to five guests	Remove requirement for proprietor to live on-site	This simplifies the provisions and recognises the difficulty in enforcing it. Further, the extent to which home share accommodation is an issue in SDC is limited. Generally, the growth of home share accommodation across the country and that the issue is related to other legislation, notably the Building Act 2004, means it requires national level direction, which is being sought by councils nationwide.
Historical Heritage	HH-R2 – Earthquake Strengthening. Previously HH-R2 only related to providing for Earthquake strengthening (as a Controlled Activity)	Add an additional activity to be managed under HH-R2 Earthquake Strengthening and Customer Connections; as a Controlled Activity – Provide for <u>customer connection to network utilities (either underground or overhead)</u>	Heritage buildings often require telecommunication connections to ensure their practical use and to also ensure their reuse and ongoing protection. Unless the change is made any such connection would

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
			be assessed as a Restricted Discretionary activity (as an alteration and addition).
Notable Trees	TREE-O1 – Particular trees of significance within a District contribute to amenity values and provide links to biodiversity and historical values. These trees commonly are large and older in age and are often associated with historic sites or commemorate key events in the District's history. The purpose of identifying protected trees is to protect these trees and groups of trees from damage or destruction resulting from development.	Amend TREE-O1 to read: "The contribution of significant trees to the character, ecological, visual, historical, or amenity values of the District, and the quality of the rural and urban environments is maintained."	Objective re-written as a desired outcome in line with best practice, and drafted so it more accurately reflects the outcomes being sought in the Policies and Rules (i.e. not outright protection as previously articulated).
Ecosystems and Indigenous Biodiversity	EIB-R1 Clearance and Planting of Indigenous Vegetation Generally	Deleted	Conservation activity, which includes planting of indigenous vegetation now provided for as a Permitted activity in the General Rural Zone. No need to retain in this chapter.
Ecosystems and Indigenous Biodiversity	EIB-R7 – Works Affecting Indigenous Fauna Habitat. EIB-R7.1. Clearance of any vegetation (indigenous or exotic) or earthworks, other than any plant pest species identified in the Regional Pest Management Plan, is undertaken within any specified water race, drain or pond as shown on Map A or Map B, in EIB-APP-3.	Provisions referencing Map B in EIB-App-3 (long fin eel protection areas) to be removed.	This part of the rule focused on managing clearance of vegetation only on the public water race and drainage network. There was insufficient evidence provided to justify only focusing on this network, which makes up approximately 33% of the potential long fin eel habitat, while ignoring the remaining long fin eels habitat. In addition, alternative approaches to resolving the issue other than through rules in the Proposed District Plan may be more

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
	<p>EIB-R7.2. Clearance of any trees or shrubs (indigenous or exotic), other than any plant pest species identified in the Regional Pest Management Plan, where the tree/shrub is over 1m in height and is located within 1.5m of any specified water race, drain or pond as shown on Map A or Map B, in EIB-APP-3.</p> <p>EIB-APP-3 Specified Protection Areas Map B: Long Fin Eel Protection Areas</p>		efficient and effective, such as through water race and drain management plans and improving drain management practices.
Ecosystems and Indigenous Biodiversity	<p>EIB-R10 Potential Pest Species:</p> <p>EIB-R10.1. Planting a suite of plant pest species anywhere in the District is a Non Complying activity</p> <p>EIB-R10.2. Planting a different suite of plant pest species within any ONL area, or in the Hill and High Country Areas identified in EIB-App-6 is a Non Complying activity</p>	<p>The suite of pest plant species subject to the Potential Pest Species rules has been rationalised.</p> <p>In addition, the rule has been amended to manage pest plant species only in the rural area, Outstanding Natural Areas, and urban areas within ONL Areas (i.e. Castle Hill and Arthurs Pass) rather than all urban areas</p>	<p>The Regional Pest Management Plan manages many pest plants species identified in the earlier version of the Draft Plan. To avoid duplication, only those pest plant species <u>not</u> managed by the Regional Pest Management Plan have been listed in the latest draft of the Proposed Plan. In addition, it is felt that the rules should only focus on planting of potential pest plant species in rural areas, ONL Areas and urban areas located within ONL Areas, rather than all of the District's urban areas due the heightened risks planting pest plants in these urban areas poses rather than in other urban areas of the District.</p>
Ecosystems and Indigenous Biodiversity	Not previously provided for	New Schedule – EIB-SCHED 5 – Framework for Biodiversity Offsetting	The previous version of the Draft Proposed Plan did not provide any guidance or a framework to assist with the

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
		Associated new definition for Biodiversity Offset	implementation of the concept of biodiversity offsetting as articulated in EIB-P11.
Coastal Environment	Not previously provided for	Add new Policy CE-P9 managing subdivision, use and development within high hazard areas that are subject to coastal erosion or flooding,	National Planning Standards requires provisions relating to Natural Hazards in the Coastal Environment be included in the Coastal Environment Chapter
Coastal Environment	Not previously provided for	CE-SCHEDULE 1 – Outstanding Natural Character Area – Natural Character Qualities and Values; and CE-SCHEDULE 2 – High and Very High Natural Character Areas – Natural Character Qualities and Values.	Provides specific guidance as to what the specific qualities of the relevant Natural Character Areas during consideration of applications for consent under relevant rules.
Coastal Environment	Not previously provided for	CE-SCHEDULE 3 – Coastal Environment – Indigenous Vegetation Areas, Habitats and Taxa.	Gives effect to direction from the New Zealand Coastal Policy Statement 2010 relating to indigenous biodiversity in the coastal environment. The direction in the NZCPS relating to indigenous biodiversity are quite specific and different from the policy direction relating to management of indigenous biodiversity in the RPS.
Natural Character	Not previously provided for	Insert new policies: NATC-P1 – Recognise that the following natural elements, patterns, processes and experiential qualities contribute to the natural character qualities of surface water bodies:	Additional policies to provide direction relating to what specific elements contribute to natural character qualities of surface water bodies, along with recognition of the cultural significance of surface water bodies to Ngāi Tahu.

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
		<p>a. areas or surface water bodies in their natural states or close to their natural state;</p> <p>b. freshwater landforms and landscapes;</p> <p>c. coastal or freshwater physical processes, including the movement of water and sediment;</p> <p>d. biodiversity;</p> <p>e. biological processes and patterns;</p> <p>f. water flows and levels, and water quality;</p> <p>and</p> <p>g. the experience of the above elements, patterns and processes.; and</p> <p>NATC-P2 Recognise the cultural significance of surface water bodies and their margins to Ngai Tahu, and manage the effects of land use activities to ensure they do not adversely affect taonga species, mahinga kai or Ngāi Tahu customary uses and other cultural values.</p>	
Natural Character	NATC-SCHED 2.1 – Surface water bodies where activities are subject to setbacks greater than 10m	Add: Rakaia River; and Waimakariri River	Setbacks of activities from the Rakaia and Waimakariri Rivers were previously only 10m. This is unlikely to adequately manage effects on natural character given the nature and scale of these two rivers, and is inconsistent with setbacks from the other braided river in the District (the Selwyn, which has setbacks of 20m/25m).

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
Natural Features and Landscapes	NFL-R2 – Rural or Residential buildings NFL-R4 – Public Amenity Buildings/Structures	Restructured/Deleted. New NFL-R1 – Buildings	No need to manage buildings through specific building activity rules. Underlying Zone manages the activity (i.e. residential activity or rural activity), while overlay chapter manages the effects of the building.
Natural Features and Landscapes	Not previously provided for	NFL-SCHED 1 – Outstanding Natural Landscape Areas – Values and Attributes NFL-SCHED 2 – Visual Amenity Landscape Areas – Values and Attributes	Provides specific guidance as to what the specific values and attributes are for each ONL and VAL area during consideration of applications for consent under relevant rules.
Sites and Areas of Significance to Maori	SASM-O2	Deleted	Duplicated SASM-O1 but with different words
Sites and Areas of Significance to Maori	SASM-P2	Deleted	Duplicated SASM-P1 but with different words. Rūnanga have identified the Nga Tūranga Tūpuna area as a site of significance. SASM-P1 address this
Sites and Areas of Significance to Maori	SASM-P5	Deleted	Does not address a key aspect of the SASM chapter which is the protection of Sites and areas of Significance to Maori. Facilitation for enhancement of these values would be better achieved through other mechanisms, such as Annual or Long Term Plans
Sites and Areas of Significance to Maori	SASM-R2 New Buildings and Structures within a SASM as a Maunga	Amend so any building or structure built within any SASM identified as a Maunga is assessed as a Non-Complying activity (previously Discretionary activity)	Aligns more closely with NFL provisions for similar localities (i.e. mountains), where any buildings/structures within an ONL that

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
			breach activity standards are assessed as non-complying activities
Sites and Areas of Significance to Maori	SASM-R3 – Earthworks	Add to reformatted Earthworks rules: SASM-R2.1 <u>Earthworks for interments in a burial ground, cemetery or urupā</u> as a Permitted activity where the activity is located within a SASM listed in SASM-SCHED1 that is within a Maori Purpose Zone	Avoids any potential conflicts with the Earthworks Chapter rules
Sites and Areas of Significance to Maori	SASM-R3 – Earthworks within SASM identified in SASM-SCHED1	Add <u>or SASM-SCHED2</u> Add to reformatted Earthworks rules: SASM-R2.2b. <u>The activity is not subject to SASM-R2.1a or TRAN-R9</u>	Clarifies that the earthworks rules apply to any SASM listed in SASM-SCHED 1 (Wāhi Tapu and Wāhi Taonga), and in SASM-SCHED (the Nga Tūranga Tūpuna area). Ensures that activities managed by SASM-R2.1a and TRAN-R9 are not exempt from their respective rules.
Sites and Areas of Significance to Maori	SASM-R5 & R6 – Industrial Activity in SASM	Deleted	Managed in the underlying General Rural Zone chapter (as a Non-Complying activity)
Sites and Areas of Significance to Maori	SASM-R7 – Intensive Primary Production	Amend in re-formatted rule SASM-R4: Any Intensive Primary Production within a SASM listed in SASM-SCHED 1 (Wāhi Tapu or Wāhi Taonga) is a Restricted Discretionary activity	Resolves earlier error in interpreting associated rule in the General Rural Zone chapter. More appropriately manages the effects of these activities on ‘tier 1’ culturally significant sites
Sites and Areas of Significance to Maori	SASM- SCHED1.1 SASM- SCHED2.1	Restructured: SASM-SCHED 1 identifies Wāhi Tapu and Wāhi Taonga sites. Deletes Nga Wai sites (added to new SASM-SCHED 3)	Simplifies the Proposed Plan.

Chapter/Topic	Previous version of draft provisions	Recommended change to draft provisions	Reason for recommended change
		<p>SASM-SCHED 2 – identifies the Nga Tūranga Tūpuna area)</p> <p>New SASM-SCHED 3 – Identifies Nga Wai sites. Recognises these sites as Sites of Significance to Ngāi Tahu, but no specific rules in the SASM Chapter managing activities within these sites.</p>	<p>Activities within Nga wai (surface water bodies) are managed through the Land and Water Regional Plan.</p> <p>The Natural Character chapter manages setbacks of activities from surface water bodies.</p>

Appendix 3

Summary of feedback received from Te Taumutu Rūnanga Advisory Group

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY CHAPTER

Provision	MKT Feedback/Recommended Amendment	Recommendation/Notes
Definition of Improved Pasture: <i>Improved pasture 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>	<i>This is open to interpretation – needs to be clearer as to what ‘largely absent’ means. This should be defined in a way that excludes any viable habitats</i>	<p>Definition developed by Biodiversity Working Group in the absence of national direction through NPS and in full knowledge of the short comings and various different approaches in other plans. May be resolved through an alternative improved pasture definition as a result of the NPS on Indigenous Biodiversity</p> <p>Recommendation is to leave this for now and deal with issues at the time of submissions in the hope that we have national direction by then.</p>
<p>The Port Hills area within the Selwyn District has a mix of indigenous tussock, exotic trees, modified pasture and regenerating indigenous bush. Most of the original native forest which stood on the Port Hills was <u>burned by Polynesian fires or</u> cleared by early European settlers.</p> <p>Today there are <u>many</u> areas of regenerating bush on the Port Hills and some small areas of original forest.</p>	<i>Have suggested deleting – my understanding is that most of the forest was cleared in the early days of pakeha settlement</i>	<p>Agree – Has been amended in subsequent drafts</p>
<p>The importance of retaining indigenous vegetation extends beyond the areas which meet the criteria of being significant. Indigenous vegetation generally is important because it has the following functions:</p> <ul style="list-style-type: none"> • to form and maintain soil and underpin other ecological processes; • to provide habitat for native species; • to intercept, control and filter runoff and maintain freshwater ecological processes; • to contribute to landscape values and amenity; • <u>to support and sustain mahinga kai</u> • to provide for cultural, recreational and educational opportunities; and • to contribute to economic wellbeing through activities such as grazing, beekeeping and tourism. 	<i>Have suggested specific reference to give more emphasis than just under ‘cultural’ reference below</i>	<p>Agree – Has been amended in subsequent drafts</p>
<p>EIB-O2 Recognition of Ngāi Tahu <u>relationship and values</u></p> <p>The relationship of Ngāi Tahu whānui, and their customs and traditions, with indigenous biodiversity is recognised and provided for, <u>including through:</u></p> <p>(a) <u>facilitation and support for exercise of kaitiakitanga in relation to indigenous species and habitats, and</u></p> <p>(b) <u>maintenance, enhancement and restoration of habitats that sustain mahinga kai, and</u></p> <p><u>enabling customary use of taonga species.</u></p>	<i>This objective does little more than restate RMA s6(e) requirements – have suggested adding detail to provide more clarity about what is required</i>	<p>Agree – Has been amended in subsequent drafts</p>
<p>EIB-P3 Listing of Significant Natural Areas</p> <p>List in the District Plan areas of significant indigenous vegetation and significant habitats of indigenous fauna and identify these <u>and as</u> SNAs on the Planning Maps, <u>where this is agreed with the land owner.</u></p>	<i>Limiting identification (and consequent protection to areas where the landowner agrees means that areas that may be at the greatest risk of destruction are less likely to be included, resulting in loss of significant biodiversity.</i>	<p>Policy developed by the Biodiversity Working Group. Advice from Ecan indicates voluntary listing of SNA's in the Plan is giving effect to the RPS.</p> <p>NPS on Indigenous Biodiversity may require the Plan to list all SNAs, but recommendation for now is to retain proposed policy as developed by the Working Group</p>
<p>EIB – P4 Anticipated Activities</p> <p>Provide for some specified small scale, low impact activities that impact on indigenous biodiversity values, where these are of wider environmental or community benefit, or recognise continuation of existing activities.</p>	<p><i>The scope of what could be interpreted as “community benefit” is unclear – need to clarify what it is intended to provide for – could provide for temporary structures related to mahinga kai, but could also provide for more intrusive activities</i></p> <p><i>The connection of EIB-P4 (above) to Policy 11.4.21 LWRP is not very clear, and I have suggested a separate policy more clearly directed to this. (Policy 11.4.21 is: Enable catchment restoration activities that protect springheads, protect, establish or enhance plant riparian margins, create restore or enhance wetlands</i></p>	<p>The wording sought by MKT is immaterial to the policy or the rules.</p> <p>Permitted activities provided for under this policy include a range of reasons which are encompassed by the wording in the policy. The rules essentially define what the community and environmental benefits are and cannot be interpreted beyond that.</p>

	<p><i>and target removal of macrophytes or fine sediment from waterways.)</i></p> <p><i>Suggested Policy Wording as follows: <u>Policy EIB-P??</u></i></p> <p><u>Enable activities that protect springheads, establish or enhance planting of indigenous species in riparian margins, and restore or enhance the ecological and cultural values of wetlands.</u></p>	
<p>EIB-P10 Maintenance and Enhancement of Indigenous Biodiversity Values</p> <p>Promote the overall maintenance and enhancement of Selwyn’s indigenous biodiversity</p>	<p><i>The rūnanga have suggested the addition of values</i></p>	<p>Agree – Has been amended in subsequent drafts</p>
<p>EIB-P11 Biodiversity Offsetting and Environmental Compensation</p> <p>Consider biodiversity offsets and environmental compensation as part of resource consent applications only where residual adverse effects cannot otherwise be avoided, remedied or mitigated, and the offset <u>is within the same catchment or habitat and</u> will achieve at least no net loss <u>a net gain</u> of indigenous biodiversity.</p>	<p><i>This suggested amendment would move us towards enhancement rather than just maintaining the status quo</i></p>	<p>We agree amending the Policy as suggested would be more positive and productive but the change is not possible as the wording is dictated by the CRPS.</p>
<p>EIB-P12</p> <p>Enable the removal of indigenous vegetation for customary purposes, in accordance with tikanga protocols, and where approved by Nga Rūnanga the relevant papatipu rūnanga.</p>	<p><i>This policy provides for customary use. Ngāi Tahu values also relate to protection of habitats and species which are addressed in other policies. Using that heading here could discount those other values.</i></p> <p><i>Given small scale of activities as indicated by rūnanga, suggest that requirement for approval by Rūnanga is deleted.</i></p>	<p>E-Plan does not use headings for Objectives and Policies</p> <p>Noted – Has been amended in subsequent drafts</p>
<p><i>Policy EIB-P13</i></p> <p>Encourage and support Nga Rūnanga, landowners / land managers and the community to protect, create and enhance indigenous biodiversity <u>and mahinga kai</u> values, through co-operation and a range of non-statutory options and protection mechanisms.</p>	<p>Aren’t the mahinga kai values simply part of wider biodiversity values? However no real problem to include this.</p>	<p>Agree – Has been amended in subsequent drafts</p>
<p>Rule 2</p> <p>Permitted Std:</p> <p>Clearance of indigenous vegetation where it has been planted primarily for purposes other than biodiversity values, e.g. water quality or erosion control.</p> <p>Clearance of indigenous vegetation where specified <u>in an approved a biodiversity management plan that has been prepared in accordance with the requirements of APP-2 and approved as part of a resource consent for the site.</u></p>	<p><i>I’ve suggested this be deleted – the functions of holding soil and filtering run-off have been identified in the introduction to the chapter as some of the important functions of indigenous vegetation, so it doesn’t make sense to permit activities that would undermine these functions</i></p> <p>Suggest amendment to make it totally clear that ‘approved’ means the management plan has to have gone through the consent process</p>	<p>This relates specifically to where vegetation has been planted for a specific purpose, and where it no longer serves that purpose and landowners need to be able to respond to the changed situation.</p> <p>Agree – Has been amended in subsequent drafts</p>
<p>Rule 3</p> <p>Permitted Std:</p> <p>Clearance of indigenous vegetation for maintenance, repair or replacement <u>(at the same location and scale)</u> of existing fences, vehicle tracks, roads, walkways, firebreaks, drains and man-made ponds (except as specified in EIB-R8) or dams, waterway crossings, flood protection works administered by a Regional or Territorial Authority, or utilities, <u>provided that the clearance does not occur at a distance of more than 2m from the structure or work being maintained, repaired or replaced.</u></p>	<p><i>I think this is meant to be EIB-R7, which is the rule controlling clearance at the margins of ponds and drains identified as habitat for eels, mudfish or grebes</i></p> <p><i>Suggested amendments to ensure this is not interpreted in a way that allows for large scale clearance.</i></p>	<p>The definition of maintenance, repair and replacement limits the extent of this spatially and in scale so no need to add this wording to the rule.</p> <p>a. in relation to ecosystems and indigenous biodiversity, any work or activity necessary to continue the operation and/or functioning of the existing line, building, structure, facility or utility, and shall also provide for the replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility or utility.</p> <p>b.</p> <p>c.</p>

<p>Clearance of indigenous vegetation by Ngāi Tahu whānui for the purposes of mahinga kai or other customary uses, where the clearance is in accordance with tikanga protocols, and where there is written approval from Nga Rūnanga the relevant papatipu rūnanga.</p> <p>Notes:</p> <ul style="list-style-type: none"> Nga Rūnanga shall notify the Selwyn District Council prior to such activities occurring. This rule does not override private property rights. 	<p><i>Given small scale of activities as indicated by rūnanga, suggest that requirement for approval by Rūnanga is deleted.</i></p> <p><i>This should not be necessary (for comparison, no prior notification is required for any of the other exemptions in this rule)</i></p> <p><i>No permitted activity rules override private property rights and it is not necessary to state this – if it is stated for the rule on customary use it should also be stated for all the others.</i></p>	<p>Agree – Has been amended in subsequent drafts</p> <p>Agree – Has been amended in subsequent drafts</p> <p>Agree – Has been amended in subsequent drafts</p>
<p>Rule 4 – Clearance of Indigenous Biodiversity in Port Hills Area Clearance of more than 100m² per hectare of indigenous vegetation (in any 5 year period), that is not listed in List A of APP-4, except where provided for in EIB-R2 or EIB-R3 and is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of APP-2.</p> <p>Matters of Discretion any impacts on species diversity, ecosystem integrity and functioning, <u>including the integrity and functioning of adjoining areas of indigenous vegetation</u></p> <p>Activity Status when Not Achieved Discretionary under EIB-R8 if without a Biodiversity Management Plan</p> <p><u>Otherwise Non-Complying if the area of clearance is to be exceeded</u></p>	<p><i>Suggested amendment to make this an absolute threshold, rather than proportional to the size of the property. The proportional approach could allow for significant areas of clearance on la large property.</i></p> <p><i>Suggested amendment to provide for consideration of edge effects (e.g, increased exposure to wind or runoff) or effects such as reduced territory available for bird species</i></p> <p><i>This was not clear</i></p>	<p>This was the scale agreed by the Biodiversity Working Group, with guidance from technical ecological advice, as appropriate. It will enable larger clearance where the property is larger and is proportional to the scale of the property</p> <p>Agree – Has been amended in subsequent drafts</p> <p>Intent of the Rules is that any vegetation clearance that is not accompanied by a Biodiversity Management Plan is Discretionary. Non-Complying vegetation clearance in the Port Hills is only where it is within a listed SNA, or is of a plant species listed in EIB-SCHED 4 (List A). no change recommended.</p>
<p>Rule 5 As for Rule 4</p>		<p>As above</p>
<p>EIB-R6 Clearance of Indigenous Biodiversiry – All Areas</p> <p>Where: Clearance of indigenous vegetation is undertaken, and is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of APP-2, and is <u>not</u> located:</p> <ol style="list-style-type: none"> within 50m of any wetland within 20m of the bank of any water body within 20m of any waipuna (spring) at an altitude of 800m or higher <p>except where provided for in EIB-R2 or EIB-R3.</p>	<p>The wording of this in conjunction with the activity status column is confusing, as it suggests that clearance within the buffer areas is restricted discretionary, but clearance outside the buffers in non-complying. This seems to be back-to-front. I have suggested including the word 'not' to correct this, but am not sure if I have it right</p> <p>If these rules do not provide for customary harvest, then an exemption should also be provided for that.</p>	<p>Feedback based on old iteration of this chapter.</p> <p>This chapter (and others, such as Coastal Environment) now provides for Mahinga kai as a Permitted Activity. Mahinga kai is defined as: <i>‘the work (mahi), methods and cultural activities involved in obtaining foods and resources carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.’</i></p>
<p>Rule 6 – Clearance of Indigenous Vegetation in All Areas Matters of Discretion any impacts on species diversity, ecosystem integrity and functioning, <u>including the ecological functioning of the adjacent wetland, waipuna or water body</u></p>	<p><i>Suggested amendment to make sure the assessment is not just limited to the riparian ecosystem, but also the connected aquatic ecosystem</i></p>	<p>Agree – Has been amended in subsequent drafts</p>

<p>Rule 7 Works Affecting Indigenous Fauna Habitat</p>	<p><i>If there is available information about what the habitat needs are (and where they are), the rūnanga request that waikoura/kekewai and waikakahi are also protected.</i></p> <p><i>Further, bittern habitats (for which there is tracking evidence from DoC of birds travelling from Waihora to other parts of the district.)</i></p> <p><i>Query whether 1.5m buffer from water races/drains etc. is sufficient</i></p>	<p>This rule specifically relates to Council controlled Drains/Water Races. Activities within natural waterbodies are managed through LWRP.</p> <p>The Working Group developed provisions to protect fauna habitat based on the information available. There was an expectation that if Working Group participants had information on other fauna habitats then they needed to bring it forward through the Working Group process, or through the public submission process once the plan is notified. In addition, the proposed NPS on Indigenous Biodiversity may require Council's to manage fauna habitat, where that habitat meets specified criteria</p> <p>The buffer was developed and agreed through the Biodiversity Working Group process as an appropriate balance between protection and imposition on landowners as picking up main areas of impact on habits.</p>
<p>New Rule for Sites of Significance to Maori identified in Appendix/ Schedule XYZ</p> <p><u>Activity Status:</u> Restricted Discretionary</p> <p><u>Where:</u> Clearance of indigenous vegetation is undertaken, except where provided for in EIB-R2 or EIB-R3.</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. The effects of the proposed activity on Ngāi Tahu values, including any adverse effects on the mauri of the site, on mahinga kai or other customary uses, or on wāhi tapu or wāhi taonga, and the appropriateness of any mitigation measures; 2. Whether the relevant Papatipu Rūnanga has been consulted, the outcome of that consultation and whether the development or activity responds to, or incorporates the outcome of that consultation; 3. The extent to which the nature, scale, intensity and location of the proposed activity will adversely affect indigenous biodiversity and ecosystems taking into account: <ol style="list-style-type: none"> (i) whether the indigenous vegetation subject to the application is significant (as assessed against the criteria in APP-1) (ii) whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species (iii) any impacts on species diversity, ecosystem integrity and functioning, including the integrity and functioning of adjoining areas of indigenous vegetation (iv) the role the indigenous vegetation plays in providing a buffer or corridor (v) any potential for mitigation, remedying, offsetting or compensation of adverse effects on biodiversity values (vi) Any site specific management, or mechanisms that assist the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans 4. The risk of the increase in weed and pest species, and proposed management of pests 5. In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location 	<p><i>This suggested rule requires consent for clearance of indigenous vegetation outside SNAs but in Sites of Significance - to enable effects on cultural values (which include but are not limited to ecological values) to be considered and addressed</i></p>	<p>Noted. Matters for Discretion set out in EIB-MAT1 includes the following, which in part addresses this: <i>'the importance of the vegetation to be cleared to tāngata whenua including any adverse effects on the mauri of the site, on mahinga kai or on wāhi tapu or wāhi taonga'</i></p>

HERITAGE ITEMS CHAPTER

Provision	Feedback/Recommended Amendment	Recommendation/Notes
Selwyn District has been colonised and farmed by European settlers since the 1850's. Coal, lime and clay was mined in the Malvern foothills. Rural towns developed in association with farming and mining activities and the construction of the railway to the West Coast that began in the 1870's.	<i>There is a need to include here some text referring to tangata whenua settlement of the district and also a cross-reference to the Sites and Areas of Cultural Significance chapter – otherwise the place of tangata whenua in history is not clearly acknowledged. (Note that the draft provisions in the Sites and Areas of Cultural Significance chapter do not include any introductory text such as this. Should this be added?)</i>	Noted. Commentary and cross referencing to the Sites and Areas of Significance to Maori chapter still to be added.
HH-O1 Scheduled <u>historic heritage items</u> are recognised and their values are protected from inappropriate subdivision, use and development, including inappropriate <u>repair</u> , modification, <u>relocation</u> , or <u>demolition</u> .	<i>The issue of the need for relocation to protect historic structures from the effects of natural hazards is something SDC should consider.</i> <i>Is the “Taumutu Hall”/ marae in the schedule of structures that would be caught by the rule?</i>	Feedback is on an earlier iteration of the Chapter. Policies provide for relocation within and beyond a setting, including assessment of the reason for relocation which would cover the need for relocation due to natural hazard avoidance – “contribute to the ongoing protection”, “necessary to facilitate the ongoing use or protection of the item”. No need to change the objective. No – was not nominated, and is not listed in the Operative District Plan
HH-P11 (now HH-P12) Ensure that future processes are undertaken to investigate the identification and management of <u>historic heritage</u> areas, <u>historic heritage</u> landscapes, archaeological sites, and heritage interiors	<i>Suggest including a policy on protection of archaeological sites now rather than just leaving to future – see below</i> <i>There also should be a cross-reference to the Sites of Significance chapter</i>	Archaeological sites are primarily the responsibility HNZPT. We have no analysis of whether there is even a need for the Proposed Plan to cover these let alone how or what (a detailed review of which sites to include and where they are would be required). We consider it is not appropriate to have policy now with so much unknown and that is the approach that was agreed in baseline report – HNZ-PT in their feedback on the Draft Chapter diid not identify this as being an issue and did not suggest we required to include such a policy The Proposed Plan includes an Accidental Discovery Protocol in the Earthworks Chapter covering archaeological sites Noted. Cross referencing to the Sites and Areas of Significance to Maori chapter still to be added
New Policy <u>Require that the adverse effects of land use activities on archaeological sites are avoided or mitigated, including by use of an accidental discovery protocol.</u>	<i>This provides a link to the requirement for this in other chapters.</i> <i>There also should be a cross-reference to the Sites of Significance chapter</i>	The Proposed Plan includes an Accidental Discovery Protocol in the Earthworks Chapter covering archaeological sites Noted. Cross referencing to the Sites and Areas of Significance to Maori chapter still to be added

PROTECTED TREES CHAPTER

Provision	Feedback/Recommended Amendment	Recommendation/Notes
<p>TREE_P2</p> <p>Schedule trees in TREE-SCHED-1, where the criteria in TREE-P1 are met and the tree/s are structurally sound and healthy for its species, unless:</p> <ol style="list-style-type: none">the tree poses any unacceptable risk, including likely future risk, to health and safety, property, <u>buildings</u>, strategic infrastructure or electricity distribution lines, taking into account potential mitigation measures and their costsscheduling the tree may unreasonably restrict the reinstatement of <u>buildings</u> and/or property required to remedy damage incurred as a result of the Canterbury earthquakes of 2010 and 2011the location and characteristics of the tree are such that it does or will:<ol style="list-style-type: none">compromise either the reasonable use and/or <u>amenity values</u> of a property and surrounds; orunreasonably restrict development potential of the site; <u>or</u> <p><u>carry a risk of wilding conifer spread.</u></p>	<p><i>Suggest that species that are high wilding risks be excluded from consideration if they are in a location where this is a risk. At the moment the schedule of protected trees includes a few Douglas firs and Pinus radiata, and a Pinus ponderosa.</i></p>	<p>We understand the concern but it would need further assessment of the wilding risk of those particular trees, in their particular locations. Not sure that they are a concern given they are already in foothills with high levels of forestry in the area.</p>

NATURAL FEATURES AND LANDSCAPES CHAPTER

[illegible]

and R4 Public Amenity Buildings / Structures Areas identified as an ONL or VAL, except Te Waihora / Lake Ellesmere ONL or Rakaia and Waimakariri Rivers ONL		
Rule LNC-R12 (Buildings/Strucutres) Where: 1. rule requirements are not met in an ONL 2. the building / structure is for a purpose other than rural or residential <u>or Cultural Practice activities</u> the building / structure is located in the Te Waihora / Lake Ellesmere or Rakaia and Waimakariri Rivers <u>ONL and is not provided for in LNC-R? (Cultural Practise activity)</u>	<i>The rūnanga raised concerns around this being too restrictive on a things such as a seat, bird hide, viewing platform etc. Suggest these activities should be provided as Restricted Discretionary.</i> <i>Add Cultural Practice where they are exempt from NC Status</i> <i>See earlier comment about provision for activities associated with cultural practises</i>	Feedback is based on old format/earlier iteration Mahinga kai is identified as a permitted activity in several chapters (Ecosystems and Indigenous Biodiversity, Coastal Environment). The definition for Mahinga kai is: <i>the work (mahi), methods and cultural activities involved in obtaining foods and resources carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.</i> Buildings/Structures under 10m ² and 2m height are not intended to be subject to the buildings/strucutres rules, which we believe would provide for buildings for mahinga kai purposes and would be appropriate in the areas subject to these rules.
Rule – LNC-R13 (Earthworks) Activity status: NC Where: 1. the earthworks do not meet the requirements of LNC-R5 or LNC-R6 <u>the earthworks are proposed to be located in the Te Waihora / Lake Ellesmere ONL and are not provided for in LNC-R? (Cultural Practise activity)</u>	<i>Form of rule should be consistent with rule above</i>	Mahinga kai is identified as a permitted activity in several chapters (Ecosystems and Indigenous Biodiversity, Coastal Environment). The definition for Mahinga kai is: <i>the work (mahi), methods and cultural activities involved in obtaining foods and resources carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.</i> All earthworks within Te Waihora are currently NC. It is important to note that the vast majority of the ONL is water or wetlands at the edge of the water and the ability to do earthworks in those areas would be severely limited by the rules relating to biodiversity, flooding, and regional rules also. The ONL status relates to its visual and physical vulnerability and supports it also being a significant biodiversity area. Allowance for earthworks in the marginal areas would seem to be unreasonable, other than earthworks associated with mahinga kai (that meets the definition set out above) purposes which is, as we understand it, generally of low impact and scale.

COASTAL ENVIRONMENT CHAPTER

Provision	Feedback/Recommended Amendment	Recommendation/Notes
New Objective <u>Safeguard the functioning of natural coastal processes.</u>	<i>To address NZCPS Objective 1</i>	Natural coastal process are recognised as forming part of the natural character of the Coastal Environment and therefore are protected through the provisions in the Plan.
New Objective <u>Recognise and provide for the relationship of Ngāi Tahu with the coastal environment, including protecting areas with significant cultural values and enabling the exercise of kaitiakitanga.</u>	<i>To address NZCPS Objective 3 and IMP 5.6 Objective 1 and 2</i>	Noted – added to new policy CE-P8
CE-P1 In identifying the terrestrial part of the coastal environment, recognise that it includes: <ul style="list-style-type: none"> • areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these. • areas at risk from coastal hazards. • coastal vegetation and the habitat of indigenous coastal species including migratory birds. • elements and features that contribute to the natural character, landscape, visual qualities or amenity values. • items of cultural and historic heritage in the coastal marine area or on the coast • <u>areas with significant mahinga kai, kainga, wāhi tapu and wāhi taonga values to tangata whenua, including coastal lakes, wetlands, estuaries and hāpua.</u> • inter-related coastal marine and terrestrial systems, including the intertidal zone, and • physical resources and built facilities, including infrastructure, that have modified the coastal environment. 	<i>Suggested amendment to provide greater clarity about values and to show they are broader than would be implied by just grouping them with historic heritage - particularly including mahinga kai and specifying lakes, wetlands, estuaries and hāpua to reflect IMP 5.6 Policy TAN3.1</i>	Noted – Addressed in revised policy CE-P1
CE-P3 Avoid significant adverse effects, and manage all other adverse effects of subdivision, use and development by: <ul style="list-style-type: none"> • avoiding subdivision, use and development in areas of outstanding and high natural character, except where an activity has a functional need to locate in these areas; • recognising and providing protection for Ngāi Tahu values in <u>mahinga kai areas and other</u> locations of special significance to tāngata whenua; • retaining a sense of remoteness and wildness; • maintaining a very low density of buildings and structures and concentrating development within the Selwyn Huts and the Rakaia Huts settlements; 	<i>Suggest including specific reference to mahinga kai to reflect IMP 5.6 objectives 1 and 4</i>	Feedback on this chapter was based on an older iteration, which has been significantly reformatted in the intervening time. Unless otherwise stated, the feedback provided has been incorporated in to the final Draft CE provisions.

<ul style="list-style-type: none"> avoiding subdivision, use and development within high hazard areas that are subject to coastal erosion or flooding; recognising the on-going natural physical processes that have created the steep mixed predominantly alluvial gravel and sand beaches with a backdrop of eroding cliffs and dunes, <u>and ensuring natural and physical coastal processes are not impeded by land use and development</u>; retaining and enhancing areas of indigenous vegetation; recognising that the Rakaia river mouth, Te Waihora/ Lake Ellesmere and Muriwai/ Coopers Lagoon are important breeding, feeding and resting places for wetland and coastal birds, including waders <u>and providing protection for these areas</u>; avoiding activities that damages the stability of the coastal dune systems; managing lighting to retain a dark night sky; and recognising and enabling historic farming operations, where these do not conflict with identified natural character values. 	<p><i>Suggested to be consistent with NZCPS Objective 1</i></p> <p><i>'recognising' the areas doesn't, in itself, provide protection – need to state this specifically</i></p>	
<p>CE-P5</p> <p>Maintain existing public access to the coastal environment and provide additional public access where:</p> <ul style="list-style-type: none"> there is demand for public access; there is an acceptably low risk of danger to public health or safety; it is in a form and at a level compatible with the sensitivity of the receiving environment, including farming operations and any sites of particular ecological or cultural sensitivity. it facilitates access by Ngāi Tahu mana whenua to the Coastal Marine Area, <u>Te Waihora and coastal hāpua and wetlands</u> for mahinga kai and other customary uses. 	<p><i>Suggest these areas should also be highlighted to recognise value of these areas for mahinga kai (IMP 5.6 TAN3.1)</i></p> <p><i>Consistent with IMP 5.6 TAN8.2 and RPS Objective 8.2.5</i></p>	<p>This is addressed in the Public Access Chapter of the Proposed Plan, as required by the National Planning Standards</p>
<p>Add New Cultural Practices Activity Rule (Amend existing Customary Harvest Rule)</p> <p>Activity status: P Where: n/a Advice note: This rule does not override the requirement to obtain permission of the landowner or administrator for any customary harvesting of taonga species.</p>	<p><i>There should be no need for this note – the need to obtain landowner permission would apply equally for any activity (e.g. conservation activity) if it is on someone else's land</i></p>	<p>Agree – Has been amended in subsequent drafts</p>
<p>Buildings and structures</p>	<p><i>There are rūnanga concerns around constraints on the following:</i></p> <ul style="list-style-type: none"> - <i>Pou whenua</i> - <i>Fixing or re-establishing culvert for Muriwai</i> - <i>Re-directing coastal drains</i> <p><i>The rules would constrain these. Suggestions to address them:</i></p>	<p>Mahinga kai is identified as a permitted activity in several chapters (Ecosystems and Indigenous Biodiversity, Coastal Environment). The definition for Mahinga kai is: <i>the work (mahi), methods and cultural activities involved in obtaining foods and resources carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.</i></p>

	<ul style="list-style-type: none"> • <i>Could provide for pou whenua either by permitting structures with small footprint (e.g. <10m² or else by permitting structures intended as cultural markers (and possibly interpretive signage as well?)</i> • <i>Works on the Muriwai culvert and re-direction of drains would fall within earthworks rules. I suggest providing for activities such as this as part of a new activity which was initially suggested to be called “mahinga kai activities” (with a fairly broad definition: <u>Activities (including ancillary earthworks and structures) carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga</u>).</i> • <i>However, at a later time we received rūnanga feedback concerned about whether “mahinga kai” is broad enough.</i> • <i>Rather than Mahinga Kai Activities, it should be ‘customary practice’. A definition of ‘customary practice’ incorporating “activities in accordance with the kawa and tikanga of Ngāi Te Ruahikihiki” could be used to provide for a permitted’ customary practice’ activity that would encompass structures such as pou whenua as well as these earthworks.</i> 	<p>All earthworks within Te Waihora are currently NC. It is important to note that the vast majority of the ONL is water or wetlands at the edge of the water and the ability to do earthworks in those areas would be severely limited by the rules relating to biodiversity, flooding, and regional rules also. The ONL status relates to its visual and physical vulnerability and supports it also being a significant biodiversity area.</p> <p>Allowance for earthworks in the marginal wetland areas and other ‘sensitive environments (such as ONL and High, Very High and Outstanding Natural Character Areas of the Costal Environment) would seem to be unreasonable, other than earthworks associated with mahinga kai (purposes that meets the definition set out above) which is, as we understand it, generally of low impact and scale.</p> <p>Buildings/Structures under 10m² and 2m height are not intended to be subject to the buildings/structures rules, which we believe would provide for buildings for mahinga kai purposes and would be appropriate in the areas subject to these rules.</p> <p>Signs rule has been amended to provide for amended as follows: <i>Any sign displayed in a public place for the purpose of direction, warning, township identification and welcome, visitor/ community information, recreation or community activities, <u>or for the interpretation of the natural or cultural environment.</u></i></p> <p>Subsequent to receipt of this feedback and associated discussion on it, DPR staff have proposed the definition of Mahinga kai as set out in this document. We believe this addresses Rūnanga concerns while also incorporating Te Reo into the document. We are waiting for further feedback from the Rūnanga about the definition’s appropriateness</p>
Rural Activity Rule Activity status: P Where: rural activity: 1. is limited to existing land-based rural activities (including the maintenance of existing drains and water bodies) which does not require the erection of any building or structure. 2. is setback 3m <u>10 m</u> or more from the coastal marine area.	<i>3m setback does not provide much of a buffer to allow for protection of the coastal fringe or to accommodate shifting coastal processes/ climate change</i>	<p>Rural activities are no longer managed in this overlay area as they are managed in the underlying General Rural Zone</p> <p>The Natural Hazards Chapter manages effects of coastal processes, flooding, and inundation etc.</p>
Recreation Activity	<i>The definition of this is not listed in these provisions – if the definition does not exclude structures, they should be specifically excluded in this rule</i>	<p>Recreation activities are managed by the underlying General Rural Zone. Any buildings/structures associated with those activities would be managed by the Coastal Environment provisions.</p>
CE-R7 (Rural or Residential Buildings/Structures) Matters of Discretion 1. Whether the proposal is consistent with maintaining the qualities and values of the coastal environment. 2. Whether the proposal preserves and/or enhances natural character values. 3. <u>Whether the proposal safeguards the functioning of natural biological and physical coastal processes .</u> 4. Whether the proposal will integrate into the coastal environment and the appropriateness of the scale, form, design and finish (materials and colours) proposed and any mitigation measures such as planting. This shall include consideration of any adverse effects of reflectivity, glare and light spill.	<i>Suggested to be consistent with NZCPS Objective 1</i>	<p>Noted. Has been amended in subsequent drafts</p>

<div>5. Whether the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu.</div> <div>6. The proximity and extent to which the development is visible from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point.</div> <div>7. The extent to which the proposal will result in adverse cumulative effects.</div> <div>8. Whether the proposal supports the continuation of farming activities</div> <div>9. The extent to which the proposal has technical or operational needs for its location.</div> <div>10. Whether the proposal maintains or provides additional public access to the CMA..</div> <div>Notification: any application arising from this rule shall not be limited or publicly notified.</div>	<div></div> <div><i>Excluding limited notification could cut out ability for Rūnanga input, which would be inconsistent with NZCPS requirement to provide for matauranga Maori and exercise of kaitiakitanga (NZCPS Policy 2)</i></div>	<div></div> <div>Noted. This note has been removed from this Chapter. Decisions on notification will be made on a case by case basis</div>
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NATURAL CHARACTER CHAPTER (Note: Feedback is based on a very early version of the provisions – before Natural Character and Activities on the Surface of Waterbodies Chapters were fully developed)

Provision	Feedback/Recommended Amendment	Recommendation/Notes
Water bodies, wetlands and riparian margins are managed in a way that protects and enhances their significant indigenous vegetation, habitat values, ecosystem processes, and the natural character of waterbodies and their riparian margins, their cultural values, and their water quality and naturally variable flows and levels, are protected and enhanced.	<i>I have suggested reordering this to make it more direct and focused on the management of these areas.</i>	Noted. Feedback on this topic was based on a very early iteration of the Draft Plan which did not include a specific Natural Character Chapter or associated provisions. This feedback has been incorporated into new Natural Character provisions.
<i>Policy EIB-P4</i> Provide for some specified small scale, low impact activities that impact on indigenous biodiversity values, where these are of wider environmental or community benefit, or recognise continuation of existing activities.	<i>“Community benefit” has potential for broad interpretation which could be problematic – needs clarification</i>	Feedback on this topic was based on a very early iteration of the Draft Plan which did not include a specific Natural Character Chapter or associated provisions. This feedback has been incorporated into the Ecosystems and Indigenous Biodiversity chapter provisions –where appropriate.
<i>Policy EIB-P??</i> <u>Enable activities that protect springheads, establish or enhance planting of indigenous species in riparian margins, and restore or enhance the ecological and cultural values of wetlands.</u>	<i>The connection of EIB-P4 (above) to Policy 11.4.21 LWRP is not very clear, and I have suggested a separate policy more clearly directed to this. (Policy 11.4.21 is: Enable catchment restoration activities that protect springheads, protect, establish or enhance plant riparian margins, create restore or enhance wetlands and target removal of macrophytes or fine sediment from waterways.)</i>	Noted. Conservation Activities are specifically identified in the General Rural Zone as a Permitted Activity. New Natural Character Policy NATC-P3 provide for this.
<i>Policy EIB-P13</i> Encourage and support Nga Rūnanga, landowners / land managers and the community to protect, create and enhance indigenous biodiversity and mahinga kai values, through co-operation and a range of non-statutory options and protection mechanisms.		See feedback above in Ecosystems and Indigenous Biodiversity chapter section
<i>Policy EIB-P15: Land use activities in riparian margins</i> Land use activities, including erection of buildings, earthworks and vegetation clearance, are managed within riparian and wetland margins to protect the water quantity and quality, habitat values, ecosystem processes, mahinga kai and other cultural values, and natural character of the District’s waterbodies.	Assuming that Te Waihora and its surrounds are identified as a Site of Significance to Maori, then the policies and rules in that chapter should be the main means of supporting the LWRP policy framework for the area. The references to protecting mahinga kai values that I have suggested be included in the Indigenous Biodiversity policies would provide an appropriate link in relation to controls on vegetation clearance	Noted: New Natural Character Policy NATC-P3 provide for this.
<u>Manage land use activities near waipuna (springs) to avoid adverse effects on their natural, cultural and hydrological values.</u> <u>Facilitate activities that protect springheads and restore degraded waipuna.</u>	This links to IMP WM13.8: <i>To require that waipuna are recognised as wāhi taonga in district and regional plans. This means:</i> <i>(a) Explicit recognition of the value of waipuna to tāngata whenua;</i> <i>(b) Effective policies, rules and methods to protect waipuna from abstraction, stock access, drainage and run-off, including prohibiting any direct discharges and requiring riparian margins to buffer adjacent land use; and</i> <i>(c) Explicit objectives to restore degraded waipuna.</i> I have suggested some possible policy wording that would complement the draft policy in Sites of Significance chapter, which is: SSM-P6: <i>Encourage enhancement of waterbodies, waipuna (springs), and repo (wetlands) through the reinstatement of original watercourses where practicable, riparian planting and managing encroachment by inappropriate buildings, structures and activities.</i>	Noted: New Natural Character Policy NATC-P3 provide for this
<i>Rule requirements - setbacks</i>	Suggestion that setbacks for braided rivers should be adequate as the riverbed is defined narrowly. This should reflect similar setbacks to wetlands i.e 50m.	The recommendation to increase setbacks along the braided rivers is partly accepted, although only to 25m along the Rakaia and Waimakariri Rivers and not the 50m suggested for all braided rivers

	<p>Suggestion that SDC provide the Rūnanga with an opportunity to review how the range of activities across the Plan are managed in riparian areas as part of the process of integrating work across the chapters.</p>	<p>(which would include the Selwyn/Waikirikiriri River). Setbacks from Water bodies from the Operative Plan, along with the extent of the Rakaia River and Waimakariri Rive ONL areas (which manage earthworks and building as a Non-Complying Activity) – are generally considered to adequately provide the necessary ‘buffers’ to manage effects on these areas. However, the Operative Plan setbacks that apply to the Rakaia and Waimakariri Rivers only provides for a 10m setback for some activities, which is viewed as inconsistent when viewed against the 20m and 25m setback that is required for some activities from the Selwyn/Waikirikiriri River; along with the fact that the extent of the ONL area along these two rivers is in some cases hard up against the actual bed of river channels (and would therefore not provide any separation from activities which have the potential to impact natural character</p>						
<p>Earthworks Rule Requirements</p> <table border="1" data-bbox="103 667 1270 974"> <tr> <th data-bbox="103 667 344 705">E-REQ??</th><th colspan="2" data-bbox="344 667 1270 705">Water body setback</th></tr> <tr> <td data-bbox="103 705 344 974"><u>All zones</u></td><td data-bbox="344 705 973 974"> <p><u>Earthworks must be set back</u></p> <p>5. <u>50m from any wetland</u></p> <p>6. <u>20m from the bank of any water body</u></p> <p>7. <u>20m from any waipuna (spring)</u></p> <p><u>except where provided for in E-R??</u></p> </td><td data-bbox="973 705 1270 974"> <p><u>Activity status when compliance not achieved:</u></p> <p><u>Discretionary</u></p> </td></tr> </table>	E-REQ??	Water body setback		<u>All zones</u>	<p><u>Earthworks must be set back</u></p> <p>5. <u>50m from any wetland</u></p> <p>6. <u>20m from the bank of any water body</u></p> <p>7. <u>20m from any waipuna (spring)</u></p> <p><u>except where provided for in E-R??</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>Discretionary</u></p>	<p>The regional plan provisions only deal with sedimentation, erosion in identified areas of high erosion risk, effects on salmon and inanga spawning areas and reduction in riparian vegetation. They do not address natural character, cultural values, bank stability or habit values outside spawning areas. I suggest earthworks setbacks are needed to address the broader range of effects, and have included a standard for this purpose.</p> <p>It isn’t clear what the intent of this rule is. Assuming it is intended as a standard to apply to all activities, then it should be formatted as a rule requirement rather than a rule. The reference to Appendix X (which lists waterbodies subject to esplanade provisions) suggests that it is intended to protect access. Whether this is the case or whether it is intended to be broader, I suggest there should be an exemption for riparian conservation activities and possibly other activities that protect riparian areas (e.g. bank maintenance works as provided for in Christchurch District Plan)</p> <p>Suggest an exemption be provided for earthworks associated with mahinga kai activities and habitat restoration/ enhancement – there may be other small scale earthworks that could be exempted e.g. for small scale maintenance/ repair of utilities</p>	<p>Feedback is based on a very early iteration of work on ‘Water’ topics which bundled a number of issues into a single Water Issues and Options work stream. Subsequently, individual Chapters addressing Natural Character, Activities on the Surface of Waterbodies and Public Access have been developed which are anticipated to have largely addressed Rūnanga feedback.</p> <p>The Natural Character and the Ecosystems and Indigenous Biodiversity Chapter address setbacks of activities (vegetation clearance, earthworks and earthworks stockpiling, and buildings and structures) from <u>surface</u> waterbodies.</p> <p>Mahinga kai is identified as a permitted activity in several chapters (Ecosystems and Indigenous Biodiversity, Coastal Environment). The definition for Mahinga kai is: <i>the work (mahi), methods and cultural activities involved in obtaining foods and resources carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.</i></p> <p>This would provide for earthworks associated with mahinga kai when carried out in accord with tikanga.</p> <p>Conservation activities are provided in the General Rural Zone as a Permitted Activity, which would include some earthworks</p> <p>Maintenance and repair of network utilities is provided for as a Permitted Activity in the Network Utilities Chapter.</p>
E-REQ??	Water body setback							
<u>All zones</u>	<p><u>Earthworks must be set back</u></p> <p>5. <u>50m from any wetland</u></p> <p>6. <u>20m from the bank of any water body</u></p> <p>7. <u>20m from any waipuna (spring)</u></p> <p><u>except where provided for in E-R??</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>Discretionary</u></p>						
<p>EIB-R6 Clearance of Indigenous Biodiversity – All Areas</p> <p>Where: Clearance of indigenous vegetation is undertaken, and is accompanied by a Biodiversity Management Plan which has been prepared in accordance with the requirements of APP-2, and is <u>not</u> located:</p> <p>8. within 50m of any wetland</p> <p>9. within 20m of the bank of any water body</p> <p>10. within 20m of any waipuna (spring)</p> <p>11. at an altitude of 800m or higher</p> <p>except where provided for in EIB-R2 or EIB-R3.</p>	<p>The wording of this in conjunction with the activity status column is confusing, as it suggests that clearance within the buffer areas is restricted discretionary, but clearance outside the buffers in non-complying. This seems to be back-to-front. I have suggested including the word ‘not’ to correct this, but am not sure if I have it right</p> <p>If these rules do not provide for customary harvest, then an exemption should also be provided for that.</p>	<p>Feedback based on old iteration of the Plan chapter. Wording has been amended to make it clear that any clearance with xm of waterbodies breaches rules and requires consent</p> <p>Mahinga kai is identified as a permitted activity in several chapters (Ecosystems and Indigenous Biodiversity, Coastal Environment). The definition for Mahinga kai is: <i>the work (mahi), methods and cultural activities involved in obtaining foods and resources carried</i></p>						

		<i>out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.</i>
Earthworks as part of proposals to construct dams, stopbanks, polders or to undertake drainage around Te Waihora/Lake Ellesmere	I agree it makes sense to match the Christchurch Plan rule. However, need to be sure that the description of activities does not inadvertently prohibit earthworks associated with lake openings or with mahinga kai activities (e.g. eel trenches)	Noted.

SITES AND AREAS OF SIGNIFICANCE TO MAORI CHAPTER

Provision	Feedback/Recommended Amendment	Recommendation/Notes
Definition of Mahinga kai	<p>RPS definition is: <i>Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.</i></p> <p>For the purposes of this plan, I think this probably needs to be split into two definitions. For this section, the definition needs to focus on the <u>places</u> which are being protected. In other sections (such as the kāinga nohoanga section), it needs to enable the <u>activities</u>. Therefore I suggest ‘mahinga kai’ is defined as amended here; and ‘mahinga kai activities’ is defined as I have suggested in the kāinga nohoanga draft provisions: <u>(Activities (including ancillary structures) carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga).</u></p> <p>Alternatively, the broader RPS definition, incorporating activities, could be used for ‘mahinga kai’, and then ‘mahinga kai activities’ would be a subset of that.</p>	<p>Subsequent to receipt of this feedback and associated discussion on it, DPR staff have proposed the definition of Mahinga kai as set out in other parts of this document. We believe this addresses Rūnanga concerns while also incorporating Te Reo into the document. We are waiting for further feedback from the Rūnanga about the definition’s appropriateness.</p> <p>Buildings/Structures under 10m² and 2m height are not intended to be subject to the buildings/structures rules, which we believe would provide for buildings for mahinga kai purposes and would be appropriate in the areas subject to these rules.</p>
<p>Earthworks Rule exemptions</p> <p><u>Except in any Site of Significance to Maori listed in Appendix xyz,</u> Test pits or boreholes associated with a geotechnical assessment or contaminated land assessment where the ground is reinstated, within 48 hours, to the same level that existed prior to the assessment commencing.</p>	<p><i>The effect of this activity on a significant site would be similar to that for excavation of wells/ bores, and test pits could involve disturbance of a greater area of land. The exemption does not apply to those, so also shouldn’t apply here. (This would be consistent with rules in Christchurch District Plan.)</i></p>	<p>Feedback on this Chapter is based on a very early preliminary Draft which had evolved considerably by the time we received Rūnanga feedback</p> <p>Test pits and boreholes are likely to trigger the need for a resource consent in any Site of Area of Significance identified in SASM-SCHED 1 or SASM-Sched 2</p>
<p>Earthworks Rule exemptions</p> <p>Earthworks associated with the construction and maintenance of farm tracks <u>and, except in any Site of Significance to Maori listed in Appendix xyz, construction of new farm tracks</u> where the farm track does not exceed 5m in width.</p>	<p>Disturbance of land for construction of new farm tracks could have significant adverse effects in Sites of Significance, so exemption should not apply (consistent with rules in Christchurch District Plan.)</p>	<p>New tracks are likely to trigger the need for a resource consent in any Site of Area of Significance identified in SASM-SCHED 1 or SASM-Sched 2</p>
<p>Policy 1</p> <p>Recognise and protect Ngai Tahu values in identified Sites of Significance to Maori <u>Wāhi Tapu and Wāhi Taonga</u> by:</p> <ul style="list-style-type: none">i. avoiding any disturbance of urupā except for activities associated with the identification and protection of such sites which are undertaken by the relevant rūnanga or their authorised agent;ii. protecting Sites of Significance to Maori <u>wāhi tapu and wāhi taonga</u> from inappropriate development, disturbance, damage or destruction, and ensuring activities adjoining these sites do not adversely affect themiii. managing <u>avoiding</u> the adverse effects of buildings located on the cultural values of wāhi tapu identified as a maunga;iv. managing the adverse effects of earthworks in any scheduled Site of Significance to Maori <u>Wāhi Tapu and Wāhi Taonga</u> below a depth not previously disturbed by cultivation or building foundations; <u>and</u>v. <u>facilitating opportunities for enhancement of cultural and ecological values within Wāhi Tapu and Wāhi Taonga.</u>	<p>P2 and P3 deal specifically with Ngā Tūranga Tūpuna and Ngā Wai, but It is not clear whether P1 is intended to serve a similar function for Wāhi Tapu/ Wāhi Taonga sites (as suggested by the specific points) or to be general to all Sites of Significance (as suggested by the initial wording). If it is intended to be specific, then reference to “Sites of Significance to Maori” should be changed to “areas identified as Wāhi Tapu or Wāhi Taonga”. If it is intended to be general, then there is room to reduce duplication between policies.</p> <p>I have suggested amendments that make P1 specific to Wāhi Tapu/ Wāhi Taonga sites, as this matches the approach for the other categories.</p> <p>A comment by the author of the draft provisions says the maunga are in outstanding natural landscape areas, and buildings are non-complying in the landscape rules for those areas. Consistent with that (and IMP 5.8 Policy CL8.2), I have suggested strengthening this policy and making the activity non-complying consistent with treatment in the landscape rules</p> <p>Brought in from P9, except the specific reference to mahinga kai in P9 because the amended P4 focuses on this</p>	<p>Feedback on this Chapter is based on a very early preliminary Draft which had evolved considerably by the time we received Rūnanga feedback.</p> <p>The policy framework has been significantly rationalised since then, to focus on management and protection of Sites and Areas of Significance to Ngāi Tahu rather than the broader sweep of considerations that the earlier draft provisions considered (such as facilitating opportunities to do things). In general, it is considered the latest iteration of the Chapter largely provides for Rūnanga feedback, or is provided for in other relevant chapters (such as Ecosystems and Indigenous Biodiversity, Public Access, or the Coastal Environment).</p>

Policy 2 i. facilitate opportunities to enhance mahinga kai and other customary use of taonga species through planting and landscaping; ii. enhance the natural character and cultural values of water bodies, wai puna (springs), repo (wetlands) and coastal waters, including reinstating original water courses where practicable;	These two clauses are covered in general policies P4 and P6 below	As above
Policy 4/5 Encourage the enhancement of mahinga kai and customary uses by: i. way of providing <u>facilitating</u> opportunities to enhance planting and to use taonga species for planting and landscaping; <u>and</u> ii. Provide for <u>facilitating</u> improved access for customary use in and along the coastal environment, along water bodies and wetland areas for customary use.	I've suggested combining this and P5, and deleting similar clauses from the policies above, to have a single policy focusing on enhancement of mahinga kai and customary use across all sites of significance.	As above
Policy 9 Policy 10	Delete – amendments to P1 & 4 Delete - Already covered by P1(ii)	As above
Policy 13 The Council will: i. work with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga to identify and confirm the presence of wai puna/springs, and provide recognition and protection by listing, where appropriate, in the Selwyn District Plan via a plan change; ii. involve landowners when determining the appropriate approach to be taken to protection under i. above, and provide encouragement to landowners to protect identified <u>wai puna</u> sites of Ngāi Tahu cultural significance; and iii. facilitate the further identification and classification of sites of cultural significance to Ngāi Tahu mana whenua for inclusion in the District Plan, via a plan change, over time; iv. monitor the effects of land uses on identified sites of Ngāi Tahu cultural significance and address adverse effects through regulatory and non-regulatory methods, including via a plan change	I have assumed this is meant to relate to the wai puna that are identified through the process in (i), not the already identified sites for which protection measures are required (not just encouraged) in the earlier policies	As above
Rules Table	Vegetation clearance is not listed in this table – I assume this is because appropriate controls would be covered in the indigenous vegetation chapter. If not, it should be added to rules here It might be reasonable (and avoid a fight with network utility operators) to make maintenance and repair of utility structures permitted provided this does not involve earthworks or relocation of structures	As above
	The preferred options report and the policies refer to control of activities in buffer areas around the sites. (The preferred options report specifically requests control of quarrying, rural industrial activities and intensive farming). The rules here relate to activities in the identified sites, but there is nothing referring to the buffer areas. This	The draft Chapter manages a number of activities, including earthworks, buildings, Primary Industry Activity, Intensive Primary production, Mineral Extraction (which includes quarrying) and land Transport Infrastructure works within Sites and Areas of Significance to Ngai Tahu that are identified in two

	will need to be flagged for inclusion in the Rural zone and any other relevant underlying zones. Quarrying, rural industrial activities and intensive farming probably require consent in the underlying zone – if so, the matter could be addressed by including an assessment matter relating to effects on the values of adjoining sites of significance to Maori. If any of the relevant activities are permitted in the underlying zone, then a standard could be added to exclude them from the buffer area.	Schedules (Wāhi Tapu and Wāhi Taonga; and a Nga Tūranga Tūpuna area) and shown on Planning Maps. There seems no rationale to include a buffer area around SASM – The Mahaanui IMP doesn't mention any sort of buffering of activities from SASM, other than a 20m buffer for plantation forestry from waterbodies.
Residential Activity Rule Delete	See comment above – I think it is clearer to leave this to the default “any other activity” (which, according to the table above, would make it permitted provided it met the requirements for buildings and earthworks)	Most recent iteration does not manage residential activities – that is managed in the underlying zone. This chapter manages the activities noted above
Assessment Matters Matters of discretion are restricted to: As listed in <i>Schedule/Appendix/Table X</i> as relevant to the site classification. <i>Wāhi Tapu / Wāhi Taonga</i> <ul style="list-style-type: none"> (i) The potential adverse effects, including on sensitive tangible and/or intangible Ngāi Tahu values as identified by engagement with the relevant Papatipu Rūnanga <u>and any cultural impact assessment that has been undertaken;</u> (ii) Effects on sites of archaeological value including consideration of the need to impose an accidental discovery protocol or have a cultural monitor present; (iii) The extent to which sites of Ngāi Tahu cultural significance are protected; (iv) Whether a cultural impact assessment has been undertaken and the proposal's consistency with values identified; (v) The effects of the proposed activity on Ngāi Tahu values and the appropriateness of any mitigation measures, including cultural monitoring; (vi) Whether a protocol has been agreed with the Rūnanga for managing accidental discovery; (vii) Whether the relevant Papatipu Rūnanga has been consulted, the outcome of that consultation, and whether the development or activity responds to, or incorporates the outcome of that consultation; (viii) In respect of sites on the New Zealand Heritage List / Rārangī Korero whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation; and (ix) In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location. <i>Ngā Tūranga Tūpuna</i> <ul style="list-style-type: none"> (i) The effects of the proposed activity on Ngāi Tahu values and the appropriateness of any mitigation measures; (ii) Effects on sites of archaeological value including consideration of the need to impose an accidental discovery protocol or have a cultural monitor present; (iii) The extent to which the proposed development or activity recognises and incorporates Ngāi Tahu history, identity and values into development or redevelopment within these areas; (iv) Whether the proposal maintains or restores natural features with cultural values within these areas; (v) Whether the relevant Papatipu Rūnanga has been consulted, the outcome of that consultation and whether the development or activity responds to, or incorporates the outcome of that consultation; (vi) Whether the proposal provides an opportunity to recognise Ngāi Tahu culture, history and identity associated with specific places and affirms connection between mana whenua and place; (vii) Whether any site of historic Ngāi Tahu occupation will be disturbed; (viii) The provision of information on Ngāi Tahu history and association with the area; 	<p>I've suggested some rationalisation of the assessment matters to put related matters together and avoid duplication</p> <p>Have incorporated this from point (iv)</p> <p>See comment at (i)</p> <p>This is covered in (i)</p> <p>Covered by (ii)</p> <p>Covered by (i)</p> <p>Covered by (iii)</p> <p>Covered by (iii)</p>	Noted. Has been amended in subsequent drafts

<p>(ix) The effect of removing indigenous vegetation on mahinga kai and other customary uses; and</p> <p>(x) In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location.</p> <p>Ngā Wai</p> <p>(i) Whether the relevant Papatipu Rūnanga has been consulted, the outcome of that consultation and whether the development or activity responds to, or incorporates the outcome of that consultation;</p> <p>(ii) Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;</p> <p>(iii) The effects of the proposed activity on Ngāi Tahu values and the appropriateness of any mitigation measures including new planting and improved access for customary use;</p> <p>(iv) Whether the proposal will remove indigenous vegetation and any effects on mahinga kai and other customary uses;</p> <p>(v) The extent to which the proposed activity will affect the natural character of the waterbody and its margins, or Te Tai o Mahaanui / the coastal environment.</p> <p>(vi) The provision of information on Ngāi Tahu history and association with the area;</p> <p>(vii) Whether wastewater disposal and stormwater management systems recognise the cultural significance of ngā wai, and do not create additional demand to discharge directly; and</p> <p>(viii) In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location.</p>		
<p>Notification:</p> <p>Any resource consent application arising from Rule SSM – R? need not be publicly notified, but shall be notified to the relevant rūnanga, and Heritage New Zealand Pouhere Taonga in respect of sites on the New Zealand Heritage List / Rārangī Korero (unless their written approval has been provided).</p>	<p>note comment below, by author, that this is to be confirmed. I don't know why this has not been confirmed, but the requirement to notify the rūnanga is crucial for any consent applications on these sites.</p>	<p>Agreed. Has been amended in subsequent drafts</p>
<p>New Buildings/Structures – except Maunga</p>	<p>See my earlier comment re residential activity. Is it intended to exempt residential dwellings that comply with underlying zone standards from this rule? If so, this needs to be stated here</p>	<p>No</p>
<p>New Buildings/Structures –<u>Maunga</u></p> <p>Change from DIS to NC</p>	<p>Based on the author's comment here, this should be made non-complying for consistency with ONL rules – and is probably more appropriate to reflect the values of maunga</p>	<p>Agree. Has been amended in subsequent drafts</p>
<p>Demolition of Buildings</p>	<p>I wonder if this should be a controlled activity. Removal of existing buildings has potential to enhance the cultural values of the sites (e.g. by improving access to mahinga kai or wāhi tapu) and adverse effects of the disturbance involved in demolition (e.g. effects of vehicle/ machinery movements) should be able to be addressed by conditions.</p>	<p>Demolition no longer managed in this chapter.</p> <p>Any earthworks associated with demolition will be managed in this chapter</p>
<p>Earthworks</p> <p><u>Activity status: P</u></p> <p><u>Earthworks for interments in a burial ground, cemetery or urupa</u></p>	<p>Need to provide for this so it is not caught by the next rule</p>	<p>Noted. Has been amended in subsequent drafts</p>
<p>Network Utilities</p> <p>Activity status: P</p>	<p>Relocation of structures could generate new effects – if it is not specifically excluded from a definition of “maintenance and repair” it would be helpful to specify it here.</p>	<p>Managed in Utilities Chapter</p> <p>I don't see how operation, maintenance or repair would include relocation. If relocation was deemed to be operation, maintenance etc. then any associated earthworks would be caught by earthworks rules.</p>

<p>Where: The operation, maintenance and repair of existing utility buildings or structures within a Site of Significance to Maori identified in Schedule XYZ.;</p> <p><u>Where these activities comply with the following rule requirements:</u></p> <p>1. <u>The activity does not involve relocation of any buildings or structures on the site</u></p>		
<p>Land Transport Infrastructure</p> <p>Activity status: P</p> <p>Where: The operation, maintenance and repair and upgrading of existing transport infrastructure located in any Site of Significance to Maori identified in Appendix/ Schedule XYZ</p> <p><u>Where these activities comply with the following rule requirements:</u></p> <p>1. <u>The location and extent of the infrastructure is not changed.</u></p>	<p>Is “transport infrastructure” defined? If not, it could be interpreted broadly to include upgrading of structures (e.g. a bus shelter). In that case, it would be better to be specific e.g. roads, footpaths, cycleways, traffic signals</p> <p>Changes in the areas occupied by the infrastructure could have adverse effects</p>	<p>Yes – Land Transport infrastructure defined.</p> <p>Upgrade and maintenance of existing would be permitted – any new would require a consent.</p>
<p>Subdivision</p> <p>Assessment Matters</p> <p>In relation to the removal of consent notices created through subdivision to protect trees whether the effect on amenity values can be offset by other trees on or surrounding the site or the replacement of the tree or trees with appropriate species on site or other appropriate locations. The appropriateness of species will include consideration of the time required for any new trees to reach a size where the negative impact of tree removal would be offset.</p> <p>g. Where the subdivision is of land which includes a Site of Significance to Maori identified in XXXXX, the matters set out in XXXXX as relevant to the site classification:</p>	<p>I think this is taken from the Christchurch District Plan. It doesn’t seem relevant here</p> <p>there will be some duplication between these matters and the list above – this could be rationalised</p>	<p>Noted. Addressed through the feedback on the Subdivision Chapter</p>

Provision	MKT Feedback/ Recommended Amendment	Recommendation/ Note
QUAR-O1 (<i>outdated</i>)	Objective seeks to maintain amenity and character values, with the comment from MKT stating that values are broader than just character values – including water quality, cultural values, biodiversity.	This objective has since been removed, with a reliance on a single rural objective. The single rural objective does not cover the aspects raised in the comment from MKT as water quality is a regional council function, and cultural values and biodiversity will be captured within their own specific chapters.
QUAR-P2 (<i>outdated</i>)	Seeks to include 'surface water and groundwater resources' and a specific reference to 'sites of significance to Maori' to this Policy alongside avoiding any adverse effect on ONLs, ONFs, VALs, and SNAs.	This part of the Policy has been removed as these aspects will be captured within their own specific chapters.
Mineral prospecting – Rule (<i>outdated</i>)	Suggested removal of this activity rule, and moving it to the earthworks provisions. The stricter controls on earthworks in significant areas (Sites of Significance to Maori, Significant Natural Areas, ONLs) should also apply to mineral exploration.	Has been renamed to Mineral Prospecting to align with the Crown Minerals Act. To keep an activity rule for Mineral Prospecting within the rural chapter as not all prospecting involves earthworks, and if it does involve earthworks, the earthworks rules will also apply to any excavation part of mineral prospecting.
Q2 Quarrying Rule (<i>outdated</i>)	Addition of effects on archaeological sites within the matters of discretion. Suggests that full notification should be allowed for restricted discretionary activities.	Rule has been replaced with a 'Mineral Extraction' rule. Matters of discretion for elements such as various cultural values, are captured within their specific chapters. Full notification has been enabled for RDIS activities.
Q3 Quarrying within non rural zones, ONL, et al. Rule (<i>outdated</i>)	Removal of references to minerals or other solid natural substances, as this would be mining, and should be captured elsewhere as a non-complying activity.	Rule has since been removed as these aspects will deal with this activity within their own chapters. Mining and quarrying have similar if not the same effects, and have therefore been combined into a new 'Mineral Extraction' rule. Furthermore, they are considered rural activities due to their need to be establish within rural areas. RPS requirements

	49	preclude the classification of this activity as a non-complying activity, generally something that should be avoided.
Q4 Sensitive Activity rule (<i>outdated</i>)	Define 'sensitive activity'	Term has been defined.
REQ1 Setbacks	Inclusion of a 500 metre setback to a SNA, 200 metre setback to a wetland, lake or CMA, and a 50 metre setback to a river, stream, or waipuna.	Setbacks to these aspects will be dealt within their specific chapters.

Vegetation Planting within the Rural Zone

Provision	MKT Feedback/ Recommended Amendment	Recommendation/ Note
V1 Amenity Planting Rule – <i>outdated</i>	Restricting planting near waterbodies could discourage riparian planting efforts if consent is required.	This rule has been amended, and another 'conservation planting' activity has been included to allow for riparian planting as a permitted activity.
V1, V2 Orchard, Woodlot, Vineyard Rule, V4 Shelter Belt Rule - <i>outdated</i>	Suggests the inclusion of a restriction on specific invasive conifer species.	Invasive conifer species are managed under the Canterbury Regional Pest Management Plan, and therefore there is no need to have pest management provisions within the District Plan.
V3 Plantation Forestry Rule – <i>outdated</i>	Suggests a buffer area around sites of significance	This consideration has been removed from the general rural zone rules and will be dealt within the relevant specific chapters.
REQ-V1 Pest Species control – <i>outdated</i>	Suggests to include species restrictions on the Port Hills and Site of Significance. Inclusion of another rule requirement restricting invasive conifer species over the whole rural area.	This requirement has since been deleted as the Canterbury Regional Pest Management Plan manages pest species, meaning that there is no need to have provisions within the District Plan.
-	Suggested an inclusion of an additional rule requirement to setback (50m) plantation forestry from sites of significance to Maori	This would make the District Plan more stringent than the NES-PF, which it cannot be unless expressly provided for within the NES-PF. However, the NES-PF is silent on the effects of Plantation Forestry on Maori cultural values. Therefore, this is potentially a consideration of the relevant specific chapter.
All planting Rules – <i>outdated</i>	Suggests to have the relevant Runanga as an automatic notified party during limited	This aspect will be dealt within the relevant specific chapters.

	notification when planting occurs ⁵⁰ cultural sites and within setbacks from SNAs.	
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Rural Character and Amenity – Density, Bulk, and Location

Provision	MKT Feedback/ Recommended Amendment	Recommendation/ Note
Rural O1 – <i>outdated</i>	<p>Suggests the inclusion of ‘avoids adverse effects on water and soil resources and indigenous biodiversity’</p> <p>Suggests the amendment to only have primary production having primacy over residential development, as to not imply that primary production has primacy over environmental concerns.</p> <p>Suggests that specific reference to primary production should be removed from the clause addressing the avoidance of reverse sensitivity and that only rural activities being included as primary production includes mining and quarrying, whereas rural activities does not.</p>	<p>These aspects will be addressed within their own specific chapter.</p> <p>This objective has since been amended, and this clause has changed to only give primary production primacy over ‘other activities’ rather giving it free reign.</p> <p>This aspect has since been amended, with any reference to rural activity being removed, and only reference to primary production and strategic infrastructure remaining. Additionally the definition for ‘rural activity’ has changed since this feedback and now includes primary production as a category of a rural activity. Primary production activities are legitimate rural activities that can only establish within rural areas, and they are required to be protected from reverse sensitivity under the CRPS.</p>
P1 – <i>outdated</i>	<p>As per above regarding primary production – rural activity</p> <p>Suggests an inclusion of a clause ‘avoid adverse effects on water and soil resources, indigenous biodiversity, and Ngai Tahu cultural values.</p>	As per previous
P2 – <i>outdated</i>	As per above regarding primary production – rural activity	As per previous
P3 – <i>outdated</i>	As per above regarding primary production – rural activity	As per previous

	Suggests an inclusion of a clause stating “ensuring that development does not significantly restrict the productive capacity of soils’	A policy addressing rural character and amenity, both social aspects of the environment, is not the best place to house a clause seeking to protect the productive capacity of soils, being a natural environmental aspect. Additionally the use of the term ‘significantly’ is ambiguous and does not provide clear guidance as to what is acceptable. Furthermore even if this term was removed, the clause would not enable any built development, as the productive capacity of soils is extinguished the moment built development occurs.
REQ4 Building Setbacks – <i>outdated</i>	<p>Suggests amendments to the waterbody setbacks table which include:</p> <ul style="list-style-type: none"> - Having 100 metre setbacks to wetlands. - Removal of a listed waterbody category and have all waterbodies be protected by a 25 metre setback. - Insert a 20 metre setback for springs. 	<p>This table has since been removed from this Chapter as it will be dealt with in the NAT Chapter.</p> <p>The listed waterbody category and the associated setback of 25 metres is for the purpose of allowing for a esplanade reserve (20 metres wide) to be created in the future, and not have built development immediately on the boundary, the 25 metre margin means any development will be at least 5 metres from the reserve boundary.</p>

Intensive Primary Production

Provision	MKT Feedback/ Recommended Amendment	Recommendation/ Note
Definitions - <i>outdated</i>	<p>‘The National Planning Standard has a definition of ‘intensive indoor primary production’ (must be principally within buildings and involve growing fungi or keeping or rearing livestock or poultry). As suggested in relation to draft Rural Business provisions, a broader definition would be more appropriate to deal with the effects of intensive activities, including outdoor intensive production and production activities that are not growing mushrooms or keeping livestock (e.g. would include hydroponic and glasshouse horticulture). Because the National Planning Standard definition of primary production includes mining</p>	<p>The relevant definitions have changed since this report was sent to consultation, and has allowed for the now gazetted NPS.</p> <p>A new definition for intensive outdoor primary production has been included to work alongside with the NPS definition for intensive indoor primary production.</p> <p>As per previous regarding the use of the term primary production.</p>

	and quarrying, it is also suggested ⁵² that the term 'intensive rural activity' be used to link to the Selwyn definition of 'rural activity' and clearly exclude mining and quarrying.'	
O1 – <i>outdated</i>	Suggests including a sub clause that seeks to maintain 'the health of the environment'.	By the 'health' of the environment it is assumed this is in reference to natural values of the environment. It is not deemed necessary to include this into the rural objective as this aspect is addressed by the LWRP and the CARP at the regional level.
P1 – <i>outdated</i>	<p>Suggests a range of amendments</p> <p>Suggests an inclusion to allow for Ngai Tahu cultural values to be maintained.</p>	<p>Unfortunately comments on this Policy are on an outdated version, which renders them redundant.</p> <p>This aspect is covered within their own specific chapters.</p>
R1 Primary Production- <i>outdated</i>	Suggests amendments to the rule.	Rule has been replaced with one dealing with rural production which narrows the focus of the rule.
R2 Free-range poultry farming	<p>Suggests amendments to the rule to allow for water quality to be considered as a matter of discretion.</p> <p>Suggests amendments to allow for indigenous biodiversity and Ngai Tahu cultural values to be considered as a matter of discretion, and the setback of intensive primary production from waterbodies, SNAs and Sites of Significance.</p> <p>Suggest to allow for Runanga notification in cases of limited notification.</p>	<p>Water quality is a concern of the regional council, and therefore it is inappropriate for the district plan to address this aspect.</p> <p>The district plan can address land use activities that may affect the natural character of waterbodies, but not the discharge from a land use activity which affects water quality, which then affects the natural character.</p> <p>As per previous, these aspects are addressed within their own specific chapters.</p> <p>Disagree that the Runanga should be included as a required party when limited notifying as the activity has triggered resource consent requirement for seeking to establish within the setback to a sensitivity activity. It is therefore appropriate that only the sensitive activities which will have their setback breached be notified.</p>
R3 Intensive primary production – <i>outdated</i>	Suggest to allow for Runanga notification in cases of limited notification.	As per previous
REQ1 Setbacks – <i>outdated</i>	Suggests to include setbacks to waterbodies and SNAs, and Sites of Significance to Maori.	These aspects are dealt with in their own specific chapters.

REQ4 Management Plan – <i>outdated</i>	Suggests amendments, and provides commentary on the use of management plans, and activity statuses etc.	The requirement for a management plan as part of a permitted activity has been removed.
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Rural - Business

Provision	MKT Feedback/ Recommended Amendment	Recommendation/ Note
Definitions – <i>outdated</i>	<p>Makes a statement that the definition for ‘conference’ is too open.</p> <p>Suggests to remove ‘primary production’ – ‘This definition is problematic as it would need to be made consistent with the National Planning Standard, which includes mining and quarrying in the definition. Mining and quarrying need to be considered differently from the other activities in the definition and should not be bracketed with them in the policies or rules. It would be better to avoid using this definition and just refer to ‘rural activity’ as defined further down this list.’</p>	<p>This definition has since been removed.</p> <p>Not supported – extraction is a legitimate rural activity, and needs to be provided for within rural areas. Therefore, primary production has been included under the ‘rural activities’ definition. However, a new ‘rural production’ definition has been created with an associated permitted rule. This definition excludes mining and quarry, which has an entry level RDIS activity classification.</p>
P1, P2, & P2– <i>outdated</i>	Suggests to include a clause that requires activities to not have an adverse effect on surface or ground water resources, or the quality of soils.	As per previous regarding the role of district and regional councils.
R1 – R11 - <i>outdated</i>	<p>Suggests to include as matters of discretion the following:</p> <ul style="list-style-type: none"> - Containment of sediment and surface runoff - Requirements on accidental discovery or archaeological sites - Management of hazardous waste and contaminated land <p>Additionally has included a suite of rule requirements dealing with these aspects.</p>	The first aspect is dealt with at a regional council level, the second is covered by the Heritage New Zealand Pouhere Taonga Act 2014, and the third will be dealt with under the specific chapter.

R5 Commercial and Industrial Activities	<p>Suggests to change the permitted activity status of small scale activities to a discretionary activity, as the rule may lead to a proliferation of small industries/ businesses not related to rural activity.</p>	<p>Disagree:</p> <ul style="list-style-type: none"> - The 100m² threshold for a permitted activity is in line with the threshold for home based business and rural selling place, and if these are not aligned both area size, and activity classification, it would be possible for a permitted baseline argument to be made. - Additionally, these rules have since been amended, and any industrial activity is a straight NC activity with the rural zone.
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Maori Purpose

Provision	Feedback/Recommended Amendment	Recommendation/Notes
Definition Crown land reserved for Maori	Is it also appropriate to include this? If it is, then reference to “Crown land reserved for Maori” should be added in rules below wherever they refer to Maori land	Agree. Had been removed in subsequent drafts.
Definition Kāinga nohoanga	Add definition to clarify the scope of kainga nohoanga is broader than just housing. Means housing and associated commercial, social and community facilities and activities established by Ngāi Tahu whānui to enable them to occupy and use ancestral land in a manner that provides for their ongoing relationship with the land and their social, cultural and economic wellbeing.	Disagree. The activity is not specifically provided for as an activity. However, this is a good explanation for the zone and could be included at the start of the chapter.
Definition Mahinga kai	Add definition to clarify the activities provided for in the rules – the suggested wording is intended to cover such things as eel trenches, as well as harvesting activities and enhancement of mahinga kai. Activities (including ancillary structures) carried out for the purpose of sustaining and harvesting food resources and other cultural materials in accordance with tikanga.	Agree the need for a definition. This will need to be worked through with other chapters relying on this definition.
Name of Zone Maori Purpose Zone – Kāinga Nohanga	Add Kāinga Nohoanga to the name of the zone.	Agree but cannot change the name of the Zone prescribed through the Planning Standards.
Objective 1	Amendment to remove reference to amenity standards in relation to Maori Land so that more consistent with IMP PS.3(b).	Agree. Had been removed in subsequent drafts.
Objective 1	Amendment to reference to General Land and rural activities as it is unclear whether this precludes rural activities on Maori Land.	TBD
Policy 1	Seek term kāinga nohoanga to be defined in policy	Disagree, as above.
Policy 2	Amendment cultural value reference to include all land	Agree. Changed.
Policy 3	Minor amendment to the wording of the policy	Agree. Changed.
Policy 4	Minor amendment to the wording of the policy	Agree. Changed.
Policy 5	Minor amendment to the wording of the policy	Policy has been removed through subsequent drafts. Integrated approach is up to rūnanga not council.
Policy 6	Minor amendment to the wording of the policy	Policy has been removed through subsequent drafts as it is included through other chapter provisions
Residential Activity	Remove reference to Papakainga Housing	Agree. Had been removed in subsequent drafts.
Visitor Accommodation	Change in term	Agree. Had been removed in subsequent drafts.
Preschool	Incorporated into educational facilities	Agree. Had been removed in subsequent drafts.
Care Facilities	Changes to Whare Hauora and Care Facilities	Disagree. Health care and clinics are included in Community Facility activity now.
Cultural Activities and Facilities	Add activity	May need to discuss what activities are considered here.
Ancillary Buildings	Add activity	Agree. Had been added in subsequent drafts.
Wharves and Slipways	Add activity as a controlled activity.	TBD
General Rural Activities	Add status for Boarding of Animals, Intensive Farming and Mining and Quarrying.	No change needed. Status suggested reflects rural provisions.
Urupa and Mahinga Kai	These should not need to be ancillary to marae or housing.	Agree. Had been removed in subsequent drafts.
Integration	Make sure subdivision rules do not preclude number of residential units or unnecessary servicing constraints. Check the requirements are potable water supply, effluent disposal that does not result in adverse effects on amenity values or water quality.	No change needed. Subdivision rules reflect this. May need to discuss what is considered servicing constraints.
Building Setback	Too restrictive. Edit matters of discretion to remove reference to rural character and amenity Change wording of where it applies at the boundary of not held in same ownership and not used for same development.	TBD. Will look at rewording. TBD. Most likely agree to change as it does not reflect the intent of the zone.

		Changes seem to make it more restrictive applying to land that has to be in different ownership and not being used for same development.
Height	Too restrictive given setbacks and site coverage. This depends on what building designs the rūnanga seek Add exemption for carvings etc	May need to discuss what height is considered appropriate by the rūnanga. Agree. Changed.
Site Coverage	Too restrictive. Suggests discussions about what works in Rapaki and Koukourarata Add additional matters relating to stormwater and treating effluent	May need to discuss what site coverage is considered appropriate by the rūnanga. Agree. Added, though may need to discuss what is covered by effluent.

7. Communication Strategy for formal public consultation - Presentation

Author:	Katrin Johnston, Communications Consultant
Contact:	(03) 347 1827

Purpose

To provide an overview of the communications strategy for formal public consultation.

Recommendation

“That the Committee notes the presentation.”

Attachments

‘Overview of the communications strategy for formal public consultation’ – Powerpoint presentation

Proposed Selwyn District Plan

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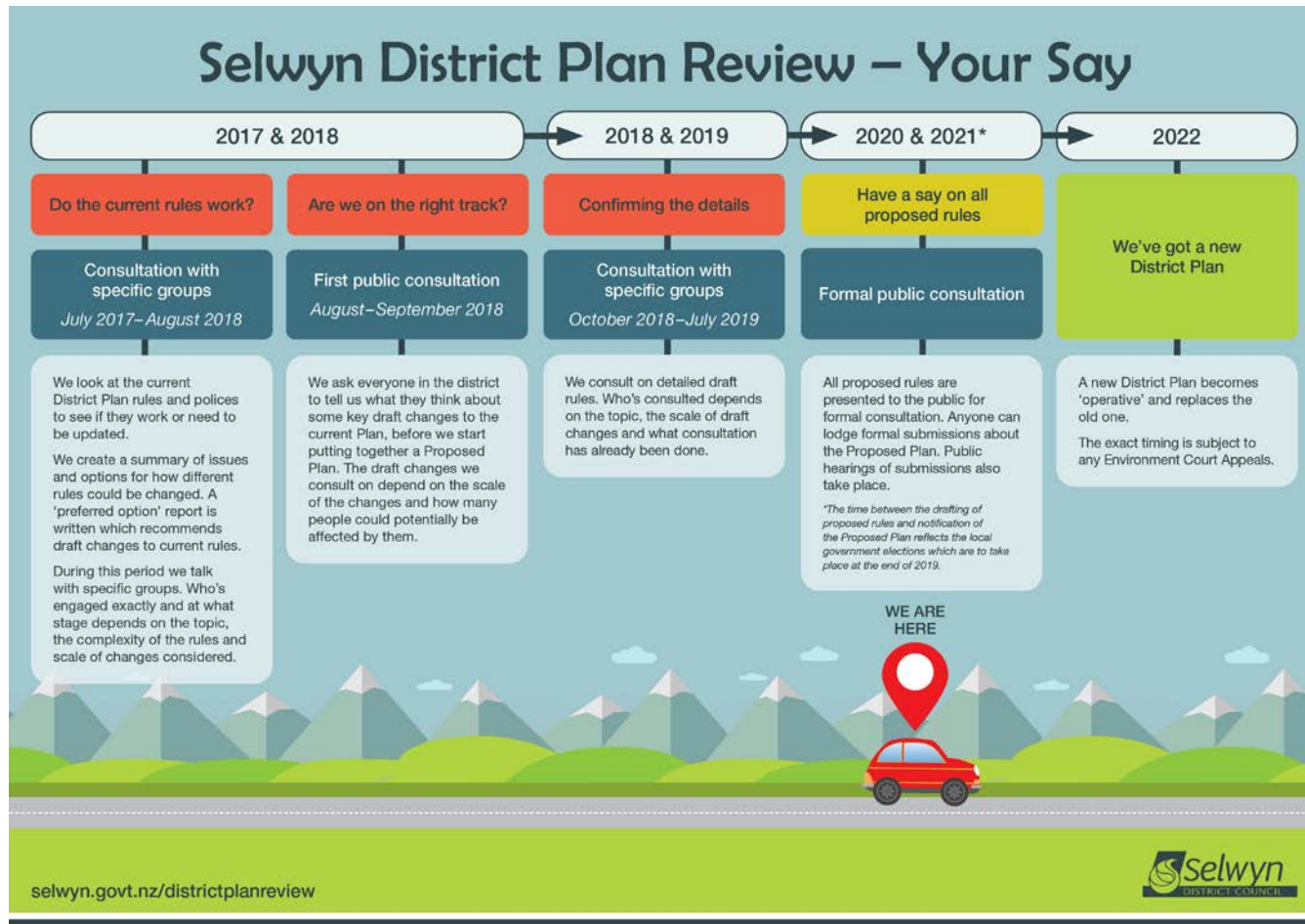
Overview of communications strategy for formal public consultation

Outline⁵⁹

- Overview of what communications and engagement has been done to date
- Overview of key milestones and objectives
- Outline of the communications and engagement approach for formal public consultation
- Presenting campaign theme
- How will people find out about the consultation
- Conclusion



Review and engagement timeline



Detailed timeline

What happens after the notification of the Proposed Plan



selwyn.govt.nz/districtplanreview



What do we want to achieve with our communications campaign?

- Meet RMA's Schedule 1 requirements specific to formal public consultation period.
- Stakeholders and the community are well informed about the notification and how to provide feedback.
- Feedback received shows a good understanding of the key proposed changes and how they might be affected.
- Council has heard from a broad cross-section of our community during the public consultation.



Our communications and engagement approach⁶³

- The approach reflects the twofold drivers for the consultation:
 - legal requirements (Schedule 1 of RMA)
 - best practices of public participation that ensure quality engagement of community and stakeholders
- Our approach especially needs to focus on how to engage those that usually don't engage.



Our communications and engagement approach⁶⁴ cont'd

- How we go about engaging non-planners needs to address the following:
 - There's a lot of information for a non-planner to absorb.
 - The information is complex.
- So we need to:
 - make complex information accessible
 - follow a 'no surprises' approach by proactively highlighting key proposed changes and changes that have been of most interest to date
 - be creative and diverse about how we go about spreading the news.



⁶⁵Campaign theme

- **Because it matters.**
- *Why should I care about the Proposed Selwyn District Plan?*
 - Because it controls what you and your neighbours can do on your properties.
 - Because it shapes the future district you and your children will live and work in.



Look and feel of the campaign⁶⁶

- Use and build on the visual branding that was created for the initial public consultation in 2018.

DISTRICT WIDE



RESIDENTIAL



RURAL



BUSINESS



How will people find out about the consultation?⁶⁷

- We'll use different ways of spreading the news:
 - Public notice
 - Print collateral that helps provide key information (eg snapshot consultation document, FAQs, infographics)
 - Print and online advertising
 - Social media, including community pages where accessible
 - Websites (eg Your Say Selwyn)
 - Direct mail
 - Face-to-face meetings (eg community boards)
 - Events (drop-in 'Talk to a planner' sessions, existing community events)



Conclusion⁶⁸

- Public consultation starts after the Council notifies the Proposed District Plan.
- Public consultation period will last eight weeks.
- How can you help?
 - Share with us your ideas for the consultation.
 - Promote the consultation within your community (eg community FB page, local events, your newsletter).
 - Attend drop-in sessions.



8. West Melton Rifle Range – Update report

Author:	Vicki Barker, Consultant Planner – (Barker Planning)
Contact:	(03) 347 1810

Purpose

To provide the Committee with an update on progress of the NZDF West Melton Rifle Range workstream.

Recommendation

“That the Committee notes the report.”

‘The Committee notes that:

- i. an updated noise report has been received from NZDF and is currently subject to peer review which is yet to be completed. The extent of the proposed outer noise contour has increased, and the noise contour levels and extent of the outer noise contour may change further subject to peer review; and***
- ii. direct communications with select land owners will be initiated to provide an update about the revised noise report being available on the Council’s website and next steps; and***
- iii. the timing of the written communications to all affected landowners will follow the completion of the peer review and the extent of the noise contours being confirmed by Council, assuming this information is available by mid-March ahead of notification of the Proposed Plan. If not available by mid-March, communications will be sent advising of the delay and that participation will need to occur via the submission process following notification.’***

Attachments

‘Update on Progress of the NZDF West Melton Rifle Range Workstream’ report

UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE:	19 February 2020
CHAPTER SECTION TITLE:	Noise
SECTION TITLE/TOPIC:	Update on Progress of the NZDF West Melton Rifle Range Workstream
PHASE:	Draft Provisions & Section 32 Evaluation
TOPIC LEAD:	Ben Rhodes
PREPARED BY:	Vicki Barker

EXECUTIVE SUMMARY

<i>Summary of post-engagement Preferred Option(s) endorsed by DPC</i>	<i>To proceed with the development of specific provisions that will require acoustic attenuation in relation to noise sensitive development within an identified noise contour subject to further noise information and development.</i>
<i>Baseline Report link</i>	<i>Baseline Report</i>
<i>Preferred Option Report link</i>	<i>Preferred Option Report</i>
<i>Post Engagement Report link</i>	<i>Post Engagement Report</i>
<i>Recommendation/Next Steps</i>	<p><i>The Committee notes that:</i></p> <ul style="list-style-type: none"> <i>i. an updated noise report has been received from NZDF and is currently subject to peer review which is yet to be completed. The extent of the proposed outer noise contour has increased, and the noise contour levels and extent of the outer noise contour may change further subject to peer review; and</i> <i>ii. direct communications with select land owners will be initiated to provide an update about the revised noise report being available on the Council's website and next steps; and</i> <i>iii. the timing of the written communications to all affected landowners will follow the completion of the peer review and the extent of the noise contours being confirmed by Council, assuming this information is available by mid-March ahead of notification of the Proposed Plan. If not</i>



	<i>available by mid-March, communications will be sent advising of the delay and that participation will need to occur via the submission process following notification.</i>
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1.0 Introduction

The New Zealand Defence Force (NZDF) originally sought a no-complaints covenant approach to protect the West Melton Rifle Range (WMRR) from reverse sensitivity effects. This approach would have required any future subdivision or new land use development for a noise sensitive activity within the proposed 55 Ldn noise contour to have a covenant registered on the title of the property waiving rights of complaint about the Range in relation to noise and vibration. If a covenant was not entered into, a resource consent would be required.

Affected land owners whose property was within the 55 Ldn noise contour were consulted about this approach in May 2019 and the approach was overwhelmingly opposed. A summary of the land owner feedback is detailed in the post-engagement report to DPC.

Due to the strong landowner opposition to no-complaints covenants, the District Plan Committee (DPC) decided at its meeting on 26 June 2019 that an alternative option of acoustic attenuation be progressed to the 'Drafting and Section 32 Evaluation Phase'. This option seeks to avoid new noise sensitive activities establishing within a 65 Ldn noise contour around the WMRR, and to require acoustic attenuation for new noise sensitive developments between the 55 and 65 Ldn contours¹.

It is also of note that the approach of requiring acoustic attenuation within an identified noise contour is one that Council is pursuing in association with other strategic infrastructure (e.g. Inland Ports and Christchurch International Airport) and therefore the proposed approach for the WMRR will achieve consistency across the Proposed Plan.

At the time of land owner consultation last year, the noise contours provided by NZDF were based on a NZDF commissioned Malcolm Hunt Associates Ltd (MHA) noise study and modelling dated 2013. NZDF noted that the contours were preliminary and they intended to provide a revised noise report and contours. An updated noise report and noise contour map prepared by Tonkin & Taylor (T&T), 'West Melton Rifle Range - Assessment of Noise', dated 18 December 2019 was received by Council on 14 January 2020.

The purpose of this report is to update DPC regarding:

- The T&T noise report - key findings and changes;
- The Council expert peer review of the T&T noise report;
- Land owner communications;
- Draft provisions.

¹ The 55 Ldn contour generally represents a threshold of annoyance above which land use planning restrictions are considered warranted. The 65 Ldn contour is a threshold beyond which is generally found to be unacceptable for residential and other sensitive land uses.

1.0 Tonkin & Taylor Noise Report

The T&T noise report is attached as **Appendix 1**.

The report addresses the four main sources of noise at the WMRR:

- Weapons firing on the Wooster A & B Ranges;
- Grenade training on the Grenade Range;
- 40 mm mortar firing;
- Controlled detonations of high explosives less than 680 grams.

The location of the Ranges and firing points are shown on Figure 4.1 in the report. The report states that night time use of the Ranges takes place approximately 20 times per year, mainly on the Wooster Ranges and very few grenades are used at night. The noise assessment also includes allowance for the use of the Barrett sniper rifle which has recently been procured by NZDF and is used on the Wooster B Range.

A computer noise model of the WMRR and wider area was constructed by T&T incorporating factors such as terrain data, buildings and shielding, ground absorption, wind, and source sound levels. Based on the modelling, 55 and 65 dB noise contours have been produced and justification provided for these levels. The model was then validated using measured data recorded by MHA and additional data collected by T&T in August 2019.

The findings of the T&T report are that the noise contour is comparable in size and shape to the MHA report, but that the new weapon type has resulted in an extension of the 55 dB contour to the south of the Range in the vicinity of Halkett and Weedons Ross Roads. The report states that the new contours should replace the preliminary contours provided to Council based on the MHA report.

A map comparing the former 55 and proposed 55 dB noise contour has been prepared by Council's GIS Team and is attached as **Appendix 2**. This map shows that 33 additional properties are affected as a result of the proposed extended 55 dB noise contour, which means that there are potentially newly affected land owners that are not yet aware of proposed provisions potentially affecting their property. However, as the extent of the contour is currently subject to peer review and may change, the extent of land owners affected has not yet been confirmed as discussed further below.

2.0 Council Peer Review of Tonkin & Taylor Noise Report

The T&T report was provided to Council's Acoustic Consultants, Acoustic Engineering Services (AES) on 16 January 2020 for peer review. AES were also provided with the earlier MHA report for reference, and the preliminary 55 dB noise control boundary map provided by NZDF last year that formed the basis of land owner consultation.

The peer review focuses on the extent of the noise contours and the justification for them. At the time of writing this report the peer review is not complete as AES have sought further information from T&T.

The key further information sought by AES includes:

- The relative sound levels generated by each noise source assumed in the modelling;
- How the directivity of each noise source, which is a characteristic of weapon noise, has been accounted for in the modelling;
- What level of activity currently occurs on the WMRR and how this relates to the future predicted scenario and at what time in the future the predicted level of activity is anticipated to occur;
- The seasonal distribution of each activity over a typical year as the report implies there will be busier and quieter periods;
- The number of events included in the model during the night-time period, and whether 40 mm mortars or detonations of high explosives will occur at night;
- Greater justification for the proposed 55/65 Ldn thresholds for this type of noise due to the impulsive nature of the noise and the increased perception of low frequency sound at a distance.

Overall, preliminary indications from AES are that an 'outer noise control boundary' inside which noise sensitive development is required to include acoustic insulation measures and an 'inner noise control boundary' inside which new dwellings are avoided is a reasonable approach to managing noise in relation to the WMRR. However, it is not yet clear at which Ldn (annual average) noise levels these boundaries should be set, and further information is necessary to establish this and the resultant extent of the noise contours.

Furthermore, a key practical issue is where a contour line only slightly traverses a property boundary, how it is treated. T&T have also been asked to comment in this respect. AES have commented that they would not be particularly concerned about the marginal sites unless they hold dwellings within the extent of the contour, or dwellings could realistically be constructed at some point in the future.

In summary, the contours have not yet been confirmed and there could be more or fewer properties potentially affected once the peer review is completed. It is anticipated by AES that further amendments to the T&T noise report and noise contours will be required.

3.0 Landowner communications

3.1 Previous landowner communications

A letter was posted to landowners on 7 May 2019 to provide an overview of the proposed former no-complaints covenant option, the reasons why it was proposed, answers to common questions, and to seek an understanding of what alternative options were supported by landowners if the preferred option wasn't supported. Approximately 200 letters were sent and approximately 80 individual responses were received, with almost all in opposition.

Following this extensive opposition, a further letter was posted and/or emailed on 18 June 2019 explaining that DPC was to make a decision at its meeting of 26 June 2019 on how the Rifle Range should be managed in the Proposed District Plan. The acoustic attenuation option was proposed and endorsed by DPC in June 2019.

A further letter was sent to landowners on 7 August 2019 to advise of the proposed approach of acoustic attenuation and advising that an updated noise report is to be commissioned by NZDF to confirm the extent of the noise contours. The letter also advised that Council's acoustic consultants would peer

review the updated NZDF report, and that both the noise report and Council's peer review would be made available to the public on the Council's website, expected by the end of 2019. The letter also noted that NZDF still planned to pursue the no-complaints covenant approach via the District Plan Review process through a NZDF submission on the Proposed Plan.

3.2 Future landowner communications

As the peer review is not yet complete, we will email select land owners who have been more involved in this process to date and who have strong ties with the local community. We will advise them of the NZDF noise information received, the current peer review and the DPC report which they can access along with the T&T noise report and noise contour map at Appendix 1 in the DPC public agenda on the Council website (www.selwyn.govt.nz/dpcagendas). The email will be sent after the DPC meeting.

A mail-out to all potentially affected landowners is not considered beneficial at this point given the T&T noise report and noise contours could still be subject to change following Council's peer review and the exact affected landowners have not yet been confirmed.

If the peer review is completed and the noise contours are confirmed by mid-March, which provides sufficient time ahead of public notification in May 2020, written communications with all affected landowners is proposed. It is proposed to post and/or email a letter to all affected landowners advising that the final noise report, noise contour map and the Council peer review of the noise report are available on the Selwyn District Council website. This approach of referring to the information on the website is considered more efficient than including this information with every letter and/or email.

It is proposed to prepare two letters - one for the original landowners identified as affected, and one to any newly affected landowners as a result of any confirmed extension to the outer noise contour. Any newly affected landowners will require additional detail to explain the background to the current proposal. The letters will also explain the proposed District Plan rules at a high level.

NZDF have also been asked to confirm whether they will still be pursuing the no-complaints covenant approach by way of submission once the Proposed District Plan is notified or whether they now support the acoustic attenuation approach. If they now support acoustic attenuation this can also be communicated to landowners.

As public notification of the District Plan is currently scheduled for May 2020, there is no time to consider any additional landowner feedback, and therefore the letters will be clear that they are being sent for information purposes only and that any feedback will need to be via the public submission process once the Proposed District Plan is notified.

If the peer review and noise contours are not finalised by mid-March prior to public notification, emails/letters will instead be sent advising of this delay and that participation will be required through the formal submission and further submission process once the Proposed Plan is notified. In this scenario, Council will also use the previous MHA based noise contours that have been consulted on with land owners, and not the new contours submitted by NZDF with the T&T report. The extent of the contours would then need to be determined through the submissions, further submissions and hearings process.

4.0 Draft provisions

A draft set of provisions have been prepared based on avoiding development within an 'inner noise contour' and requiring acoustic attenuation for new development within an 'outer noise contour'. The provisions will sit within the Noise Chapter.

Even though the contour levels and their mapped extent is still subject to peer review, the rules can continue to be developed and finalised once the contour levels are agreed. The mapping will affect the extent of the application of the rules only (and land owner communications).

Aside from the District Plan rules, placing notes on titles² or LIMS as a further measure to advise of the provisions that apply is also being considered.

5.0 Recommendations/Next Steps

The Committee notes that:

- i. an updated noise report has been received from NZDF and is currently subject to peer review which is yet to be completed. The extent of the proposed outer noise contour has increased, and the noise contour levels and extent of the outer noise contour may change further subject to peer review; and*
- ii. direct communications with select land owners will be initiated to provide an update about the revised noise report being available on the Council's website and next steps; and*
- iii. the timing of the written communications to all affected landowners will follow the completion of the peer review and the extent of the noise contours being confirmed by Council, assuming this information is available by mid-March ahead of notification of the Proposed Plan. If not available by mid-March, communications will be sent advising of the delay and that participation will need to occur via the submission process following notification.*

² This will be difficult to do other than through a subdivision process creating new titles. To put a covenant on existing titles, which may be sold without a LIM, would have to be volunteered by the existing land owner. Outside a subdivision process Selwyn District Council's powers, with regards to advisory notes, may be limited to LIMs.

Appendix 1 – T & T Noise Report



West Melton Rifle Range - Assessment of Noise

Prepared for
New Zealand Defence Force

Prepared by
Tonkin & Taylor Ltd

Date
December 2019

Job Number
1010541



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Document Control

Title: West Melton Rifle Range - Assessment of Noise					
Date	Version	Description	Prepared by:	Reviewed by:	Authorised by:
31 Oct 19	1	Draft for client review	D Humpheson	M Bevington	P Kneebone
18 Dec 19	2	Final	D Humpheson	K Baverstock	P Kneebone

Distribution:

New Zealand Defence Force

1 PDF copies

Tonkin & Taylor Ltd (FILE)

1 electronic copy

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1 Introduction

The New Zealand Defence Force (NZDF) has operated a rifle range at West Melton, approximately 25 kilometres from the centre of Christchurch, since the 1940s. The West Melton Rifle Range (the Range/WMRR) is used primarily as a rifle range, but also for grenade practice and training in the use of explosives, and for general military training. It is designated in the Selwyn District Plan for Defence Purposes – Military Training Area and is a nationally important training facility for NZDF.

Military training activities can create impulsive low frequency acoustic events which propagate over long distances. These events can cause disturbance to members of the public through perceived effects such as exposure to noise and vibration and rattling of windows (and other fixtures).

NZDF has commissioned Tonkin & Taylor Ltd (T+T) to update the noise control boundaries¹ that it provided to Selwyn District Council (SDC). These contours were produced by Malcolm Hunt Associates (MHA). As part of this exercise the following tasks were undertaken:

- A description of the characteristics of noise from military ranges in general and from WMRR in particular (Section 2);
- An overview of applicable noise standards at WMRR;
- Review of the noise modelling assumptions that informed the MHA noise control boundaries;
- Inclusion of new noise source data to reflect current weapon types used by NZDF;
- Carry out noise monitoring data at offsite locations for validation purposes;
- Comparison of the output of the T+T SoundPLAN noise model with the previous MHA model for the site, with particular attention to the extent of the proposed 55 dB(A) Ldn outer noise control boundary and supporting justification for its use; and
- Assessment of the extent of the 65 dB(A) Ldn inner noise control boundary.

A glossary of terms is provided in Appendix A.

¹ Malcolm Hunt Associates, West Melton Training Area – Updated Noise Predictions 2010.

2 Noise from Military Training Activities

2.1 Human perception

The noise generated by military training activities, which involves the use of weapons or explosives, typically produces sound energy distributed across a broad range of acoustic frequencies. Large-calibre guns will generate higher proportions of low frequency energy compared to smaller calibre weapons. At the distances which communities are typically located from military training areas (>500 m and typically more than 1 km away), atmospheric absorption of high frequency sound (>500 Hz) will generally result in an increased perception of low frequency sound.

Environmental noise from industry and transportation is commonly expressed using the A-weighted sound pressure level. The A-weighting is used to mimic the response of the human ear to sounds of different frequencies and at normal levels of sound intensity². The human ear is less sensitive to low and high frequency sounds compared to mid frequencies at which human speech is centred. As military training activity sound is commonly in the low frequency bands, particularly at larger distances, and at high intensities, the A-weighted scale can underemphasise the human response to noise from weapons and explosions (which is perceived not only through the ear, but also as secondary vibration). This is why C-weighted sound level descriptors are often used to assess weapon noise due to the greater sensitivity of the C-weighting filter network to frequencies less than 500 Hz.

Humans also perceive and react differently to impulsive and continuous noise events depending on the sound pressure level (dB), frequency, and duration of the event. Because of the difference in human response to these types of noise events, military noise is commonly assessed using several sound level descriptors depending on the character and type of noise. The two most commonly used metrics are the time averaged sound pressure level (L_{eq}) and the peak sound pressure level (L_{pk}). Other metrics used include the maximum sound pressure level, L_{max} , and the day-night average sound level, Ldn. Time weighted and maximum sound level metrics are measured using A-weighting, and L_{pk} is measured using C-weighting. In some countries the C-weighted Ldn is used to account for the dominance of low frequency sound from weapon firing (see Appendix B). For land use planning purposes, Ldn is usually averaged over a year to reflect the varying periods of light and heavy training loads, as well as periods with no activity. The Ldn metric includes a 10 dB weighting for any events that occur during the period 2200-0700h. This means that a single noise event that occurs at night is assessed as the equivalent of ten daytime noise events of the same magnitude. This approach penalises or ensures a more conservative assessment for noise that occurs at night.

2.2 Weapon noise

Noise sources from military weapon firing and use of explosives include:

- Projectile noise and blast noise from in-use weapons (such as the noise of detonating propellant from a gun or 'muzzle' blast); and
- noise of detonating shells or other explosive devices.

Impulsive noise events are associated with the firing of weapons systems and the detonation of shells or explosives. These events often cause high magnitudes of peak or maximum sound pressure, and have relatively short-durations. The rapid onset of high intensity sound energy associated with such events, along with other distinguishing characteristics, can give rise to a more exacerbated subjective human response when compared to steady state or anonymous noise sources over the same assessment period.

² At normal conversational levels of sound – e.g. in the range 60-75 dB(A).

Weapons have a well-defined directivity with sound levels varying around the weapon. For example, a rocket propelled grenade generates the most sound energy behind the weapon, whereas with traditional armoury and small arms the prominent directivity is on axis and in front of the weapon's muzzle. The direction of firing can be an important factor when managing noise effects.

Unlike an industrial activity, noise from a weapon range is not continuous and comprises periods of noisy events when training takes place. These noisy events can comprise single, identifiable noise events (such as single shots) as well as periods of repetitive noise when automatic firing takes place, especially with machine guns and when there are multiple weapons being fired at a time. For most of the time weapon ranges are very quiet.

The management of military range noise varies internationally. Appendix B provides an overview of the approaches adopted in the United Kingdom and the United States.

2.3 Temporary military training activities

Within New Zealand NZDF uses the C-weighted peak sound pressure level (L_{Cpeak} / L_{Cpk}) to assess the extent of noise that is considered reasonable from temporary military training activities (TMTA) involving the use of weapons and explosives. Unlike the UK and US, limits have been established based on use of small calibre weapons (rifles and machine guns), 40 mm grenades and small explosive charges. Limits for both day time and night time have been established using the C-weighted peak sound pressure level, L_{Cpk} , and reflect a conservative level of noise effects which is unlikely to result in the occurrence of unreasonable noise as defined in Section 16 of the Resource Management Act 1991 (RMA), i.e. noise that unreasonably interferes with the peace, comfort and convenience of any person.

The daytime peak sound pressure limit set out in NZDF's recommended permitted activity noise standards is 95 dB L_{Cpk} and the night time limit is 10 dB lower at 85 dB L_{Cpk} when assessed at or within the notional boundary of any noise sensitive activity. These limits are significantly lower than similar limits adopted by the US when determining the risk of complaints from the use of large calibre weapons. They are also lower than the peak sound pressure level of 120 dB L_{Cpk} , set out in NZS 6801:2008 Acoustics – Measurement of Sound. The peak sound pressure level of 120 dB L_{Cpk} is typically the limit set out in district plan permitted activity standards and is well below the sound level that may cause building damage³.

2.4 Military range noise

NZDF's separate day time and night time limits only apply to TMTA and are not intended to manage the noise effects from established ranges such as West Melton, as there is no indication of the quantum of noise that is experienced from training areas which are regularly used throughout the year. In these situations an exposure based sound level indicator is appropriate rather than a single-event metric.

The use of exposure based sound level descriptors based on the L_{dn} provides an indication of the frequency of events and penalises the occurrence of night time activity. Exposure based metrics are calculated using the sound exposure level (SEL / L_{Ae}) of a typical noise event and the number of events which occur during the day and night time periods (0700 to 2200h and 2200 to 0700h respectively).

Large-calibre guns will generate higher proportions of low frequency energy compared to smaller calibre weapons. For ranges which use larger calibre weapons, C-weighted sound level descriptors are preferred as used by the US. However in New Zealand, the use of the A-weighted L_{dn} is

³ AS 2187:Part 2 Explosives—Storage and use Part 2: Use of explosives 2006.

appropriate due to the much lower levels of low frequency sound. This applies to rifle ranges such as West Melton which use light weapons.

3 Noise Standards and Land Use Planning

Within New Zealand there are no community noise significance thresholds used to rate the 'nuisance' from weapon firing ranges. However, there are a number of New Zealand standards which have adopted the Ldn and established 'significance' thresholds for land use planning purposes. These standards apply to noise from aircraft (NZS 6805:1991), helicopters (NZS 6807:1994) and ports (NZS 6809:1999). Similar procedures have been used to establish thresholds for range noise.

The aircraft, helicopter, and port noise standards require mitigation measures when the day-night average sound level in a residential community exceeds 55 dBA Ldn. For areas subject to 65 dBA Ldn or more, new noise-sensitive activities should be prohibited activities, as adverse noise effects will occur.

The level of 65 dBA Ldn corresponds to the threshold at which approximately 20% of the exposed population would be highly annoyed by sources of environmental noise and 55 dBA Ldn is the approximate onset threshold of significant community annoyance. Hence, 55 dBA Ldn is the annoyance threshold above which the effects could be considered to be significant and warrant land use planning restrictions. Greater than 65 dBA Ldn is generally found to be unacceptable for residential and other sensitive land uses. These annoyance thresholds have been applied to range noise at WMRR.

The aircraft, helicopter, and port standards recommended that new noise-sensitive activities should not be located in land subject to 65 dBA or more. For new or modified buildings subject to 55 to 65 dBA Ldn, acoustic insulation should be included within the building envelope to ensure acceptable levels of indoor amenity.

We have updated the contours prepared by MHA for 55 dBA Ldn and 65 dBA Ldn.

4 West Melton Rifle Range

4.1 Training activities

WMRR is used for small arms weapon training using live and blank ammunition. Figure 4.1 shows the location of the range and the firing points.

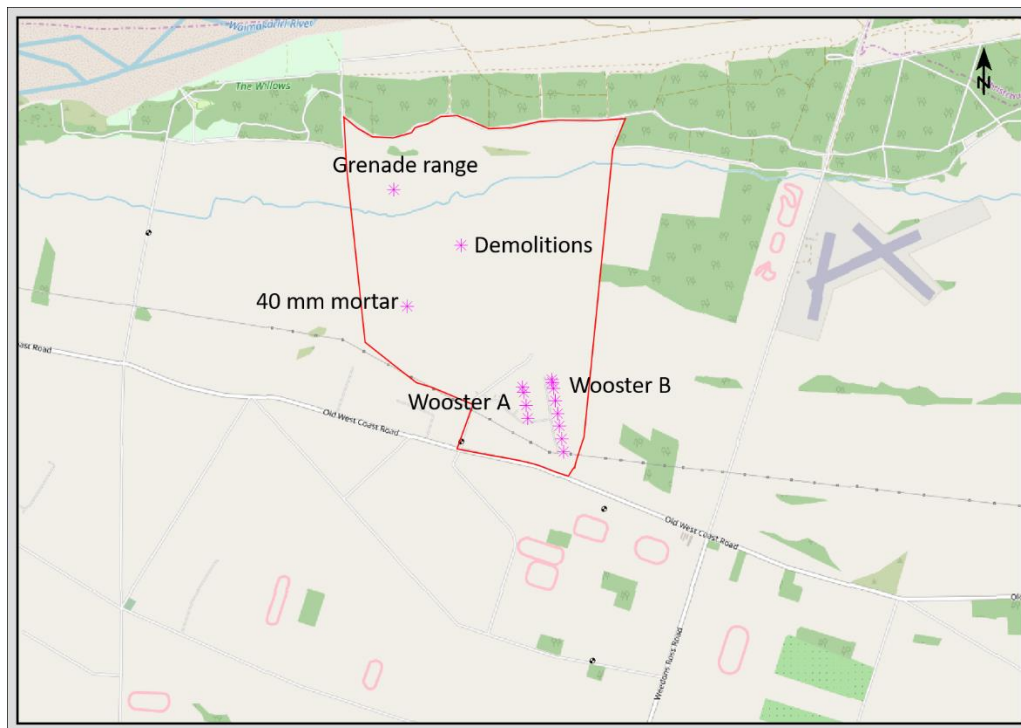


Figure 4.1: WMRR site location and firing locations.

There are four main sources of noise:

- Weapon firing on the Wooster A & B ranges including MARS (Modular Assault Rifle System – Light 5.56 calibre) and GPMG (general purpose machine gun – 7.62 calibre);
- Grenade training on the designated grenade range, including use of thunderflashes;
- 40 mm mortar firing; and
- Controlled detonations of high explosives, not exceeding 680 grams (e.g. M18 claymore mine).

The Wooster ranges have multiple firing positions as detailed in Table 4.1.

Table 4.1: Wooster ranges

Range	Firing positions / m
Wooster A	20, 100, 200, 300
Wooster B	30, 50, 100, 200, 300, 400, 500, 600

The range is used according to NZDF's training needs. MHA produced a noise model for NZDF of the rifle range in 2010 and estimates of range usage were included within the noise model. Table 4.2 and Table 4.3 detail the inputs used in the model.

Table 4.2: Weapon / firing usage

Activity	Estimated future firing
Single shot 5.56 mm	All daylight hours – 6 days/week
Group shot 5.56 mm	All daylight hours – 4 days/week
GPMG single burst (7.62 mm)	All daylight hours – 2 days/week
GPMG rapid fire (7.62 mm)	All daylight hours – 2 days/week

Table 4.3: Activity usage

Noise source	Activity level per annum
5.65 mm	700,000
7.62 mm	500,000
Grenade	20,000
40 mm	1,100
Detonation (0.5 kg equivalent)	50

These activity levels are based on future levels of range usage as referenced in the MHA report and NZDF has confirmed these remain relevant.

The 5.56 mm and 7.62 mm weapon firing takes place over a number of firing positions on the Wooster A and B ranges. Night time use of the range takes place approximately 20 times per year, mainly on the Wooster Ranges, which are protected by earth bunds. Very few grenades are used at night, although some training does occur with thunderflash grenade simulators.

The assessment also includes an allowance for use of the Barrett sniper rifle which has recently been procured by the Army. This rifle would be used at the 600 m firing point on the Wooster B range.

4.2 Noise modelling

A SoundPLAN version 8.1 computer noise model of the Range and wider area was constructed. The model incorporates 1 m resolution LiDAR terrain data. The surrounding buildings and the shielding properties of these buildings have been included within the model. A ground absorption factor of 1.0 has been used; the study area is predominantly soft (grass). Calculations have been undertaken in accordance with ISO:9613-2⁴, which allows for downwind sound propagation or equivalently, propagation over a well-developed moderate ground based temperature inversion, such as commonly occurs at night.

Source sound levels for each of the firing points have been included within the model according to the anticipated range usage as shown in Table 4.2 and Table 4.3. Source levels expressed as sound power level, L_w , vary from 95 to 158 dB, depending upon the weapon type and usage over an annual period (based on 42 weeks range use per year) and the time of day.

Noise contours have been produced based on the L_{dn} sound level descriptor using 65 dB and 55 dB threshold levels (refer Section 3 for basis of these levels).

⁴ ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation.

4.3 Validation

Validation and calibration of the WMRR SoundPLAN model was undertaken using measured data recorded by MHA and additional data collected in August 2019. Receiver locations were entered into the model and source level contributions were calculated at each location.

The 2019 sound level measurements were undertaken by T+T during an army exercise which was held at the range between Saturday 31 August and Sunday 1 September 2019. A 01dB Fusion sound level meter was used to record receiver sound levels. Measurements were undertaken under satisfactory meteorological conditions, i.e. no precipitation, light to no wind (less than 1m/s) and clear cloud cover. Single and multiple rifle firing was carried out on the Wooster ranges. Both single shot and rapid burst firing was conducted. Subjective observations were recorded. Full results are available. The purpose of the measurements was to collect receiver noise levels at a number of locations outside the range boundary for known activity on the range. All data were then compared against predicted sound levels from the WMRR noise model.

Receiver sound levels expressed as single event levels, L_{Ae} , were found to be within 2 to 5 dB of the model results and hence the model's input data was modified to match the measured data. After calibration of the model the difference between the levels was less than 2 dB which is considered satisfactory for noise modelling purposes.

4.4 Results

The WMRR SoundPLAN noise contour is comparable in size and shape to the MHA report. However source data for the new weapon types has resulted in a lengthening of the outer noise control boundary contour to the south of the range in the vicinity of Halkett Road/Weedons Ross Road.

The 55 dBA Ldn outer noise control boundary and the 65 dBA Ldn inner control boundary are provided at Appendix C.

These contours should replace the preliminary MHA contours provided to SDC.

5 Applicability

This report has been prepared for the exclusive use of our client New Zealand Defence Force, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that this report will be used by Selwyn District Council in undertaking its planning and regulatory functions in connection with the West Melton Rifle Range.

Tonkin & Taylor Ltd

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Senior Acoustics Specialist

Authorised for Tonkin & Taylor Ltd by:



Penny Kneebone

Project Director

DAHU

p:\1010541\issueddocuments\wmrr_noise-boundaries-report.docx

Appendix A: Glossary of Terms

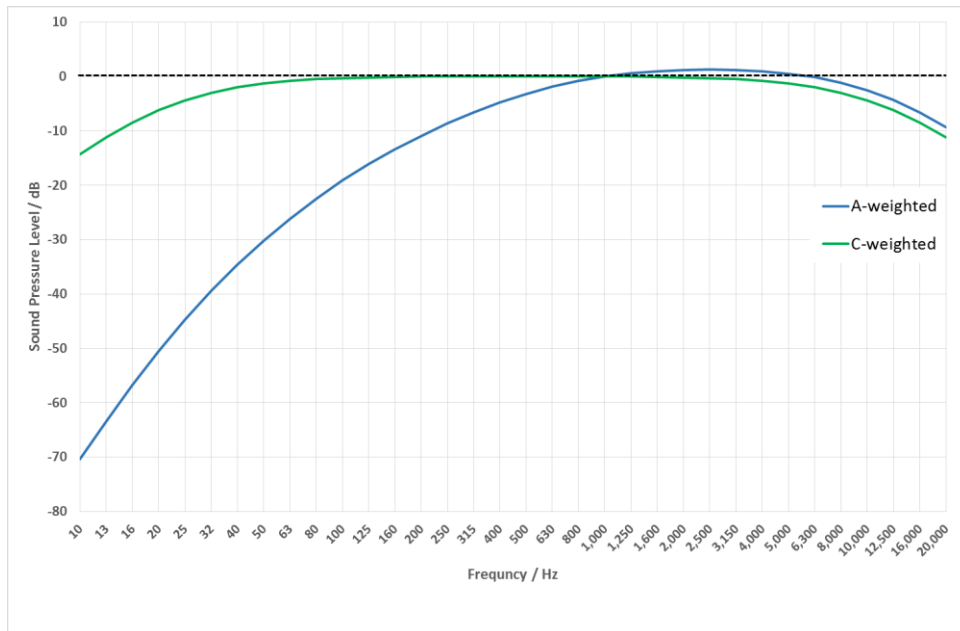
Term	Definition
CDNL	C-weighted day-night average noise level.
Decibel (dB)	A unit of measurement on a logarithmic scale which describes the magnitude of sound pressure with respect to a reference value (20 μ Pa).
Hertz (Hz)	Unit of frequency – the number cycles per second of a wave form.
Impulse	Transient sound having a peak level of short duration, typically less than 100 ms.
Infrasound	Sound below the normal audible hearing frequency range of the average person – usually less than 20 Hz in frequency.
$L_{Aeq(t)}$	The A-weighted time-average sound level over a period of time (t), measured in units of decibels (dB).
L_{Amax}	The maximum A-weighted sound pressure level over a period of time or of a particular noise event, measured in units of decibels (dB).
L_{Cpk}	The C-weighted maximum absolute instantaneous sound pressure level.
L_{dn}	The A-weighted time weighted average sound level over a period of 24 hours after the addition of 10 decibels to sound levels measured during the night (2200-0700).
$L_{Aeq,t}$	The A-weighted time weighted average sound level over a period of time, t.
L_w / SWL	Sound power level of a source, measured in decibels (dB).
SEL / L_{Ae}	Sound exposure level – the A-weighted sound pressure level which is maintained constant for a period of one second would contain the same sound energy of a given noise event.
Noise	Unwanted sound.
Notional boundary	A line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.
PK_{15}	peak sound pressure level exceeded for 15% of the time.
SAC	Special audible characteristics – a sound that has a noticeable quality.
TMTA	Temporary military training activities.

Every 10 dB increase in sound level doubles the perceived noise level. A sound of 70 dB is twice as loud as a sound level of 60 dB and a sound level of 80 dB is four times louder than a sound level of 60 dB. An increase or decrease in sound level of 3 dB or more is perceptible. A change in sound level of less than 3 dB is not usually discernible.

As sound levels are measured on a logarithmic scale, the following chart provides examples of typical sources of noise.

Decibel (dB)	Example
0	Hearing threshold
20	Still night-time
30	Library
40	Typical office room with no talking
50	Heat pump running in living room
60	Conversational speech
70	10 m from edge of busy urban road
80	10 m from large diesel truck
90	Lawn mower - petrol
100	Riding a motorcycle at 80 kph
110	Rock band at a concert
120	Emergency vehicle siren
140	Threshold of permanent hearing damage

Relationship between A-weighted and C-weighted sound levels is shown in the following graph. A linear level (also known as Z-weighted level, un-weighted level or flat response) is represented by the dashed line. The A-weighted value of a noise source is an approximation to how the human ear perceives the noise. For sounds having a strong low frequency component the C-weighted levels will be greater than A-weighted value by more than 10 dB.



Appendix B: International Experience

Management of weapon noise

In the United Kingdom, the Ministry of Defence (MoD) aims to protect members of the public from the effects of noise and vibration generated by military training activities, whilst maintaining the effective operation of its armed forces for the interests of national security. The MoD has committed that *‘private dwellings and areas of public use adjacent to military areas will not be subjected to impulse noise above 130 decibels’*⁵. There is no recommendation on the quantum of noise that people can experience although the MoD is committed to ensuring that individuals are not exposed to average sound levels that may cause hearing loss, i.e. a daily noise exposure level of 80 dB(A).

In the United States, the US Department of Defense (DOD) noise working group recommends the use of the C-weighted day-night average noise level (CDNL⁶) for noise exposure analysis and mapping of military range noise, except for small arms. In addition, the DOD establishes supplementary noise contours based on the PK₁₅ noise metric, which is the peak sound pressure level exceeded for 15% of the time. The DOD threshold limits are shown in Table B.1, in which Zones I-III refer to the level of noise exposure experienced and the sensitivity of the zone to noise. Zone I being more sensitive to noise than Zone III.

Table B.1: US DOD noise limits for noise zones

Noise Zone	Impulsive CDNL	Small arms – PK ₁₅
Land use planning zone	57 – 62	N/A
I	< 62	< 87
II	62 – 70	87 – 104
III	> 70	> 104

The US Army uses the PK₁₅ noise metric to assess the likelihood that noise complaints will occur from the use of large calibre weapons. The threshold for a high risk of complaint is comparable to the UK MoD L_{pk} of 130 dB (taking into account the slight differences between PK₁₅ and L_{pk}). The relationship between risk and noise is shown in Table B.2 below.

Research conducted by Sorenson and Magnusson⁷ found that a mean unweighted peak sound pressure level around 85 dB L_{pk} is a reasonable criterion for land use-planning and at this level approximately 10% of a residential population would be expected to be affected. Further findings are provided in Table B.3.

Both the US DOD and UK MoD have produced peak noise contours to illustrate the extent of impulsive noise for land use planning purposes or for establishing the extent of noise disturbance prior to undertaking military training⁸. However these contours do not convey how often military training is heard or the cumulative effects of noise which are helpful when understanding a community’s long term reaction to training noise. To overcome the limitations of peak contours, exposure based contours have been used to good effect in the US to illustrate both the level of noise and the quantum of noise (as established from the number of events or duration of noise). These contours are based on the C-weighted L_{dn} to reflect the low frequencies produced by large calibre weapons. For small calibre weapons which do not produce significant levels of low frequency noise the A-weighted L_{dn} would also be appropriate.

⁵ Otterburn Training Area: AS90 Firing Plan HL Deb 01 February 1995 vol 560 cc114-5WA.

⁶ The CDNL is the same as the C-weighted L_{dn}.

⁷ Sorenson and Magnusson, ‘Annoyance caused by noise from shooting ranges’, Journal of Sound and Vibration, Vol 62, 437-442, 1979.

⁸ <https://www.casltd.com/view-service/noise-analysis-tool>.

Table B.2: US Army risk of noise complaints (large calibre)⁹

Risk of noise complaints	Noise limits – PK15 dB
Low	<115
Medium	115 - 130
High	130 -140
Risk of physiological damage	> 140

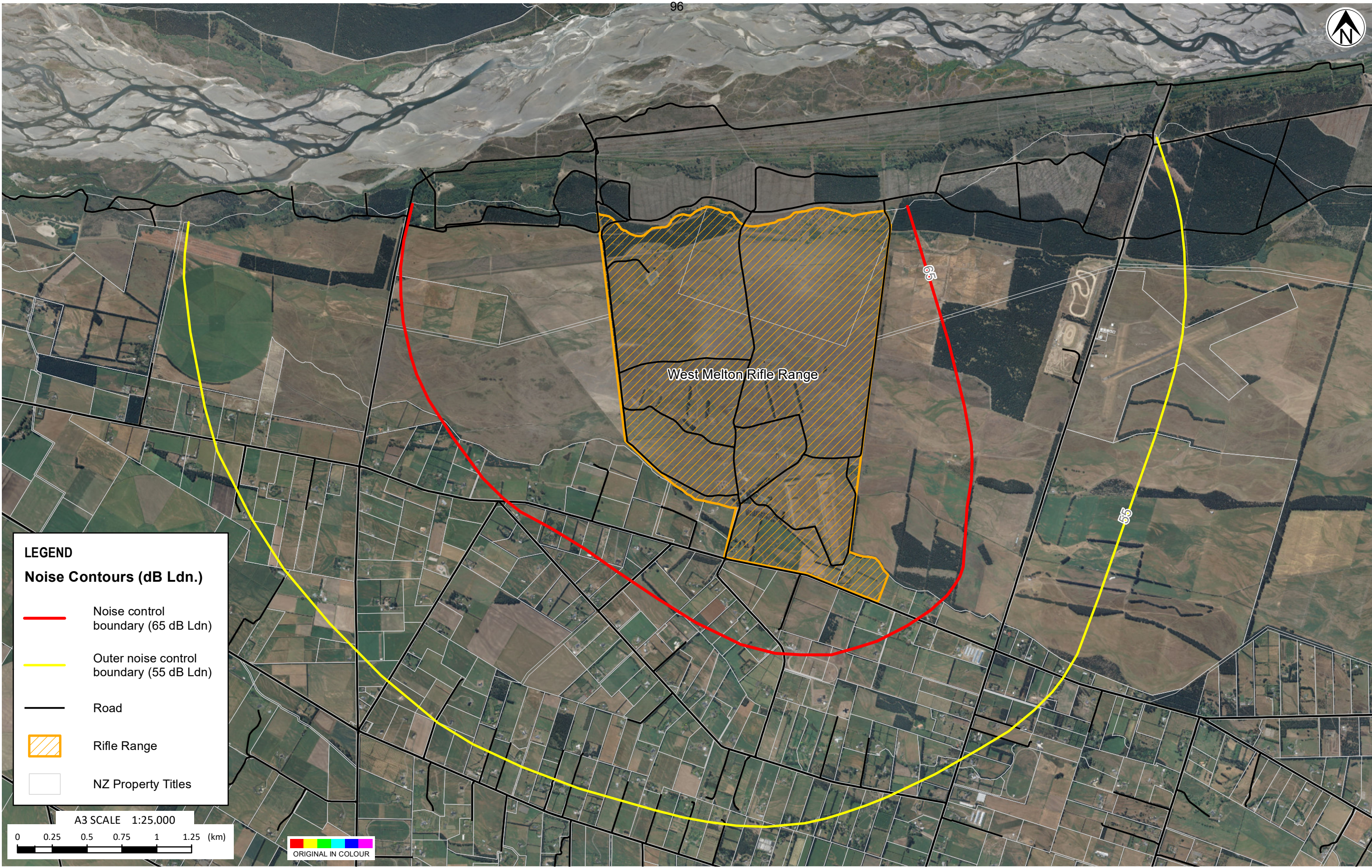
Table B.3: Percentage of population highly annoyed from small arms range noise


Peak Level, L _{pk} dB	Percentage Highly annoyed (%HA)
80	4
85	10
90	13
95	21
100	29
105	38

After Sorenson and Magnusson 1979.

⁹ US DoD, Community and environmental noise: A guide for military installations and communities, December 2018.

Appendix C: West Melton Rifle Range – Noise Control Boundary






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NOTES:

1. CANTERBURY 0.3M RURAL AERIAL PHOTOS 2015 TO 2016 SOURCED FROM THE LINZ DATA SERVICE AND LICENSED BY THE CANTERBURY AERIAL IMAGERY (CAI) CONSORTIUM FOR RE-USE UNDER CC-BY 4.0.

2. NEW ZEALAND TITLES AND ROAD CENTRELINES SOURCED FROM LINZ DATA SERVICE UNDER CC-BY 4.0.

0	FIRST VERSION	JJXC	EMSO	20/09/19
REV	DESCRIPTION	GIS	CHK	DATE

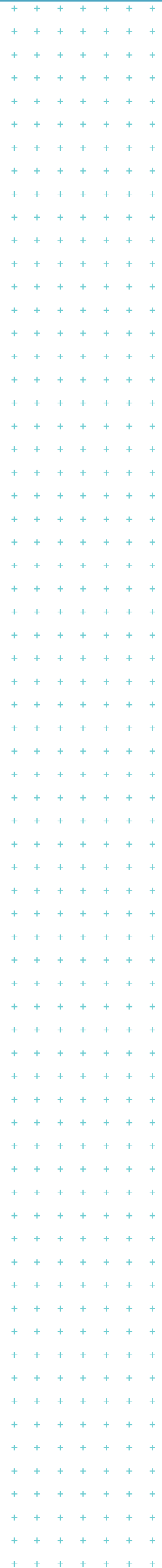


LOCATION PLAN

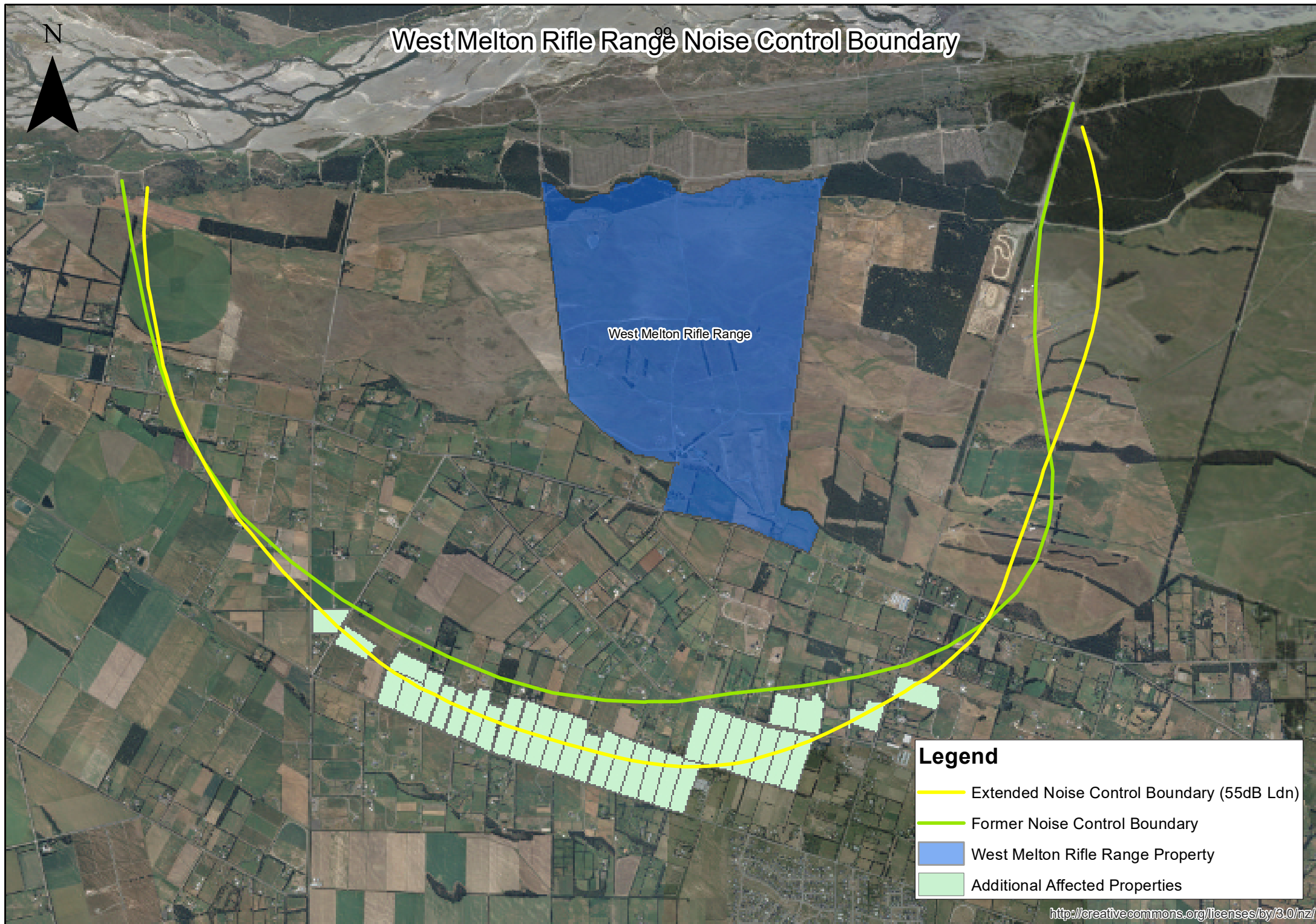
PROJECT No. 1010541.2000		
DESIGNED	JJXC	DEC.19
DRAWN	JJXC	DEC.19
CHECKED	EMSO	DEC.19

APPROVED DATE

CLIENT	NEW ZEALAND DEFENCE FORCE
PROJECT	SELWYN DISTRICT PLAN REVIEW
TITLE	NOISE CONTROL BOUNDARY DRAFT FOR CONSULTATION
SCALE (A3)	1:25,000
FIG No.	FIGURE 1.
REV	0



Appendix 2 – Comparison Map



9. RESOLUTION TO EXCLUDE THE PUBLIC

Recommended:

1. *'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution	Date report can be released
1.	Natural Hazards - Flooding <ul style="list-style-type: none"> • Preferred Option Report • Communications and Engagement Summary Plan 	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>	Date of commencement of landowner engagement
2.	Natural Hazards- Report on Draft Flooding provisions			Date of commencement of landowner engagement
3.	Natural Hazards – Coastal Hazards <ul style="list-style-type: none"> • Preferred Option Report • Updated Communications and Engagement Summary Plan 			Date of commencement of landowner engagement
4.	Natural Hazards- Report on Draft Coastal Hazards provisions			Date of commencement of landowner engagement

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be

prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1-4	<p>Maintain the effective conduct of public affairs through:</p> <ul style="list-style-type: none"> (i) the free and frank expression of opinions by or between or to members or offices or employees of any local authority, or any persons to whom section (5) applies, in the course of their duty; (ii) The protection of such members, officers, employees and persons from improper pressure or harassment. 	Section 7(2)(f)
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2. *That appropriate officers remain to provide advice to the Committee.*