

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council reply on Natural Features and Landscapes – Shelley Milosavljevic on
behalf of Waimakariri District Council**

Date: 11 August 2023

INTRODUCTION:

1 My full name is Shelley Catherine Milosavljevic. I am employed as a Senior Policy Planner for Waimakariri District Council.

2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Natural Features and Landscapes.

3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 4.

4 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Natural Features and Landscapes.

5 I am authorised to provide this evidence on behalf of the District Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

6 **Appendix C** of my section 42A report sets out my qualifications and experience.

7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note (2023).

SCOPE OF REPLY

8 This reply follows Hearing Stream 4 held on 17 and 18 July 2023. Minute 6 requires this reply report to be provided by Friday 11 August 2023.

9 The main topics addressed in this reply include:

- Response to written questions posed by the Panel set out in Minute 6;
- Response to verbal questions that arose during the hearing and matters remaining in contention; and
- Changes to recommendations in s42A report.

10 **Appendix 1** has a list of materials provided by submitters. This information is all available on the hearings webpage.¹

11 **Appendix 2** has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.

12 **Appendix 3** has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

Response to written questions posed by the Hearings Panel

Question 1 - Would it be appropriate to relocate NFL-R8 and R9 to the EI chapter if they are deemed to be infrastructure?

13 On further reflection, I consider that centre pivot and travelling irrigators would not be considered 'infrastructure' under the PDP definition (which is the s2 RMA definition) as while they are a system for irrigation, once they are on private land I consider it is likely they are no longer undertaken by a network utility operator (s166(d) of RMA specifies that network utility operators include those that undertake distribution of water for supply including irrigation).

14 I obtained legal advice that agreed that the definition of 'infrastructure' is intended to capture distribution systems, rather than on-farm systems. The legal advice noted there is room for different interpretations of the 'infrastructure' definition and there does not appear to be any case law that provides guidance.

15 Therefore, I consider NFL-R8 should remain in the NFL chapter, and not relocated to the EI chapter.

16 I consider NFL-R9 should be relocated to the TRAN chapter as this provides for roading, not the EI chapter. I have discussed this with Mr Maclennan (s42A Officer for Energy and Infrastructure and Transport

¹ <https://www.waimakariri.govt.nz/planning/district-plan/district-plan-review/proposed-district-plan-hearings>

chapters), and he agrees and will show this amendment in his TRAN chapter Right of Reply. I note that while ideally a rule should be located within the same chapter as the relevant objectives and policies, in this instance it is appropriate to locate this rule within the TRAN chapter as this chapter provides rules for roads specifically.

Question 2 - What is the intent of NFL-R8? What effects does it seek to manage?

- 17 The intent of NFL-R8 is to restrict centre pivot and travelling irrigators within ONF/ONF/SAL due to the irrigators effects on landscape values given they are essentially a large structure.
- 18 The intent is not the consequential greening of land caused by the irrigator; other methods of irrigation are not controlled. I note the current aerial imagery² shows that these areas are currently relatively 'green' anyway, compared to a browner landscape such as the Mackenzie basin so the impact of irrigation in terms of the resulting 'greening' would be less of a contrast. I have confirmed this with the author of the NFL chapter provisions and Section 32 report.
- 19 These irrigators are essentially large structures and the Waimakariri District Landscape Evaluation³ identified structures as a threat to landscape values. However, as these irrigators are typically only partially fixed to land and deemed a 'vehicle' (as per Haldon Station Decision No. [2014] NZEnvC 136⁴) they do not typically meet the PDP definition of 'structure', hence they are not controlled via NFL-R5, and instead have via their own rule NFL-R8.
- 20 As noted above, I consider that centre pivot and travelling irrigators would not be considered 'infrastructure' under the PDP definition (which takes s2 RMA definition) as while they are a system for irrigation, once they are on private land it is assumed they no longer undertaken by a

² PDP ePlan map aerial imagery dated 2022

<https://waimakariri.isoplan.co.nz/draft/property/0/0/226>

³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0037/98389/14.-WAIMAKARIRI-ONL-ONF-SAL-BOFFA-MISKELL-REPORT-FINAL.PDF

⁴ https://www.gallawaycookallan.co.nz/files/1403837835_9th%20Decision.pdf

network utility operator; and s166(d) of RMA specifies that network utility operators includes those that undertake distribution of water for supply including irrigation.

- 21 I consider the key matter that would be considered when assessing resource consent applications using these provisions would be the relative extent of the irrigator within the ONF/ONL/SAL (e.g., will only a small section of it be located within the ONF/ONL/SAL, or all of it). Section 6.2 of the Waimakariri District Landscape Evaluation⁵ outlines what should be considered when considering effects of structures within an ONL, ONF, SAL, I consider the following to be relevant to irrigators:
- a. Type of building/structure and the effects on the landscape character;
 - b. Location in relation to the landform and topography and specific landscape features that are particularly legible within the ONL/ONF/SAL;
 - c. Scale, form, and finish of any building/structure, including colour, reflectivity and materials;
 - d. Impact on coherence of landscape character or pattern of natural features such as indigenous vegetation, ridges, rock outcrops;
 - e. The nature and extent of existing development within the vicinity or locality;
 - f. The need for any increased height of a building/structure to undertake the proposed activity and how this may detract from views and outlook from adjoining properties or from public roads and places; and
 - g. Cumulative effects and potential to visually dominate the landscape in general.

⁵ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0037/98389/14.-WAIMAKARIRI-ONL-ONF-SAL-BOFFA-MISKELL-REPORT-FINAL.PDF

- 22 I note in terms of the ONL/ONF/SAL, these types of irrigators are most likely to be within the margins of the two river features (SAL and Waimakariri River ONF) due to their relatively flat topography. It is unlikely centre pivot and traveling irrigators would locate near the Estuary ONF given the limited land margin within this feature, or the ONL given the steeper topography of this feature. The majority of the two river features (SAL and Waimakariri River ONF) comprise hydro parcels administered by LINZ. Where these features do encompass private land, this is very minimal and typically in areas that are vegetated.
- 23 Federated Farmers' evidence⁶ reiterates its opposition to NFL-R8 as it is linked with Regional Council's water allocation and discharge responsibilities. I do not agree with this because as noted above, this rule relates to the visual impact of the large centre pivot itself, not the landscape 'greening' caused by the irrigation.

Question 3 - Do the National Planning Standards require councils to identify significant amenity landscapes in district plans?

- 24 No, the National Planning Standards do not require Councils to identify Significant Amenity Landscapes; they just specify that if a District Plan does identify Significant Amenity Landscapes, then the corresponding provisions must be located in the NFL chapter.

Question 4 - Please provide further advice on the application of Regulations 13 and 15 of the NESPF to rules in a district plan, in respect of significant amenity landscapes. In particular, is it permitted to have a more onerous activity status than controlled?

- 25 Regulation 13 states that "*Afforestation must not occur within a visual amenity landscape if rules in the relevant plan restrict plantation forestry activities within that landscape*". Regulation 15(3) states that

⁶ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0029/134966/EVIDENCE-4-FED-FARMERS-Hearing-Statement-2-Waimakariri-DP.pdf

“Afforestation is a controlled activity if regulation 13 is not complied with.”

26 The NESPF defines ‘afforestation’ as:

(a) means planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years; but

(b) does not include vegetation clearance from the land before planting

27 The NESPF definition of ‘plantation forestry’ includes:

“means a forest deliberately established for commercial purposes, being—

(a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and

(b) includes all associated forestry infrastructure; but

(c) does not include.....”

28 Rule NFL-R13 (Plantation forestry) essentially relates to ‘new’ plantation forestry – which encompasses afforestation (new plantation forestry on land where there is no plantation forestry), along with associated forestry infrastructure, harvesting and replanting activities. Therefore, while the NESPF does not appear to specify activity standard limits for ‘plantation forestry’ with VAL, it does for afforestation (under Regulation 15 - controlled activity status and this cannot be more stringent as this matter is not mentioned under Regulation 6).

29 Therefore, on reflection I consider that as NFL-R13 essentially relates to new plantation forestry (which is afforestation), and the purpose of using the term ‘plantation forestry’ (instead of just ‘afforestation’) is to encompass the broader aspects of this definition (forestry infrastructure, etc) then it must comply with the NESPF requirements of Regulation

15(3) which is a controlled activity status within a Visual Amenity Landscape/SAL.

30 I obtained legal advice on this. This advice agreed with my above conclusions on the basis that as afforestation is a subset of plantation forestry in the context of NFL-P13 and therefore the controlled activity status of Regulation 15(3) of the NESPF applies.

31 Therefore, I consider that NFL-R13 should be amended to controlled activity status within the SAL. This amendment would be via the scope of submission [219.5] by Ngai Tahu Forestry which sought NFL-R13 activity status to be amended to discretionary to better align with the NESPF (so I would recommend this be accepted in part).

32 Regulation 15(4) states: *“For the purpose of subclause (3), control is reserved over the effects on the visual amenity values of the visual amenity landscape, including any future effects from plantation forestry activities.”* Thus NFL-R13 would need to be amended to reflect this as a matter of control also.

33 I also consider this amendment would require a consequential amendment (via submission [219.5]) to NFL-P4(4), which refers to *“avoiding incompatible activities, including plantation forestry,…”*. I consider this needs to be amended by deleting “plantation forestry” from NFL-P4(4) and adding it to NFL-P4(6) *“providing for non motorised recreation activities, plantation forestry, and conservation activities; and”*.

34 I also note that forestry within an ONL/ONF/SAL that does not meet the definition of ‘plantation forestry’ (which is recommended by the s42A report to align with the NESPF), would likely meet the definition of a ‘woodlot’, which is controlled by NFL-R10.

Question 5 - Do you remain of the view that EI-P5 is more directive than NFL-P1, NFL-P3 and NFL-P4, and would provide a pathway for consenting infrastructure, taking into account the legal opinion from the Proposed Selwyn District Plan¹ hearings and any other legal advice you may wish to obtain.

- 35 On further reflection and taking into account the legal opinion⁷ provided by Chorus, Spark and Vodafone and the findings of King Salmon^{8,9} I consider that NFL-P1, NFL-P3 and NFL-P4 are more directive than EI-P5 and therefore EI-P5 may not provide a pathway for consenting infrastructure.
- 36 This is because the NFL policies include ‘avoid’ clauses and EI-P5, while more specific in terms of how it specifically relates to infrastructure within sensitive areas, is an ‘enabling’ policy. Paragraph 10 of the legal opinion¹⁰ provided by Chorus, Spark and Vodafone notes that ‘avoiding’ policies may prevail over specific policies. The King Salmon decision discussed the use of the environmental bottom line approach compared to the overall broad judgement approach when balancing conflicting policies. My understanding of this decision is that an ‘avoid’ policy is an absolute directive which trumps an ‘enabling’ policy, even if the ‘enabling’ policy is more specific.
- 37 I consider that the requested amendment to NFL-P1, NFL-P3 and NFL-P4 of adding a cross-reference to EI-P5 is an appropriate method of addressing this conflict and ensuring that EI-P5 prevails where applicable. I do not consider this EI-P5 cross reference amendment will have any unintended consequences, such as ‘watering down’ the protective NFL policies, because under ‘overall broad judgement approach’ this is the same outcome (i.e., that EI-P5 prevails over the NFL policies). It will have the benefit of providing greater clarity and certainty for regionally significant infrastructure providers.

⁷ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0027/136845/EVIDENCE-1-STREAM-4-EVIDENCE-SUBMITTER-62-TELCOS-LEGAL-ADVICE-PROVIDED-TO-T~CERS-RIGHT-OF-REPLY-AS-DISCUSSSED-IN-STREAM-4-AND-REQUESTED-BY-COMMISSIONERS.pdf

⁸ Environmental Defence Society Inc v New Zealand King Salmon Company Limited Supreme Court decision - SC 82/2013 [2014] NZSC 38

⁹ Helen Atkins & Sarah Dawson ‘The King Salmon Decision – a think piece for planners’ https://planning.org.nz/Attachment?Action=Download&Attachment_id=2620

¹⁰ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0027/136845/EVIDENCE-1-STREAM-4-EVIDENCE-SUBMITTER-62-TELCOS-LEGAL-ADVICE-PROVIDED-TO-T~CERS-RIGHT-OF-REPLY-AS-DISCUSSSED-IN-STREAM-4-AND-REQUESTED-BY-COMMISSIONERS.pdf

38 Overall, I consider the policy framework will align with the objectives of protecting ONF/ONLs from inappropriate activities that would adversely affect landscape values. It essentially indicates that regionally significant infrastructure is appropriate where it has a functional need or operational need to locate within these areas and effects have been practicably minimised.

39 The following types of 'carve outs' for the protective policies (NFL-P1, NFL-P3, and NFL-P4) are requested in submissions - a cross reference to EI-P5 via either the top part of the policy [195.88, 195.89, 195.90] or a new clause [62.47, 62.48, 62.49] that considers the extent to which the infrastructure may be appropriate under EI-P5, or via either a new clause that recognises locational, operational, and technical requirements of infrastructure to locate within these areas [249.156, 249.157, 249.158], or an amendment to an existing clause, that recognises functional or operational need where effects are avoided, remedied or mitigated [275.26 and 275.27].

40 I consider a cross reference to EI-P5 is preferable to ensure its various intricacies, such as it only applying outside the coastal environment and the effects management cascade, are captured. Regarding whether the carve out EI-P5 cross reference is preferable within the top of the policy or as an additional clause, I consider that the additional clause option is preferable as it still requires consideration of the other clauses and ensures these are balanced with the infrastructure context. I therefore now recommend that the relief sought by Chorus, Spark and Vodafone via [62.47, 62.48, 62.49] should be accepted thus NFL-P1, NFL-P3, and NFL-P4 should be amended to include the following additional clause:

"in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under EI-P5."

41 Regarding scenario testing the relationship between the enabling infrastructure provisions of the EI chapter, with the protective provisions of the NFL, NATC, CE chapters (e.g., a new cell tower within the SAL,

NATC overlays), I consider this would best be addressed through the Energy and Infrastructure Right of Reply as part of Hearing Stream 5.

Question 6 - Please respond to the points raised in the Forest and Bird speaking notes dated 17 January 2023.

Forest & Bird speaking notes points - ONL related submissions

42 Regarding Forest & Bird's comments on including Lees Valley within the ONL while its SNA mapping is completed, I note that there are no indigenous vegetation clearance rules in the NFL chapter so I do not consider including Lees Valley within the ONL would not offer greater biodiversity protection while SNAs are being mapped. Rule ECO-R1 restricts indigenous vegetation clearance within both mapped and unmapped SNAs, however I do note that unmapped SNAs lack the certainty and clarity of a mapped SNA.

Forest & Bird speaking notes points - Inappropriate activities

43 Regarding Forest & Bird's points that activities that have adverse effects would be inappropriate, and thus activities that do not have adverse effects would be appropriate, I consider the overall purpose of the NFL chapter is to protect landscape values of ONF/ONL/SAL while providing for certain activities, such as infrastructure.

44 The relevant provisions are:

- a. Section 6(b) of the RMA requires protection of ONL/ONFs from inappropriate subdivision, use, and development;
- b. NZCPS Objective 2 requires the protection of ONL/ONF values by identifying areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- c. NZCPS Policy 15 requires protection of ONF/ONL within the coastal environment from inappropriate subdivision, use, and development by avoiding adverse effects of activities.

- 45 I consider that there is a potential conflict between s6(b) of the RMA and NZCPS Policy 15 on this matter, as while both require protection from inappropriate activities, Policy 15 of the NZCPS requires a more absolute protection by ‘avoiding adverse effects of activities’, while s6(b) does not. The Section 32 report¹¹ for the NZCPS does not address this conflict, however it does note that “*appropriate subdivision, use, or development should be able to avoid any adverse effects that are more than minor*”.
- 46 I note that currently there is only one ONL listed, and this is located outside the Coastal Environment so the requirements of the NZCPS are not relevant to the NFL-O2 and NFL-P3. A small section of the Waimakariri ONF and all the Estuary ONF are located within the Coastal Environment therefore NZCPS Objective 2 and Policy 15 do apply to NFL-O1 and NFL-P1.
- 47 My recommended s42A version amendments to NFL-O1 and NFL-O2 indicate that ONF/ONLs values need protection from inappropriate activities that would adversely affect values, while my recommended s42A version amendments to NFL-P1 and NFL-P3 indicate that ONF/ONLs values need protection from adverse effects of inappropriate activities. Which, while subtly different, both limit protection of landscapes values to from inappropriate activities. The clauses within NFL-P1 and NFL-P3 detail how this protection should be achieved e.g., NFL-P1(1) “*avoiding use and development that detracts from the very high biophysical values....*”.
- 48 The King Salmon decision¹² stated “*that “inappropriateness” should be assessed by reference to what it is that is sought to be protected*”. I consider my s42A report recommended versions of NFL-O1, NFL-O2, NFL-P1, and NFL-P3 align with this approach as they link inappropriate activities with the landscapes values that are sought to be protected.

¹¹ <https://www.doc.govt.nz/globalassets/documents/getting-involved/consultations/current-consultations/proposed-nzcps-section-32-report.pdf>

¹² Environmental Defence Society Inc v New Zealand King Salmon Company Limited Supreme Court decision - SC 82/2013 [2014] NZSC 38

- 49 I consider my s42A report versions of NFL-O1 and NFL-O2 do three things:
- a. Firstly, provide for activities within ONF/ONLs that do not adversely affect values;
 - b. Secondly, provide for 'appropriate' activities that adversely affect values; and
 - c. Lastly, provide protection where values are adversely affected (for activities outside the above instances).
- 50 I recognise that in utilising the relevant PDP provisions, a judgement call will be required to determine what is appropriate/inappropriate by reading the relevant objectives of the PDP. The submitters requesting the amendment to NFL-O1 and NFL-O2 to add 'inappropriate' are all regionally significant infrastructure providers; in this context, I consider the pathway for considering the appropriateness of their activities would be done by reading EI-O1 alongside NFL-O1/NFL-O2.
- 51 In my opinion, NFL-O1, NFL-O2, NFL-P1 and NFL-P3 (including the 'carve out' clause for infrastructure recommended for NFL-P1 and NFL-P3 via this Right of Reply report):
- a. align with s6(b) of the RMA by not requiring absolute protection (via NFL-O1 and NFL-O2; and NFL-P1 and NFL-P3 give effect to NFL-O1 and NFL-O2 respectively);
 - b. acknowledge the need for a 'carve out' for certain activities;
 - c. broadly align with the NZCPS (acknowledging the conflict with the more absolute protection required by Policy 15 in relation to NFL-O1 and NFL-P1); and
 - d. align with the overall purpose of the NFL chapter of protecting landscape values while providing for certain activities, such as regionally significant infrastructure with a functional or operational need which could be considered 'appropriate' under s6(b).

52 I therefore consider the ‘inappropriate’ additions to NFL-O1, NFL-O2, NFL-P1 and NFL-P3 recommended in my s42A report should remain.

Forest & Bird speaking notes points - NFL-R4

53 I agree with the point raised in the Forest & Bird evidence¹³ that a consequential amendment (via submission [192.77] by Forest & Bird) is needed to the title of NFL-MD1 (*New buildings and structures, additions to buildings and access tracks*) to ensure it is applicable to cycleways and walkways given the additional activity standard recommended that relates to these.

54 While Forest & Bird suggest this via the addition of ‘*Effects on natural features and natural landscapes*’ to the title, I consider that it would be more appropriate to instead add reference to cycleways and walkways as follows:

“New buildings and structures, additions to buildings, cycleways, walkways, and access tracks”.

Response to verbal questions posed by the Hearings Panel during the hearing and matters remaining in contention:

Restrictions on farming

55 The Panel requested a summary of the restrictions on farming activities within the Ecosystems and indigenous biodiversity chapter and Natural features and landscapes chapter. These are as follows:

Ecosystems and indigenous biodiversity chapter

- a. Indigenous vegetation clearance within SNA (mapped or unmapped) (ECO-R1) or outside SNA (ECO-R2) is restricted – PER for specific permitted clearance activities only.

¹³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0026/136961/EVIDENCE-9-STREAM-4-TABLED-EVIDENCE-FOREST-AND-BIRD-FB-presentation_Stream-4-proposed-WDP-17072023.pdf

- b. Irrigation infrastructure must be setback <20m from mapped SNA (ECO-R4 -PER).
- c. Planting within mapped SNA must be indigenous & eco-sourced (ECO-R3 - PER) & not exotic (ECO-R7 - NC).

Natural features and landscapes chapter

Restrictions on structures

- a. NFL-R1 – Addition to building (PER subject to standards).
- b. NFL-R3 – Farm building, residential unit and ancillary buildings to residential activity or primary production (PER subject to standards).
- c. NFL-R5 – Structures and buildings (PER subject to standards).
- d. NFL-R8 – Centre pivot and travelling irrigators (DIS).

Restrictions on tree planting

- e. NFL-R10 – Woodlot and shelterbelts (DIS).
- f. NFL-R11 – Planting restricted tree species (DIS/NC).
- g. NFL-R13 – Plantation forestry (NC).

Restrictions on access tracks

- h. NFL-R6 – Access tracks and parking areas (PER subject to standards).

56 The majority of the two river features (SAL and Waimakariri River ONF) comprise hydro parcel administered by LINZ, and where these features do encompass private land, this is very minimal and typically in vegetated areas¹⁴. The Rakahuri Estuary ONF has a limited land margin¹⁵. The ONL topography is relatively steep and vegetated¹⁶. In summary, I

¹⁴ PDP ePlan map aerial imagery dated 2022
<https://waimakariri.isoplan.co.nz/draft/property/0/0/226>

¹⁵ PDP ePlan map aerial imagery dated 2022
<https://waimakariri.isoplan.co.nz/draft/property/0/0/226>

¹⁶ PDP ePlan map aerial imagery dated 2022
<https://waimakariri.isoplan.co.nz/draft/property/0/0/226>

consider the impact of the ONL/ONF/SAL overlay provisions on farming activities is minimal given the features' relative scale, geographical constraints, and primarily public landownership.

Policy provision for farming

57 There was some discussion at the hearing about how the NFL provisions can provide for the expansion or adaptation of rural activities.

58 I consider that as existing use rights under s10 of the RMA provide for existing rural activities and changes can occur provided their effects are the same or similar (which allows some discretion for changing farming practices), and this is appropriate as such circumstances are contextual.

59 Dairy Holdings Limited [420.24] seeks the following new policy:
"Recognise that there may be working farmland and other rural production activities occurring in areas identified as outstanding natural features and landscapes, or visual amenity landscapes."

60 My s42A report (paragraph 107) rejected this submission on the basis that it was *"unnecessary as this matter is already covered by NFL-P1(6), NFL-P3(5), and NFL-P4(7) and s10 of the RMA provides for activities with existing use rights to continue to occur"*.

61 NFL-P1(6), NFL-P3(5), NFL-P4(7) state *"providing for existing rural production where this does not detract from the identified values"*.

62 While I still am of the view that this new policy is unnecessary, after giving it further thought I now consider this submission provides scope to better clarify the intent of NFL-P1(6), NFL-P3(5), NFL-P4(7) and accept in part the intent of the Dairy Holdings Limited submission.

63 As outlined in my preliminary response to written questions¹⁷, I understand the purpose of this clause was to convey that rural activities are provided for within these areas, and was a link to the various rules

¹⁷ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0016/136600/NATURAL-FEATURES-LANDSCAPES-NFL-RESPONSE-TO-PRELIMINARY-PRE-HEARING-QUESTIONS-17-JULY-2023.pdf

that relate to rural activities (addition to buildings (NFL-R1), buildings (NFL-R5), farm buildings (NFL-R3), access tracks (NFL-R6), and centre pivot and travelling irrigators (NFL-R8)). I agree that the term 'existing' conflicts with s10 of the RMA; and I now recommend that NFL-P1(6), NFL-P3(5), NFL-P4(7) be amended to remove 'existing' to remove this conflict. I consider there is scope to do this via the Dairy Holdings Limited submission [420.24].

64 I also recommend the clauses be clarified that 'rural production' is reference to rural activities, primarily farming, and I consider that amending this to "*providing for existing primary production (excluding quarrying and mining) rural production where this does not detract from the identified values*" (as outlined in my response to preliminary questions¹⁸ as an alternative to using the definition 'rural production') misses the intent of the clause. I consider it is appropriate to remove the "*where this does not detract from the identified values*" as this is covered by the "*providing for*" and removes the potential conflicts with s10 existing use rights. For these reasons, I recommend NFL-P1(6), NFL-P3(5), and NFL-P4(7) be amended as follows, via the Dairy Holdings Limited submission [420.24]:

providing for existing rural production recognising and providing for working farmland where this does not detract from the identified values

65 Evidence on behalf of Federated Farmers notes their continued support for the request by Waimakariri Irrigation Ltd [210.40] for a new policy that recognises existing and future irrigation and stockwater activities within ONL/ONF/SALs. I do not consider this is necessary given the carve out provided for regionally significant infrastructure in EI-P5, which would apply to irrigation and stockwater activities as the definition of

¹⁸ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0016/136600/NATURAL-FEATURES-LANDSCAPES-NFL-RESPONSE-TO-PRELIMINARY-PRE-HEARING-QUESTIONS-17-JULY-2023.pdf

regionally significant infrastructure includes “*established community-scale irrigation and stockwater infrastructure*”.

Quarrying

66 There was some discussion at the hearing around how quarrying is restricted within the ONL/ONF/SAL. Evidence on behalf of Fulton Hogan¹⁹ reiterates its request to reduce the stringency applied to quarrying within ONF/SAL.

67 Fulton Hogan seeks quarrying to be amended to be a discretionary activity within these areas [41.27], removing its reference to ‘avoid’ in NFL-P4(4) [41.26] and including it via amendment of NFL-P3(5) and NFL-P4(7) via the definition of ‘primary production’ [41.25 and 41.26].

68 As noted in my preliminary response to written questions, the Waimakariri Landscape Evaluation Report²⁰ identified quarrying as a threat to landscape values for these areas. Page 29-30 of the report²¹ states details how earthworks, which I consider includes quarrying for the context of this landscape report, can affect these values. In summary, it states that the scale, location, layout, and duration of earthworks typically determine the impact.

69 While I acknowledge that gravel extraction often has a functional need to occur within the beds and margins of rivers, I consider that non-complying activity status is appropriate for quarrying within an ONL/ONF/SAL given the potential for adverse effects. This shows that while it’s not anticipated by the PDP, it could occur if effects were minor as per s104D of the RMA. It is not a prohibited activity.

70 As outlined above, I do not consider that amending clause NFL-P1(6), NFL-P3(5), NFL-P4(7) to include quarrying via the definition of ‘primary

¹⁹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0026/134954/3-EVIDENCE-FULTON-HOGAN-STREAM-4-Tim-Ensor-Fulton-Hogan-Stream-04-29_06_23.pdf

²⁰ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0037/98389/14.-WAIMAKARIRI-ONL-ONF-SAL-BOFFA-MISKELL-REPORT-FINAL.PDF

²¹ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0037/98389/14.-WAIMAKARIRI-ONL-ONF-SAL-BOFFA-MISKELL-REPORT-FINAL.PDF

production' was the intent of this clause, which I consider is to recognise and provide for farming. I consider NFL-P1(5), NFL-P3(4), and NFL-P4(4) below address quarrying within these areas:

NFL-P1(5) - avoiding activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;

NFL-P3(4) - avoiding activities such as plantation forestry, shelterbelts, mining and quarrying activities which create adverse effects on the identified values;

NFL-P4(4) - avoiding incompatible activities, including plantation forestry, shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures which create unacceptable adverse effects on the identified values;

71 As noted in my preliminary response to written questions²², I consider Fulton Hogan's submission [41.26] seeking amendment of NFL-P4(4) as shown below should be accepted in part as it improves the clarity of this clause:

NFL-P4(4) avoiding incompatible activities, including plantation forestry, shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures ~~which create~~ where these activities result in unacceptable adverse effects on the identified values;

72 I do not consider there is no scope within submissions to make this similar amendment to NFL-P1(5) and NFL-P3(4).

²² https://www.waimakariri.govt.nz/_data/assets/pdf_file/0016/136600/NATURAL-FEATURES-LANDSCAPES-NFL-RESPONSE-TO-PRELIMINARY-PRE-HEARING-QUESTIONS-17-JULY-2023.pdf

Including reference to inappropriate 'subdivision'

73 As noted in my preliminary response to written questions²³, I consider there is scope to amend NFL-O1, NFL-O2, NFL-P1 and NFL-P3 to include reference to subdivision as drawing on the submissions as a whole, and not just their specific relief sought, the submissions seeking alignment with s6(b) would have scope to include reference to subdivision. Transpower [195.85 & 195.86] and Waka Kotahi [275.24 & 275.25] both seek that NFL-O1 and NFL-O2 be amended to align with s6(b) (RMA). Only one submission seeks this for a policy, this is by Transpower [195.88] on NFL-P1; there are no submissions directly seeking NFL-P3 be amended to align with s6(b). However, the introduction to Transpower's submission²⁴ includes "...and such further alternative or consequential relief as may be necessary to fully give effect to this submission."; and similarly, the introduction to Waka Kotahi's submission²⁵ includes "...including further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission." I therefore consider there is scope to add 'subdivision' to NFL-P3 through a consequential amendment via these submissions [Transpower 195.86 and Waka Kotahi 275.25].

74 The Panel asked whether there were any submissions on rule SUB-R9. There are seven submissions on rule SUB-R9 (Subdivision within ONL/ONF - DIS). Six of these submissions are in support and seek retention. One submission [176.9] seeks amendment to "*Clarify SUB-R9 for Outstanding Natural Feature and Landscape Overlay and Significant Natural Areas (SNAs) landscape and ecological assessment process and whether some SNA's have been removed from assessment process.*"

²³ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0016/136600/NATURAL-FEATURES-LANDSCAPES-NFL-RESPONSE-TO-PRELIMINARY-PRE-HEARING-QUESTIONS-17-JULY-2023.pdf

²⁴ Refer to page 9 of submission at https://www.waimakariri.govt.nz/_data/assets/pdf_file/0013/112171/195-SUBMISSION-TRANSPower-AM-CONSULTING.pdf

²⁵ Refer to page 3 of submission at https://www.waimakariri.govt.nz/_data/assets/pdf_file/0014/112244/275-SUBMISSION-NZ-TRANSPORT-AGENCY-WAKA-KOTAHI.pdf

Existing use rights & plantation forestry

- 75 There was some discussion at the hearing about how s10 existing use rights work for plantation forestry in term of the cycle of harvesting and replanting. The NESPF definition of afforestation includes “...*where plantation forestry harvesting has not occurred within the last 5 years...*” which implies that existing use rights for existing plantation forestry would cease after five years of a harvest, which is in excess of the standard 12 month cease period under s10. This is likely due to the technical requirements for replanting, such as post harvesting works, replanting preparation works, seasonal considerations for replanting.
- 76 I therefore consider that existing use rights would likely apply to the full cycle of plantation forestry and not be limited to the time between planting and harvesting (and 12 months thereafter).

Direct definition of ‘plantation forestry’ instead of cross-reference to NESPF

- 77 It was asked at the hearing is the definition of ‘Plantation forestry’ could be amended to include the actual definition from the NESPF, instead of referring to the NESPF.
- 78 I agree with this request as it will improve plan usability. If the NESPF definition changes, this will require a minor amendment to the PDP via Cl.16 of Schedule 1 of the RMA. However, I note that there is a risk that if the NESPF definition changes and the PDP is not updated immediately there would be a period where it would partially not align with the NESPF definition.
- 79 However, balancing the potential benefits and risks, I recommend the definition of ‘plantation forestry’ be amended as shown below, and this is via Federated Farmers submission [414.14]:

“Plantation forestry - has the same meaning as in the NESPF (as set out below):

means a forest deliberately established for commercial purposes, being—

(a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and

(b) includes all associated forestry infrastructure; but

(c) does not include—

(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or

(ii) forest species in urban areas; or

(iii) nurseries and seed orchards; or

(iv) trees grown for fruit or nuts; or

(v) long-term ecological restoration planting of forest species;

or

(vi) willows and poplars space planted for soil conservation purposes”

Date: 11 August 2023



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APPENDIX 1 – LIST OF MATERIALS PROVIDED BY SUBMITTERS

Legal advice: Selwyn Proposed District Plan (Pdp) Review: Energy and Infrastructure Policy EI-P2 weighing of same against NFL-P1(E) and NFL-P2(C)²⁶

Forest and bird's submissions on the proposed Waimakariri District Plan hearings - Stream 4 – written speaking notes 17 July 2023²⁷

²⁶ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0027/136845/EVIDENCE-1-STREAM-4-EVIDENCE-SUBMITTER-62-TELCOS-LEGAL-ADVICE-PROVIDED-TO-T~CERS-RIGHT-OF-REPLY-AS-DISCUSSED-IN-STREAM-4-AND-REQUESTED-BY-COMMISSIONERS.pdf

²⁷ https://www.waimakariri.govt.nz/_data/assets/pdf_file/0026/136961/EVIDENCE-9-STREAM-4-TABLED-EVIDENCE-FOREST-AND-BIRD-FB-presentation_Stream-4-proposed-WDP-17072023.pdf

**APPENDIX 2. RECOMMENDED AMENDMENTS TO NATURAL FEATURES AND
LANDSCAPES CHAPTER**

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in red text (with underline and ~~strike-out~~ as appropriate);
and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

NFL - Āhuatanga o te whenua - Natural Features and Landscapes

Introduction

Natural landscapes are the visible features of an area of land, or broad landforms, or a collection of landforms, such as hills, valleys or open plains. Natural features are less broad landforms or biophysical entities such as river corridors, wetlands, lakes or geological formations.

The District Council has a statutory obligation to recognise and provide for the protection of outstanding natural landscapes and features from inappropriate subdivision, use and development as a matter of national importance under the RMA.

The RPS identifies the assessment matters for determining whether a natural feature or landscape should be classified as outstanding and classifies regional-scale outstanding natural features and landscapes. It also provides for assessments at a district level. Using this assessment, there are natural features and landscapes that have been identified as outstanding at a district scale. These are shown on the planning map and comprise:

- the Puketeraki Mountains and the front ranges including Mt Oxford and Mt Thomas ONL,
- the Waimakariri River ONF, and
- the Ashley River/Rakahuri Saltwater Creek estuary ONF [\(also known as Te Aka Aka\)](#)²⁸.

Utilising the same assessment matters, the remainder of the Ashley River/Rakahuri upstream of the estuary has been identified as a SAL.

~~Activities in, on, under or over the beds of lakes and rivers are managed by the Regional Council and as such the rules in this chapter do not apply to these areas.~~²⁹

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to natural features and landscapes include:

- [Energy and Infrastructure: this chapter includes provisions to manage energy and infrastructure activities within ONL, ONFs, and SAL; as such the rules within the NFL Chapter do not apply to energy and infrastructure activities \(except for NFL R8 and NFL R9 which does apply\). The objectives, policies, standards, matters of discretion, appendix, and planning map overlay relating to the NFL chapter do apply to energy and infrastructure activities within ONL, ONFs, or SAL.](#)³⁰
- Earthworks: this chapter contains provisions to manage earthworks within the identified ONL, ONF and SAL areas.
- Natural Hazards: this chapter is relevant as natural hazard mitigation measures can occur within ONL, ONF and SAL areas.

²⁸ Judith Roper-Lindsay [120.15]

²⁹ Canterbury Regional Council [316.11]

³⁰ Transpower New Zealand Ltd [195.84]

- Natural Character of Freshwater Bodies: this chapter is relevant as some natural character of scheduled freshwater bodies setbacks provisions are also within a natural feature or landscape.
- Coastal Environment: this chapter contains provisions that are relevant as natural features and landscapes can occur within this environment.
- Special Purpose Zone (Kāinga Nohoanga): how the Natural Features and Landscapes provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
NFL-O1	<p>Outstanding Natural Features</p> <p>Outstanding natural features are protected from inappropriate³¹ <u>subdivision</u>,^{32,33} land use or development that would adversely affect the values of these features.</p>
NFL-O2	<p>Outstanding Natural Landscapes</p> <p>Outstanding natural landscapes are protected from inappropriate³⁴ <u>subdivision</u>,^{35,36} land use or development that would adversely affect the values of these landscapes.</p>
NFL-O3	<p>Significant Amenity Landscapes</p> <p>The values of significant amenity landscapes are maintained.</p>
Policies	
NFL-P1	<p>Protect Outstanding Natural Features</p> <p>Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of inappropriate³⁷ <u>subdivision</u>,³⁸ activities and development by:</p> <ol style="list-style-type: none"> 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River; 2. avoiding use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on: <ol style="list-style-type: none"> a. coastal physical processes; b. ecological habitat and indigenous biodiversity; and c. the experience of the elements and processes of (a) and (b); 3. enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated; 4. avoiding any significant loss of indigenous vegetation;

³¹ Transpower New Zealand Limited [195.85]

³² Transpower New Zealand Limited [195.85]

³³ Waka Kotahi NZ Transport Agency [275.24]

³⁴ Transpower New Zealand Limited [195.86]

³⁵ Transpower New Zealand Limited [195.86]

³⁶ Waka Kotahi NZ Transport Agency [275.25]

³⁷ Transpower New Zealand Limited [195.88]

³⁸ Transpower New Zealand Limited [195.88]

	<p>5. avoiding activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values;</p> <p>6. <u>recognising and providing for working farmland; providing for existing rural production where this does not detract from the identified values;</u>³⁹ and</p> <p>7. enabling conservation activities and non motorised recreation activities-;</p> <p>8. <u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under EI-P5.</u>⁴⁰</p>
NFL-P2	<p>Ngāi Tūāhuriri customary harvesting</p> <p>Recognise and provide for Ngāi Tūāhuriri customary harvesting of natural resources in identified natural features and landscapes, as an integral part of these areas.</p>
NFL-P3	<p>Protect Outstanding Natural Landscapes</p> <p>Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of <u>inappropriate</u>⁴¹ <u>subdivision,</u>^{42,43} activities and development by:</p> <ol style="list-style-type: none"> 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values of the Puketeraki Range and Oxford Foothills identified in NFL-APP1, in particular on the: <ol style="list-style-type: none"> a. exposed alpine environments; b. sheltered densely forested slopes and gullies of the Oxford Hills; c. indigenous vegetation; and d. recreational values; 2. avoiding use and development in areas which have no capacity to absorb change, including near ridgelines, and mitigating adverse effects through bulk, location and design controls in other areas; 3. avoiding any significant loss of indigenous vegetation; 4. avoiding activities such as plantation forestry, shelterbelts, mining and quarrying activities which create adverse effects on the identified values; 5. <u>recognising and providing for working farmland; providing for existing rural production where this does not detract from the identified values;</u>⁴⁴ and 6. enabling conservation activities and non motorised recreation activities-; and 7. <u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under EI-P5.</u>⁴⁵
NFL-P4	<p>Maintain Significant Amenity Landscapes</p> <p>Recognise the values of the significant amenity landscapes identified in NFL-APP1 and maintain them by:</p>

³⁹ Dairy Holdings Limited [420.24]

⁴⁰ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.47]

⁴¹ Transpower New Zealand Limited [195.89]

⁴² Transpower New Zealand Limited [195.86]

⁴³ Waka Kotahi NZ Transport Agency [275.25]

⁴⁴ Dairy Holdings Limited [420.24]

⁴⁵ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.48]

	<ol style="list-style-type: none"> 1. managing adverse effects of use and development on the moderate-high biophysical values and high sensory and associative values of the Ashley River/Rakahuri identified in NFL-APP1, in particular on the: <ol style="list-style-type: none"> a. braided river system; b. indigenous fauna and vegetation; c. the wilderness and natural environment; and d. recreational values; 2. enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated; 3. avoiding any significant loss of indigenous vegetation; 4. avoiding incompatible activities, including plantation forestry,⁴⁶ shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures where these activities result in which create⁴⁷ unacceptable adverse effects on the identified values; 5. mitigating through bulk, location and design controls the adverse effects of other uses and development in areas which have no capacity to absorb change; 6. providing for non motorised recreation activities, plantation forestry,⁴⁸ and conservation activities; and 7. recognising and providing for working farmland; providing for existing rural production where this does not detract from the identified values;⁴⁹ and 8. in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under EI-P5.⁵⁰
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Activity Rules

Rules

How to interpret and apply the rules

(1) The rules within the NFL Chapter do not apply to energy and infrastructure activities, except for NFL-R8 and NFL-R9 which does apply.⁵¹

NFL-R1	Addition to an existing building	
Waimakariri River ONF	Activity status: PER Where:	Activity status when compliance not achieved: RDIS

⁴⁶ Ngai Tahu Forestry [219.5]

⁴⁷ Fulton Hogan Ltd [41.26]

⁴⁸ Ngai Tahu Forestry [219.5]

⁴⁹ Dairy Holdings Limited [420.24]

⁵⁰ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.49]

⁵¹ Transpower New Zealand Ltd [195.84]

Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	1. the addition to the building footprint is a maximum of 100m ² in any 10 year period;	Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings, cycleways, walkways , ⁵² and access tracks
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: DIS Where: 2. the addition to the building footprint is a maximum of 100m ² in any 10 year period.	Activity status when compliance not achieved: NC
NFL-R2	Building for park management activities or conservation activities	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: 1. any individual building shall have a maximum building footprint of 100m ² .	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings, cycleways, walkways , ⁵³ and access tracks
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R3	Farm building, residential unit and ancillary buildings to residential activity or primary production	
Puketeraki Range & Oxford Foothills ONL	Activity status: PER Where: 1. any individual building shall have a maximum building footprint of: a. 75m ² in the Natural Open Space Zone; and b. 150m ² in any Rural Zones.	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings, cycleways, walkways , ⁵⁴ and access tracks

⁵² Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

⁵³ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

⁵⁴ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

NFL-R4	Public amenities	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: <ol style="list-style-type: none"> any individual building shall have a maximum building footprint of 75m²; the maximum height of any building shall be 5m; and there shall be only one public amenities building per site within the ONF, ONL or SAL area; <u>and</u> <u>any cycleway or walkway shall have a maximum formed width of 2.5m.</u>⁵⁵ 	Activity status when compliance not achieved in the Ashley River / Rakahuri SAL: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings, cycleways, walkways , ⁵⁶ and access tracks Activity status when compliance not achieved in the Waimakariri River ONF and Puketeraki Range and Oxford Foothills ONL: DIS
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R5	Structures and buildings	
<i>This rule does not apply to structures and buildings provided for under NFL-R1 to NFL-R4, NFL-R8, or natural hazards mitigation structures for flooding.</i>		
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: <ol style="list-style-type: none"> each individual structure or building shall have a maximum footprint of 10m², except that this shall not apply to post and rail or wire fences which are more than 75% visually transparent. 	Activity status when compliance not achieved in the Puketeraki Range and Oxford Foothills ONL: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings, cycleways, walkways , ⁵⁷ and access tracks Activity status when compliance not achieved in the Waimakariri River ONF and Ashley River / Rakahuri SAL: NC
Ashley River / Rakahuri Saltwater	Activity status: NC	Activity status when compliance not achieved: N/A

⁵⁵ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

⁵⁶ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

⁵⁷ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

Creek Estuary ONF		
NFL-R6	Access tracks and parking areas	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: 1. new tracks or parking areas, or widening of existing tracks and parking areas have a formed width of less than 3m.	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings, cycleways, walkways , ⁵⁸ and access tracks
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: NC
NFL-R7	Commercial motorised activities	
Waimakariri River ONF Ashley River / Rakahuri SAL	Activity status: RDIS Matters of discretion are restricted to: NFL-MD2 - Motorised activities	Activity status when compliance not achieved: N/A
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R8	Centre pivot and travelling irrigators	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: DIS	Activity status when compliance not achieved: N/A

⁵⁸ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R9 ⁵⁹	Formation of a new road ⁶⁰	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL ⁶¹	Activity status: DIS ⁶²	Activity status when compliance not achieved: N/A ⁶³
Ashley River / Rakahuri Saltwater Creek Estuary ONF ⁶⁴	Activity status: NC ⁶⁵	Activity status when compliance not achieved: N/A ⁶⁶
NFL-R10	Woodlot or shelterbelts	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: DIS	Activity status when compliance not achieved: N/A

⁵⁹ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶⁰ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶¹ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶² Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶³ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶⁴ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶⁵ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

⁶⁶ Relocate rule to TRAN chapter – via Transpower New Zealand Ltd [195.84]

Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R11 Planting restricted tree species		
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: DIS Where: 1. planting of any of the following tree species: a. Lodgepole Pine – <i>Pinus contorta</i>; b. Scots Pine – <i>Pinus sylvestris</i>; ⁶⁷ c. Douglas Fir – <i>Psuedotsuga menziesii</i> ; d. Corsican Pine – <i>Pinus nigra</i>; e. Larch – <i>Larix spp</i>; f. Mountain Pine – <i>Pinus uncinata</i> ⁶⁸ g. Sycamore – <i>Acer pseudoplatanus</i> ; h. Alder – <i>Alnus spp</i> ; i. Crack Willow (<i>Salix fragilis spp</i>) and Grey Willow (<i>Salix cinerea spp.</i>) Willows adjacent to rivers – <i>Salix spp</i> ⁶⁹ .	Activity status when compliance not achieved: N/A
<u>Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL</u> ⁷⁰	<u>Activity status: NC</u> <u>Where:</u> 2. <u>planting of any of the following tree species:</u> a. <u>Lodgepole Pine – <i>Pinus contorta</i>;</u> b. <u>Scots Pine – <i>Pinus sylvestris</i>;</u> c. <u>Corsican Pine – <i>Pinus nigra</i>;</u> d. <u>Larch – <i>Larix spp</i>;</u> e. <u>Mountain Pine – <i>Pinus uncinata</i>;</u> ⁷¹	<u>Activity status when compliance not achieved:</u> <u>N/A</u> ⁷²

⁶⁷ Department of Conservation [419.106]

⁶⁸ Department of Conservation [419.106]

⁶⁹ Canterbury Regional Council [316.118]

⁷⁰ Department of Conservation [419.106]

⁷¹ Department of Conservation [419.106]

⁷² Department of Conservation [419.106]

<p>Ashley River / Rakahuri Saltwater Creek Estuary ONF</p>	<p>Activity status: NC Where: 3. planting of any of the following tree species:</p> <ul style="list-style-type: none"> a. Lodgepole Pine – <i>Pinus contorta</i>; b. Scots Pine – <i>Pinus sylvestris</i>; c. Douglas Fir – <i>Psuedotsuga menziesii</i>; d. Corsican Pine – <i>Pinus nigra</i>; e. Larch – <i>Larix spp</i>; f. Mountain Pine – <i>Pinus uncinata</i>; g. Sycamore – <i>Acer pseudoplatanus</i>; h. Alder – <i>Alnus spp</i>; i. <u>Crack Willow (<i>Salix fragilis spp</i>) and Grey Willow (<i>Salix cinerea spp.</i>)</u> Willows adjacent to rivers – <i>Salix spp.</i>⁷³ 	<p>Activity status when compliance not achieved: N/A</p>
<p>NFL-R12</p>	<p>Mining activity and quarrying activities</p>	
<p>Ashley River / Rakahuri Saltwater Creek Estuary ONF Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL</p>	<p>Activity status: NC</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>NFL-R13</p>	<p>Plantation forestry</p>	

⁷³ Canterbury Regional Council [316.118]

<u>Ashley River / Rakahuri SAL</u> ⁷⁴	<u>Activity status: CON</u> ⁷⁵ <u>Matters of control are restricted to:</u> ⁷⁶ <u>NFL-MC1 - The effects on the visual amenity values of the SAL, including any future effects from plantation forestry activities.</u> ⁷⁷	<u>Activity status when compliance not achieved: N/A</u> ⁷⁸
Ashley River / Rakahuri Saltwater Creek Estuary ONF Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL	Activity status: NC	Activity status when compliance not achieved: N/A

Natural Features and Landscapes Standards

NFL-S1 Building and structures reflectivity	
1. Exterior building materials which, when graded using the British Standard BS5252:1976 Framework for Colour Co-ordination for Building Purposes, meet the following standards: <ol style="list-style-type: none"> a. where the materials are not used for a roof cladding, they are of a colour which has a reflectivity value of a maximum of: <ol style="list-style-type: none"> i. 60% for greyness groups A or B; ii. 40% for greyness group C; b. where the materials are used for a roof cladding, they are of a colour which has a reflectivity value of a maximum of 40% for greyness groups A, B or C. 	Activity status when compliance not achieved: DIS

⁷⁴ Ngai Tahu Forestry [219.5]

⁷⁵ Ngai Tahu Forestry [219.5]

⁷⁶ Ngai Tahu Forestry [219.5]

⁷⁷ Ngai Tahu Forestry [219.5]

⁷⁸ Ngai Tahu Forestry [219.5]

Exemptions

- NFL-S1 (1) does not apply to:
 - post and rail or wire fences which are more than 75% visually transparent;⁷⁹
 - natural timber as exterior building materials; or
 - windows, window frames, bargeboards, stormwater guttering, downpipes or doors which may be of any colour; or
 - infrastructure poles and attached equipment within road reserve finished in materials that will naturally weather to a non-reflective colour.⁸⁰

NFL-S2 Building coverage

1. Building coverage shall be a maximum of 5% of the site area within the ONL, ONF or SAL overlay.

Activity status when compliance not achieved: DIS

Exemptions

- NFL-S2 (1) does not apply to infrastructure with a footprint of less than 10m².⁸¹

Advice Notes⁸²

NFL-AN1⁸³

Activities in, on, under or over the beds of lakes and rivers are managed by the Regional Council and as such the rules in this chapter do not apply to these areas. However, activities on the surface of water are managed within the District Plan⁸⁴

Matters of Discretion

NFL-MD1

New buildings and structures, additions to buildings, cycleways, walkways,⁸⁵ and access tracks

1. The extent to which the proposal is consistent with maintaining, protecting or enhancing the qualities of the outstanding or significant natural feature and/or landscape, including natural character qualities, as identified in NFL-APP1.

⁷⁹ Federated Farmers [414.149]

⁸⁰ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.50]

⁸¹ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.51]

⁸² Canterbury Regional Council [316.11 & 316.119]

⁸³ Canterbury Regional Council [316.11 & 316.119]

⁸⁴ Canterbury Regional Council [316.11 & 316.119]

⁸⁵ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

	<ol style="list-style-type: none"> 2. The extent to which the proposal will detract from the naturalness and openness of the landscape. 3. The extent to which the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu. 4. The extent to which the proposal integrates into the landscape and the appropriateness of the scale, form, design and finish (materials and colours) proposed and mitigation measures such as planting. This shall include consideration of any adverse effects of reflectivity, glare and light spill. 5. The proximity and extent to which the proposal is visible from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point. 6. The extent to which natural elements such as landforms and vegetation within the site mitigate the visibility of the proposal. 7. The extent to which the proposal has any adverse effects on important ridgelines. 8. The extent to which the proposal will result in adverse cumulative effects. 9. The extent to which the proposal will result in significant loss of indigenous vegetation and biodiversity. 10. The extent to which the proposal supports the continuation of farming activities in the rural area. 11. Whether the proposal is connected to reticulated water and the need to provide water supply (for firefighting), and the ability to integrate water tanks into the landscape and mitigate any adverse visual effects. 12. For new access tracks, whether the track supports conservation activities, farming, recreation activities or rural tourism activities and the ability to integrate with the landscape, follow natural contours and mitigate any adverse effects. 13. The extent to which the proposal has functional need or operational need for its location.
NFL-MD2	Motorised activities <ol style="list-style-type: none"> 1. The extent of any adverse effects on the identified feature and/or landscape, including natural character qualities as identified in NFL-APP1, and natural character values in the coastal environment, including the extent to which the proposal is consistent with maintaining their qualities. 2. Any adverse effects on adjoining outstanding or significant natural features or landscapes or natural character in the coastal environment, and whether there is a sufficient separation to avoid detracting from the qualities of those areas. 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"> a. any loss of, or effects on, indigenous vegetation or habitats of indigenous fauna, including wetlands, ecological corridors and linkages; b. indigenous ecosystem integrity and function; c. where relevant, any effects on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in identified SNAs; and d. where relevant, any effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment. 4. The extent to which the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu.

	<p>5. The proximity and extent to which the activity is visible from or causes nuisance on public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point.</p> <p>6. The extent to which the proposal will result in adverse cumulative effects.</p>
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Appendix

NFL-APP1 - Outstanding and Significant Landscapes and Features - Values and Threats

Waimakariri River - Outstanding Natural Features

	Landscape Values	Rating
Biophysical	<p>The river is a large scale functioning alluvial system which is a formative element that created the Canterbury Plains (movement of gravel loads from the mountains, river channels, silts and gravels that underlie the plains and source of loess). Braided rivers are rare (globally) and the Waimakariri is recognised as one of the best examples of its kind in New Zealand.</p> <p>Braided rivers are 'naturally uncommon ecosystems' and have a threat status of 'endangered'. The riverbed provides significant indigenous and migratory bird habitat particularly at the river mouth.</p> <p>Valuable bird and fish habitat is associated with the braided river. Salmon and trout migrate to the headwaters of the river to complete their breeding cycle.</p>	Very High
Sensory	<p>The wide braided gravel river bed traversing through the Canterbury plains is an iconic feature of the Waimakariri District and the Canterbury Plains.</p> <p>The Waimakariri Gorge (upper and lower) is a highly legible landscape feature, revealing the underlying geology with high aesthetic value. Beyond the gorge, the gravel banks and old river terraces reveal the formation of the plains.</p> <p>Sinuuous braided patterning of the gravel riverbed contrasts with the geometric patchwork of the plains. The contrast and patterning of the braided river channels are a highly memorable feature of the area.</p> <p>The river creates a visual and physical connection from the mountains to the sea.</p> <p>The braided river system is dynamic and constantly changing through variability in flow over the seasons with freshes, low flows and flood events. High flood flows are particularly dramatic and memorable.</p>	High
Associative	<p>The Waimakariri River and its tributaries are identified as part of Tūranga Tūpuna and Ngā Wai by Te Ngāi Tūāhuriri in the District Plan.</p> <p>Historically, the river was an important travel route for Māori which linked the east and west coasts of the South Island with numerous habitation sites along the river boundary. It was also an important mahinga kai and resource gathering area for mana whenua.</p>	High

	<p>The sinuous braided pattern of the river has been recognised as a distinctive signature characteristic of the plains and has inspired both literature and art.</p> <p>The Waimakariri River Regional Park offers recreational opportunities and environmental enhancement on the margins of the lower reaches of the river.</p> <p>The river and its margins provide for many recreational activities, including jet boating, kayaking, rafting, fishing, and hunting, cycling and walking. Tourist jet boats operate in the picturesque upper gorge.</p> <p>Establishing bridges across the Waimakariri River, and controlling the hazard from flooding were two of the key endeavours of early engineers to 'control' the river.</p>	
Likely Threats	<p>Earthworks and quarrying activities (gravel extraction, encroachment of farming practices);</p> <p>Buildings, structures and utilities (including irrigation canals, hydro dams, etc.);</p> <p>Forestry and shelterbelts encroachment into the riverbed;</p> <p>Native vegetation clearance;</p> <p>Further encroachment into the river corridor of activities on adjacent land;</p> <p>Activities that threaten the ecological and habitat values;</p> <p>Flood control measures, including groynes, stop banks and planting that channelises the braided river bed; and</p> <p>Spread of weeds across the river bed and banks, including associated habitat loss.</p>	

Puketeraki Range and Oxford Foothills - Outstanding Natural Landscape

	Landscape Values	Rating
Biophysical	<p>The steep Puketeraki Ranges support a diverse range of indigenous habitats, including snow tussock, subalpine scrub, alpine rockfield vegetation above 1200m and induced short tussock grassland, matagouri scrubland, scree slopes and pockets of remnant beech forest at lower elevations.</p> <p>Extensive areas of indigenous beech forest and remnant podocarp forest are the dominant vegetation cover on the slopes, gullies and hilltops of the Oxford Foothills including the Oxford Forest and Mt Thomas Forest conservation areas.</p> <p>The Nationally Significant Okuku Triassic Monotis locality Geo-preservation site lies in the North West area of the Okuku Range and Lees Pass.</p> <p>The Nationally Significant Bullock Creek debris flow Geo-preservation site lies at the foot of Mt Thomas, and is a very good example of an eroding gully, debris flow and debris flow fan.</p>	Very High
Sensory	<p>The hill and mountain landforms have a dominant physical presence in the surrounding area of the upper plains and Lees Valley.</p> <p>The lush dense forested slopes of the Oxford foothills strongly contrast with the flat pastured plains and provide a rich dark coloured background to the local areas of View Hill, Oxford and Ashley Gorge/ Glentui.</p> <p>Many incised rivers and streams dissect the landforms with steep sided gullies, and rocky/gravel beds forming the upper part of the river catchments.</p>	High

	<p>Ashley Gorge is a significant and legible feature of the area where the river cuts through the Oxford foothills connecting the upper catchment/ Lees Valley and the plains.</p> <p>The hills and mountains enclose Lees Valley with their dominant physical and scenic presence, and their seasonally changing appearance is a signature feature of the valley. The enclosing upper slopes, ridgelines and skylines in particular are a highly visible and prominent feature of the valley.</p> <p>The hills and mountains have a remote and wild character with a dominance of indigenous vegetation and are valued for their high natural values.</p> <p>The Puketeraki Ranges are legible landforms in the upper Waimakariri River valley, formed and sculpted by glaciers, streams, rivers and erosion, they continue to be dynamic landforms.</p> <p>High level of openness and naturalness in the ranges and western side of the Oxford hills with limited built modification, (roads, fences and buildings).</p> <p>Transient values of the Norwest arch over the silhouetted hills and mountains. Seasonal change of the mountainous landscape including snow covered ridges and peaks to dry, golden tussock lands, as well as dramatic weather changes and cloud formations are key ephemeral values. Seasonal change of the trees also occurs within the Ashley Gorge picnic area.</p> <p>The high ranges are frequently covered in snow during the winter months and at other times of the year, which are visible from the plains.</p>	
<p>Associative</p>	<p>The mountains, indigenous forest, Ashley River/ Rakahuri and its tributaries, are identified as part of a Tūranga Tūpuna by Ngāi Tūāhuriri in the District Plan. Puketeraki and Tawera maunga are identified as Wāhi Tapu.</p> <p>Historically the forests of the foothills and upper plains were a source of abundant food including kiore (rat) for Ngāi Tūāhuriri.</p> <p>The Oxford foothills have a strong timber milling heritage. By the mid-1870s 11 sawmills were operating in the area, milling the indigenous timber and leading to the establishment of Oxford township. Some historical tracks and structures associated with logging operations are still evident in the foothills, such as those found around the Wharfdale Track area.</p> <p>The hills and ranges have high recreational values with a well-used track and hut network. The tracks provide good access to the area for walkers, mountain bikes, trampers and hunters in vicinity of the populated plains.</p> <p>The Ashley Gorge and Glentui recreation areas have high amenity and recreational values as well-known destinations, popular for picnicking, swimming, canoeing, rafting, fishing and provide walking access to the forests and hills beyond.</p> <p>The public conservation land at Oxford Forest and the Mt Thomas Forest Conservation area are within this Outstanding Natural Landscape.</p> <p>The Oxford Hills provide backdrop to the district and local Oxford communities. With well recognised and characteristic silhouettes and skylines which include the prominent highpoints of Mt Oxford, Mt Richardson and Mt Thomas.</p>	<p>High</p>
<p>Likely Threats</p>	<p>Change in farming practices extend to higher elevations; Earthworks and quarrying activities, track formation; Prominent buildings and structures; Subdivision and associated fencing, planting, buildings; Utilities particularly on elevated locations including wind farms and towers;</p>	

	Production plantations and shelterbelts; Native vegetation clearance; New or changing forms of recreation that physically impact on vegetation or landforms, or disrupt the remote and quiet nature of the hills and ranges.	
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Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Feature

	Landscape Values	Rating
Biophysical	<p>Landscape values include the combined estuaries of Saltwater Creek and Ashley River/Rakahuri and their associated mud banks, mud flats and open brackish water. The coastal side of the estuary, adjoining Pegasus Bay is made up of a sandy beach and dunes which forms Ashworth Spit and ponds behind the spit.</p> <p>The estuary is a Regionally Significant barrier-enclosed estuary system. It is identified as a geo-preservation site which comprises of one of the most complex river mouths on the Canterbury coast, indicating lateral channel instability.</p> <p>The estuary system has very high biophysical values and remains one of the least modified estuary systems in Canterbury. It includes a relatively extensive, intact and diverse sequence of estuarine vegetation communities in its lower reaches.</p> <p>The estuary has been identified as an ecological hotspot with extensive areas of salt marsh with a variety of specialised native plant species occurring along the upper and lower zones. The estuary mudflats and Ashworth Spit and ponds provide internationally significant habitat for migratory wading birds (like the bar-tailed godwit/kūaka), and provides high value wetland habitat for a variety of fish species (īnanga/whitebait, eels, kōaro, flounder/pātiki, common smelt/paraki, torrentfish/piripiripōhatu and bullies/kōkopu). The estuary is also a feeding and resting zone for the riverbed nesting birds, and host to over 90 recorded species, including the bar-tailed godwit/kūaka.</p> <p>The RPS lists the overall ecological significance ranking of High.</p> <p>The Ashley River/ Rakahuri and Saltwater Creek Estuarine areas are recognised by the International Union for Conservation of Nature (IUCN) as a wetland of 'international significance'.</p>	Very High
Sensory	<p>The estuary mudflats, channels and saltmarshes and the sandspit, foredunes beach and ponds and coastal edge are unmodified and retain a very high level of legibility, as to their formation by coastal processes and the movement of sediments and gravels down the river/stream.</p> <p>The natural forms and patterns of the landforms, vegetation and tidal movements give the area a high degree of naturalness that is apparent, a sense of remoteness and tranquillity through the lack of modification is apparent.</p> <p>The visual coherence of the estuary, sandspit, beach and vegetation is high due the lack of modification.</p> <p>Experienced within its boundaries the estuary can have a high degree of memorability depending on the tides and seasonal colour contrast of the vegetation, with low angle light of sunrise and sunset reflecting off the mudflats and tidal waters the most intense.</p>	Very High

	Transient values of the estuary are very high reflecting the dynamic coast environment with its constant changes of tide, river flow, wind, light reflection on the water, presence of migratory birds and fish.	
Associative	<p>The Ashley River/Rakahuri, its tributaries and estuary, and the coastline are areas identified as part of Ngā Wai and Tūranga Tūpuna by Te Ngāi Tūāhuriri Rūnanga in the District Plan.</p> <p>The estuary is an important area to mana whenua for mahinga kai particularly for īnanga/whitebait, flounder/pātiki and eel.</p> <p>Some evidence of pre-1769 occupation is recorded at an archaeological site on the northern edge of the Ashley River/ Rakahuri Saltwater Lagoon confluence, which contains moa bones, adzes and post holes.</p> <p>The estuary, spit and beach are popular recreational destinations for swimming, fishing, whitebaiting, bird watching and kayaking. Several road ends provide a variety of locations to access the area and walking, cycling extend the access around the margins.</p>	High
Likely Threats	<p>Earthworks in the estuary margin; Flood management structures; Damage to the estuary, its margins and associated vegetation from Motorised vehicles, including 4x4s; quad bikes; side by sides; and motorbikes; or⁸⁶ Farming practices⁸⁷; Quarrying activities; Buildings and structures on estuary margins; Utilities (such as powerlines stormwater pipes/channels); Forestry and shelterbelts; Native vegetation clearance.</p>	

Ashley River/Rakahuri - Significant Amenity Landscape

	Landscape Values	Rating
Biophysical	<p>Holocene loose gravel river deposits formed from sand, silt and clay.</p> <p>The Ashley River/ Rakahuri is a rare braided river system unique to New Zealand and the Canterbury Plains. Braided rivers are ‘naturally uncommon ecosystems’ and have a threat status of ‘endangered’. The river is also one of the steepest braided rivers in New Zealand which transports large volumes of sediment during flooding events.</p> <p>The braided river bed is highly managed and is constrained along both banks for most of its length by plantings and stop banks to contain flood waters.</p> <p>Vegetation predominantly consists of willow/poplar species along with gorse and broom. Patches of non-indigenous forest are also scattered along the river bank between the Cones Road bridge north of Rangiora to the Ashley Gorge. Rare pockets of native vegetation are also present including species such as common broom</p>	Moderate-High

⁸⁶ Royal Forest and Bird Protection Society of New Zealand Inc [192.78]

⁸⁷ Royal Forest and Bird Protection Society of New Zealand Inc [192.78]

	<p>(<i>Carmichaelia robusta</i>), korokio (<i>Corokia cotoneaster</i>), mingimingi (<i>Coprosma propinqua</i>), kōwhai (<i>Sophora microphylla</i>) in drier areas, and pūkio (<i>Carex secta</i>), harakeke (<i>Phormium tenax</i>), and karamū (<i>Coprosma robusta</i>).</p> <p>Highly valued for the native endangered and threatened bird species which nest in the river shingle. Species include the nationally vulnerable wrybill/ngutu pare (<i>Anarhynchus frontalis</i>), and banded dotterel/pohowera (<i>Charadrius bicinctus</i>), the nationally endangered black fronted tern/tarapirohe (<i>Chlidonias albostratus</i>), the declining white fronted tern/tara (<i>Sterna striata</i>), pied stilt (<i>Himantopus himantopus</i>), and the nationally critical black billed gull/tarāpunga (<i>Larus bulleri</i>).</p> <p>In the lower reaches of the park wet areas inside the stopbank host established populations of native wetland species including sedges and wetland grasses. Raupo Berm in Lower Ashley is a good example of historic backwaters containing remnant sedges.</p> <p>Important habitat for native and exotic fish species. Pockets of remnant vegetation in the Lower Ashley provide important īnanga/whitebait spawning sites.</p>	
Sensory	<p>Highly legible braided river which is expressive of its alluvial formative processes, changing form with each flood, and movement of gravel loads from the mountains to the sea.</p> <p>Memorable landscape feature and landmark for the local communities of Rangiora, Ashley, Oxford, and Glentui, as forms a physical barrier across this part of the plains. The river's presence is marked by river itself and the continuous bands of tall poplar along its banks.</p> <p>Valued by the community for its wilderness and natural environment and sounds, sights and smells of the river environment.</p> <p>Distinctive braided pattern of gravel beds and river channels unique to New Zealand and the Canterbury Plains.</p> <p>The Ashley River forms a clear connection between the foothills of the Southern Alps and the Pegasus Bay.</p> <p>Transient values include flooding or a "fresh" when the water floods the river bed bank to bank changing the channel structure.</p> <p>Other values include the dry river bed during the summer months, seasonal bird habitat, seasonal change of willows and change in the braid patterns following each flood.</p>	High
Associative	<p>The river corridor is highly valued by the community for its recreational, open space and biodiversity values and is recognised as such by its status as the Ashley Rakahuri Regional Park extending from the Okuku River confluence downstream to the Ashley Estuary.</p> <p>Activities include walking, cycling, and fishing and picnic and camping facilities are also available. Popular trails include the Taranaki Walkway near the mouth of the river and the Mike Kean walkway. Game bird shooting is also popular and permitted mostly to the west of the Cones Road bridge.</p> <p>Organisations such as Riding for the Disabled, and the North Canterbury BMX Club are present on the south of the Ashley River/Rakahuri near the Cones Road bridge. The Ashley Rakahuri Rivercare group is a community led organisation which aims to protect the ecological state of the Ashley River/ Rakahuri. The group traps pests in</p>	High

	<p>the river and works with other commercial and recreational users of the river to ensure the protection of the river’s health.</p> <p>Ngāi Tūāhuriri have a significant association to the Rakahuri and wider Waimakariri area based on historical occupation and Mahinga Kai.</p> <p>Rakahuri translates to ‘sky turned around’ and was added as a dual name for the Nga Wai in 1998 under the Ngai Tahu Claims Act.</p> <p>Mahinga Kai for Ngāi Tūāhuriri. The Nga Wai was a valuable source for cabbage tree root, bracken fernroot, tuna, matamoe, and panako. Prior to the Nga Wai's development the lower tributaries of the Ashley River/ Rakahuri were an important habitat for inanga (whitebait), waikōura (freshwater crayfish), and tuna (eels). Exotic fish species such as chinook salmon, rainbow trout, and brown trout can still be caught between October and April each year. Because of its significance, the Ashley River/Rakahuri is considered a Ngā Wai and Tūranga Tūpuna under the District Plan.</p> <p>Kaiapoi Pa was accessed by waka from the Ashley River/ Rakahuri.</p> <p>Historical flood events are part of the local history with some of the river’s worst floods occurring during the early to mid-20th century.</p>	
Likely Threats	<p>Impact of gravel extraction within the river bed, on bird habitat;</p> <p>Further encroachment into the river corridor and margins by activities on adjacent land e.g. agriculture;</p> <p>Flood management structures;</p> <p>Spreading of weed across the river bed;</p> <p>Buildings and other forms of infrastructure;</p> <p>Four-wheel drive access and damage;</p> <p>Water extraction.</p>	

Planning map - Natural Features and Landscapes overlay amendments to Waimakariri River ONF boundary on 1453, 1135A, 1047 Thongcaster Road and 369 Waimakariri Gorge Road

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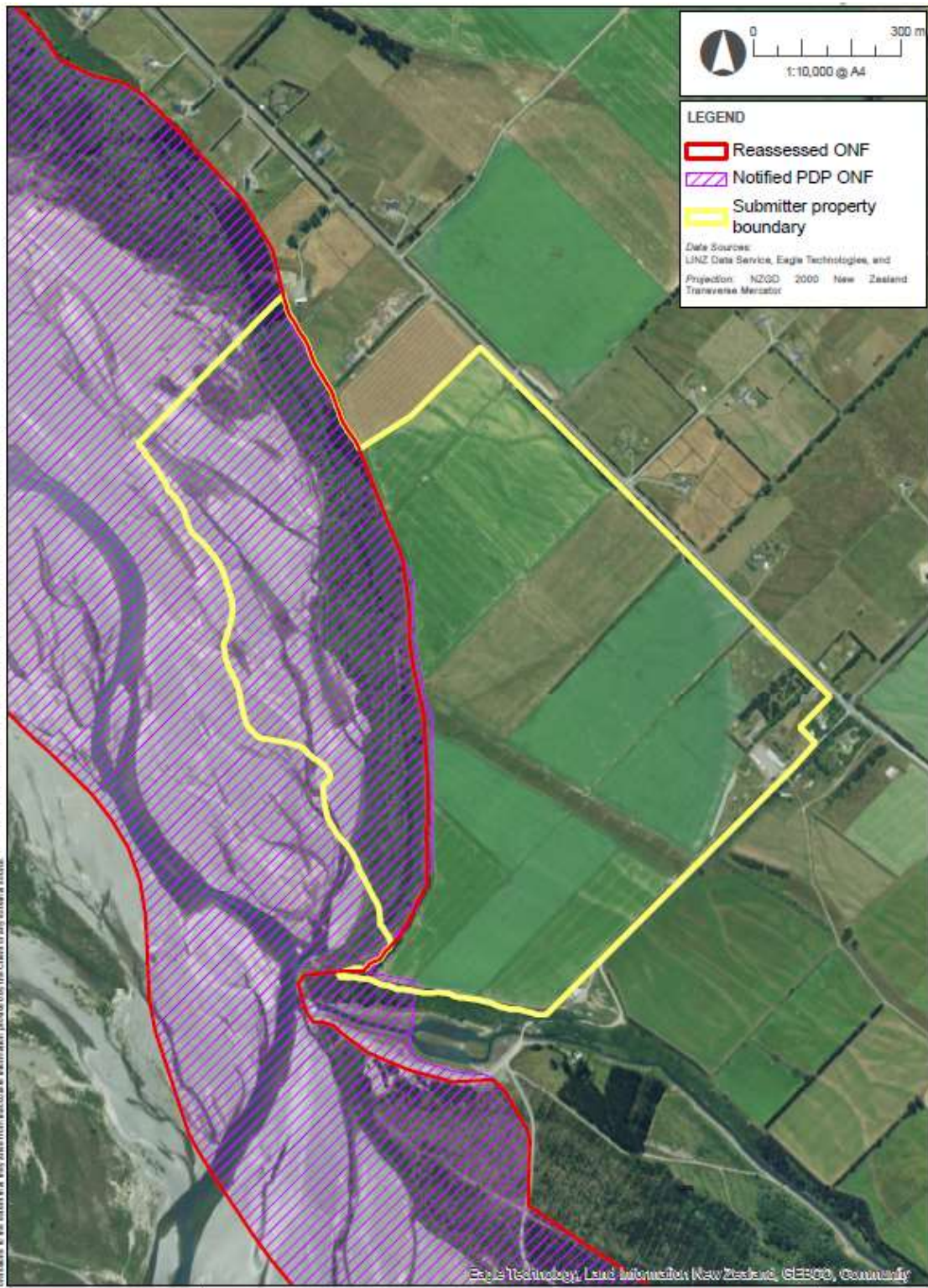
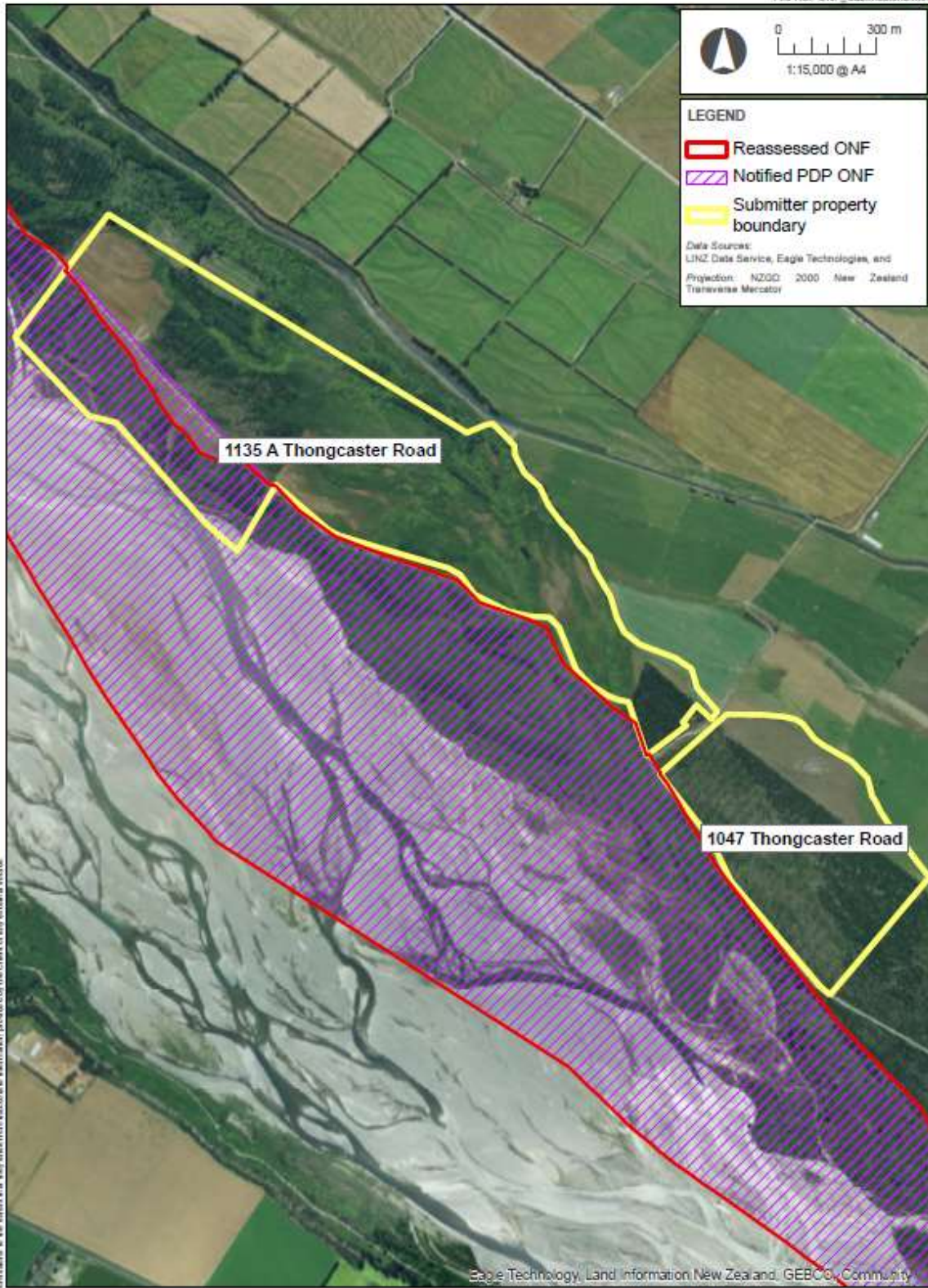


Figure 1



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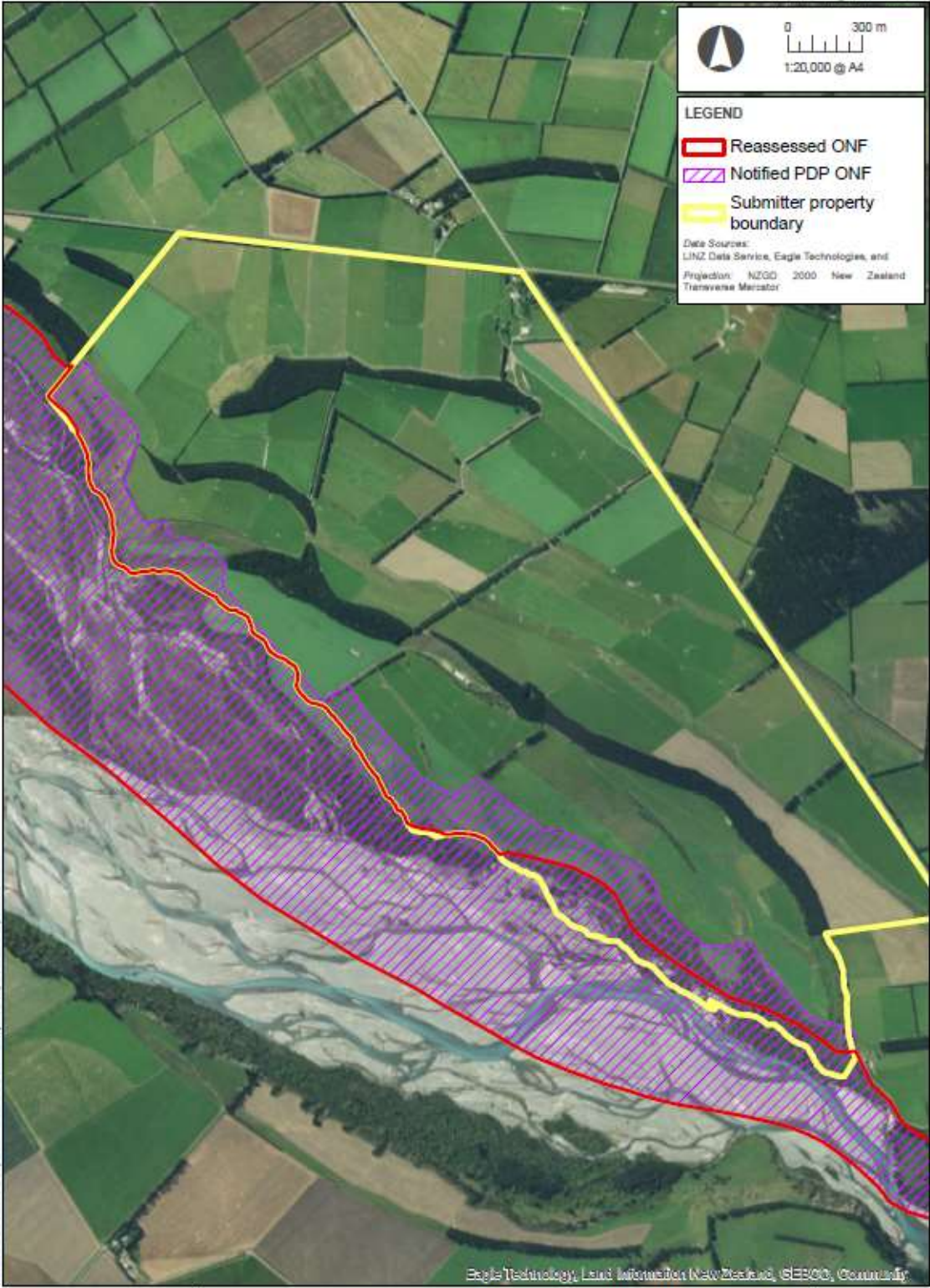
WAIMAKARIRI ONF SUBMISSION REVIEW
1135A and 1047 Thongcaster Road

Date: 28 April 2023 | Revision: 0

Plan prepared for Waimakariri District Council by Boffa Miskell Limited

Project Manager: Yvonne.Pfuger@boffamiskell.co.nz | Drawn: HWI | Checked: BFA

Figure 2



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Eagle Technology, Land Information New Zealand, SEPCO, Community



WAIMAKARIRI ONF SUBMISSION REVIEW
369 Waimakariri Gorge Road

Date: 28 April 2023 | Revision: 0

Plan prepared for Waimakariri District Council by Boffa Miskell Limited

Project Manager: Yvonne Pfleger@boffamiskell.co.nz | Drawn: HW | Checked: BFA

Figure 3

Associated definition with recommended amendments

Plantation forestry - has the same meaning as in the NESPF ~~and includes forestry~~⁸⁸ (as set out below):

means a forest deliberately established for commercial purposes, being—

(a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and

(b) includes all associated forestry infrastructure; but

(c) does not include—

(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or

(ii) forest species in urban areas; or

(iii) nurseries and seed orchards; or

(iv) trees grown for fruit or nuts; or

(v) long-term ecological restoration planting of forest species; or

(vi) willows and poplars space planted for soil conservation purposes.⁸⁹

⁸⁸ Federated Farmers of New Zealand Inc. [414.14]

⁸⁹ Federated Farmers of New Zealand Inc. [414.14]

APPENDIX 3. RECOMMENDED RESPONSES TO SUBMISSIONS AND FURTHER SUBMISSIONS

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Table B 1: Recommended responses to submissions and further submissions - Definition of gravel extraction

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
41.4	Fulton Hogan Ltd	Definition of gravel	Delete the definition of 'gravel extraction'.	3.20	Reject	See body of report.	No

Table B 2: Recommended responses to submissions and further submissions - Definition of plantation forestry

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
414.14	Federated Farmers of New Zealand Inc..	Definition of plantation forestry	Replace the definition of 'plantation forestry' with: "has the same meaning as the NESPF, including forestry "	3.11	Accept	See body of report. Also, it was asked at the hearing is the definition of 'Plantation forestry' could be amended to include the actual definition from the NESPF, instead of referring to the NESPF. I agree with this request as it will improve plan usability, and if the NESPF definition updates, this will require a minor amendment to the PDP via Cl.16.	Yes

Table B 3: Recommended responses to submissions and further submissions - General – General – General

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
210.69	Waimakariri Irrigation Limited	General	Ensure provisions enable the submitter to continue its efforts to improve water quality through Managed Aquifer Recharge and Targeted Stream Augmentation initiatives.	Not applicable – only addressed here	Reject	Managed Aquifer Recharge and Targeted Stream Augmentation ⁶² are activities that relate to the use of water, which is an ECan function, and beyond the scope of the District Plan.	No

284.1	Clampett Investments Limited	General	Amend all controlled and restricted discretionary activity rules: "Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."	3.2	Reject	See body of report	No
326.1	Rolleston Industrial Developments Limited	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.2	Reject	See body of report	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose - there may be instances where it is appropriate to notify consents.	3.2	Accept	See body of report.	No
FS119	Andrea Marsden		Oppose & disallow – These absolutes exist to ensure compliance. Removing them would open the system up to potential abuse. They should be included to prevent developers doing as they please.	3.2	Accept	See body of report.	No
FS120	Christopher Marsden		Oppose & disallow – These absolutes exist to ensure compliance so should be included. Removing them would open the system up to potential abuse.	3.2	Accept	See body of report.	No
FS84	Ohoka Residents Association		Oppose & disallow – inconsistent with national policy direction, contrary to objectives and policies of Proposed District Plan and Operative District Plan. Opposed to inappropriate satellite town proposed in Ohoka.	3.2	Accept	See body of report. I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	3.2	Reject	See body of report. I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
326.2	Rolleston Industrial Developments Limited	General	Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect: "Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."	3.2	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose - there may be instances where it is appropriate to notify consents.	3.2	Accept	See body of report.	No
FS119	Andrea Marsden		Oppose & disallow – all applications should be notified and open for consultation to give local communities a voice; removing this requirement would open the system up to exploitation.	3.2	Accept	See body of report.	No
FS120	Christopher Marsden		Oppose & disallow – all applications should be notified and open for consultation to give local communities a voice; removing this requirement would open the system up to exploitation.	3.2	Accept	See body of report.	No

FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	3.2	Reject		No
326.3	Rolleston Industrial Developments Limited	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.2	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose - There may be instances where it is appropriate to notify consents.	3.2	Accept	See body of report.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	3.2	Reject		No

⁶² Plan Change 7 of the Canterbury Land and Water Plan defines 'Targeted Stream Augmentation' as 'the controlled and targeted addition of freshwater to a surface water body for the express purpose of increasing flows or improving the quality of fresh water in the receiving waterbody'. It defines 'Managed aquifer recharge' as 'the controlled and managed addition of freshwater into groundwater an activity that is for the express purpose of improving the quality and/ or quantity of water in an receiving groundwater aquifer or a hydraulically connected surface water body'.

Table B 4: Recommended responses to submissions and further submissions - NFL – Activity Rules – General

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
130.1	Emily Arthur-Moore	General	Seek new rule making intensification and vegetation clearance inside an ONL require a resource consent.	3.9	Reject	See body of report.	No

Table B 5: Recommended responses to submissions and further submissions - NFL – Introduction – General

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
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195.84	Transpower New Zealand Limited	General	<p>Amend 'Other potentially relevant District Plan provisions':</p> <p>"As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to natural features and landscapes include:</p> <p>...</p> <p><u>- Energy and Infrastructure: the Energy and Infrastructure chapter contains the provisions that manage existing infrastructure, and ancillary vehicle access tracks, and new infrastructure on natural features or within natural landscapes and the rules in this chapter do not apply.</u></p> <p>..."</p>	3.4	Accept in part	<p>See body of report.</p> <p>Also note I now consider that centre pivot and travelling irrigators would not be considered 'infrastructure' under the PDP definition (which is the s2 RMA definition) as while they are a system for irrigation, once they are on private land I consider it is likely they are no longer undertaken by a network utility operator (s166(d) of RMA specifies that network utility operators include those that undertake distribution of water for supply including irrigation).</p> <p>I obtained legal advice that agreed that the definition of 'infrastructure' is intended to capture distribution systems, rather than on-farm systems. The legal advice noted there is room for different interpretations of the 'infrastructure' definition and there does not appear to be any case law that provides guidance.</p> <p>Therefore, I consider NFL-R8 should remain in the NFL chapter, and not relocated to the EI chapter.</p> <p>I consider NFL-R9 should be relocated to the TRAN chapter as this provides for roading, not the EI chapter. I have discussed this with Mr Maclennan (s42A Officer for Energy and Infrastructure and Transport chapters), and he agrees and will show this amendment in his TRAN chapter Right of Reply. I note that while ideally a rule should be located within the same chapter as the relevant objectives and policies, in this instance it is appropriate to locate this rule within the TRAN chapter as this chapter provides rules for roads specifically.</p>	Yes
FS110	Waka Kotahi		Support – Allow. It would assist interpretation and implementation of the PDP.	3.4	Accept	See body of report.	No

Table B 6: Recommended responses to submissions and further submissions - NFL – Policies – General

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
210.40	Waimakariri Irrigation Limited	General	Insert new policy: "Recognise that there may be irrigation and stockwater activities in areas identified as outstanding natural features and landscapes, or significant amenity landscapes, and that those activities have a functional and operational need to locate in that landscape."	3.4	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Support – Allow. Recognition of this at policy level is essential.	3.4	Accept	See body of report.	No
420.24	Dairy Holdings Limited	General	Insert new policy: "Recognise that there may be working farmland and other rural production activities occurring in areas identified as outstanding natural features and landscapes, or visual amenity landscapes."	3.4 Not applicable – only addressed here	Reject Accept in part	See body of report. I consider this new policy is unnecessary, I consider this submission provides scope to better clarify the intent of NFL-P1(6), NFL-P3(5), NFL-P4(7) and accept in part the intent of the Dairy Holdings Limited submission. As outlined in my preliminary response to written questions, I understand the purpose of this clause was to convey that rural activities are provided for within these areas, and was a link to the various rules that relate to rural activities (addition to buildings (NFL-R1), buildings (NFL-R5), farm buildings (NFL-R3), access tracks (NFL-R6), and centre pivot and travelling irrigators (NFL-R8)). However, I agree that the term 'existing' conflicts with s10 of the RMA. I consider that NFL-P1(6), NFL-P3(5), NFL-P4(7) be amended to remove 'existing' to remove the conflict with s10 of the RMA. I also recommend the clauses be clarified that 'rural production' is reference to rural activities, primarily farming, and I consider that amending this to "providing for existing primary production (excluding quarrying and mining) rural production where this does not	No Yes

						<p>detract from the identified values” (as outlined in my response to preliminary questions as an alternative to using the definition ‘rural production’) misses the intent of the clause.</p> <p>I consider it is appropriate to remove the “where this does not detract from the identified values” as this is covered by the “providing for” and removes the potential perceived conflicts with s10 existing use rights.</p> <p>For these reasons, I recommend NFL-P1(6), NFL-P3(5), NFL-P4(7) be amended to “recognising and providing for working farmland”.</p>	
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Table B 7: Recommended responses to submissions and further submissions - NFL – General – General

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer’s Recommendation	Officers’ Reasons/Comments	Recommended Amendments to PDP?
120.15	Judith Roper-Lindsay	General	Amend reference to Ashley/Rakahuri estuary to 'Te Aka Aka' to align with Zone Implementation Programme Addendum and Plan Change 7 of the Canterbury Regional Land and Water Regional Plan.	3.14	Accept in part	See body of report.	Yes
147.14	Kaiapoi-Tuahiwi Community Board	General	Retain Natural Features and Landscape section as notified.	Not applicable – only addressed here	Accept in part	Subject to amendments made in response to other submissions.	No
148.23	Rangiora-Ashley Community Board	General	Supportive of the protection of ecosystems and indigenous biodiversity as it is important to identify outstanding natural landscape and features within the district.	Not applicable – only addressed here	Accept in part	Protection of ecosystems and indigenous biodiversity is addressed in the Ecosystems and Indigenous Biodiversity Chapter. No changes recommended on the basis of this submission.	No

249.155	Mainpower New Zealand Limited	General	Insert appropriate hyperlinks from the EI Chapter to the relevant natural features and landscapes rules contained in the Natural Features and Landscapes Chapter.	3.4	Reject	See body of report.	No
362.8	North Canterbury Fish and Game Council	General	Request rules be included in the Natural Features and Landscape Chapter that restrict vegetation clearance in Outstanding Natural Landscapes (ONLs). This should be tied in with the mapping of 'converted pasture' described elsewhere in this submission, wherein all vegetation clearance outside of mapped 'converted pasture' areas in the ONLs trigger the need for a discretionary resource consent, so that landscape values can be properly considered.	3.9	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support.	3.9	Reject	See body of report.	No
420.40	Dairy Holdings Limited	General	Remove Waimakariri River Outstanding Natural Feature overlay from Gorge Farm / Brown Rock Farm at 1453, 1047 and 1135A Thongcaster Road, Burnt Hill.	3.8	Accept in part	See body of report.	Yes
420.43	Dairy Holdings Limited	General	Remove Waimakariri River Outstanding Natural Feature (ONF) overlay from Eagle Hill at 369 Waimakariri Gorge ⁶³ Road, or, in the case of overlays relating to the Waimakariri River, the overlay is amended to only extend to the river bank and exclude areas of developed farmland, and, in the case of the ONF, the overlay is amended to exclude the developed pasture, tracks and shelter belts.	3.8	Accept in part	See body of report.	Yes

⁶³ Note the original submission referred to 'Waimakariri Hill Road', which does not exist. I contacted the submitter's consultant regarding this and they confirmed this was an error and requested it be corrected to 'Waimakariri Gorge Road'.

Table B 8: Recommended responses to submissions and further submissions – NFL - Introduction

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
316.114	Canterbury Regional Council	Introduction	Consider moving the clarification that activities in, on, under or over the beds of lakes and rivers are managed by the Canterbury Regional Council and as such the rules in the Natural Features and Landscapes Chapter do not apply to these areas to an advice note.	Not applicable – only addressed in this table	Accept	Agree with submitter that this content is more appropriate as an advice note instead of within the introduction.	Yes

FS80	Christchurch International Airport Limited	Support	Supports request for Proposed Plan to give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	Not applicable – only addressed	Accept	I agree with further submission's sentiment of supporting this submission, however the reasoning is not relevant to the submission's content.	No
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Table B 9: Recommended responses to submissions and further submissions - NFL-O1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.85	Transpower New Zealand Limited	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected from <u>inappropriate</u> land use or development that would adversely affect the values of these features."	3.3	Accept	See body of report. Also, I consider there is scope to add reference to subdivision as drawing on the submission as a whole, and not just the specific relief sought, the submission is seeking alignment with s6(b) and therefore has scope to include reference to inappropriate 'subdivision'.	Yes
FS95	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited		Support – Allow. Better reflects s6(b) of RMA.	3.3	Accept	See body of report.	No
FS99	KiwiRail Holdings Ltd		Support – Allow. Improves alignment with RMA and provides linkages to sections relating to infrastructure.	3.3	Accept	See body of report.	No
210.35	Waimakariri Irrigation Limited	NFL-O1	Amend NFL-O1: "Outstanding natural features are, <u>where reasonably practicable</u> , protected from land use or development that would adversely affect the values of these features."	3.5	Reject	See body of report.	No
275.24	Waka Kotahi NZ Transport Agency	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected, <u>as far as practicable</u> , from land use or development that would <u>have inappropriate adversely affect</u> effects on the values of these features."	3.3, 3.5	Accept in part	See body of report. Also, I consider there is scope to add reference to subdivision as drawing on the submission as a whole, and not just the specific relief sought, the submission is seeking alignment with s6(b) and therefore has scope to include reference to	Yes

						inappropriate 'subdivision'.	
FS99	KiwiRail Holdings Ltd		Support – Allow. Provides recognition that there may be instances where ONFs cannot be absolutely protected.	3.3, 3.5	Accept in part	See body of report.	No
316.115	Canterbury Regional Council	NFL-O1	Retain NFL-O1 as notified or retain the original intent.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS80	Christchurch International Airport Limited	Support	Supports request for Proposed Plan to give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	Not applicable – only addressed in this table	Accept		No
326.308	Rolleston Industrial Developments Limited	NFL-O1	Retain NFL-O1 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
419.94	Department of Conservation	NFL-O1	Retain NFL-O1 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc		Support - in accordance with the requirements of the RMA	Not applicable – only addressed in this table	Accept		No

420.22	Dairy Holdings Limited	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected from <u>new</u> land use or <u>significant</u> development that would adversely affect the values of these features."	3.12, 3.15	Reject	See body of report.	No
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Table B 10: Recommended responses to submissions and further submissions - NFL-O2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.86	Transpower New Zealand Limited	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are protected from <u>inappropriate</u> land use or development that would adversely affect the values of these landscapes."	3.3	Accept	See body of report. Also, I consider there is scope to add reference to subdivision as drawing on the submission as a whole, and not just the specific relief sought, the submission is seeking alignment with s6(b) and therefore has scope to include reference to inappropriate 'subdivision'. I also consider this submission provides consequential scope to amend NFL-P3 to add reference to 'subdivision' as the submission's introduction outlining its requested amendments included reference to consequential amendments.	Yes
FS95	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited		<i>Support – Allow. Better reflects s6(b) of RMA.</i>	3.3	Accept	<i>See body of report.</i>	No
FS99	KiwiRail Holdings Ltd		<i>Support – Allow. Improves alignment with RMA and provides linkages to sections relating to infrastructure.</i>	3.3	Accept	<i>See body of report.</i>	No

210.36	Waimakariri Irrigation Limited	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are, <u>where reasonably practicable</u> , protected from land use or development that would adversely affect the values of these features."	3.5	Reject	See body of report.	No
275.25	Waka Kotahi NZ Transport Agency	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are protected, <u>as far as practicable</u> , from land use or development that would <u>have inappropriate adversely affect effects on</u> the values of these landscapes."	3.3, 3.5	Accept in part	See body of report. Also, I consider there is scope to add reference to subdivision as drawing on the submission as a whole, and not just the specific relief sought, the submission is seeking alignment with s6(b) and therefore has scope to include reference to inappropriate 'subdivision'. I also consider this submission provides consequential scope to amend NFL-P3 to add reference to 'subdivision' as the submission's introduction outlining its requested amendments included reference to consequential amendments.	Yes
FS99	KiwiRail Holdings Ltd		<i>Support – Allow. Provides recognition that there may be instances where ONFs cannot be absolutely protected.</i>	3.3, 3.5	Accept in part	See body of report.	No
316.116	Canterbury Regional Council	NFL-O2	Retain NFL-O2 as notified or retain the original intent.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS80	Christchurch International Airport Limited		<i>Supports request for Proposed Plan to give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.</i>	Not applicable – only addressed in this table	Accept in part		No
326.309	Rolleston Industrial Developments Limited	NFL-O2	Retain NFL-O2 as notified.	Not Applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No

FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
419.95	Department of Conservation	NFL-O2	Retain NFL-O2 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support – in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Reject	The recommended amendments will improve alignment of NFL-O2 with s6(b) of the RMA.	No

Table B 11: Recommended responses to submissions and further submissions - NFL-O3

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.87	Transpower New Zealand Limited	NFL-O3	Retain NFL-O3 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
326.310	Rolleston Industrial Developments Limited	NFL-O3	Retain NFL-O3 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

419.96	Department of Conservation	NFL-O3	Retain NFL-O3 as notified.	Not applicable – only Addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA	Not applicable – only addressed in this table	Accept	Agree with submitter.	No

Table B 12: Recommended responses to submissions and further submissions - NFL-P1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
62.47	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-P1	Amend NFL-P1 so EI-P5 must be considered in regard to infrastructure, e.g: "... x.in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5."	3.4 Not applicable – only addressed in this table	Reject Accept	See body of report. Taking into account the legal opinion provided by Chorus, Spark and Vodafone and the findings of King Salmon, I consider that NFL-P1 is more directive than EI-P5 and therefore EI-P5 may not provide a pathway for consenting infrastructure. This is because the NFL policies include 'avoid' clauses and EI-P5, while more specific in terms of how it specifically relates to infrastructure within sensitive areas, is an 'enabling' policy. Paragraph 10 of the legal opinion provided by Chorus et al notes that 'avoiding' policies may prevail over specific policies. The King Salmon decision discussed the use of the environmental bottom line approach compared to the overall broad judgement approach when balancing conflicting policies. It notes that an 'avoid' policy is an absolute directive which trumps an 'enabling' policy, even if the 'enabling' policy is more specific. I consider that the requested amendment to NFL-P1 of adding a cross-reference to EI-	No Yes

						<p>P5 is an appropriate method of addressing this conflict and ensuring that EI-P5 prevails where applicable. I do not consider this EI-P5 cross reference amendment will have any unintended consequences, such as 'watering down' the protective NFL policies, because under 'overall broad judgement approach' this is the same outcome (i.e., that EI-P5 prevails over the NFL policies). It will provide greater clarity and certainty for regionally significant infrastructure providers.</p> <p>Overall, I consider the policy framework will align with the objectives of protecting ONF/ONLs from inappropriate activities that would adversely affect landscape values. It essentially indicates that regionally significant infrastructure is appropriate where it has a functional need or operational need to locate within these areas and effects have been practicably minimised.</p> <p>I consider a cross reference to EI-P5 is preferable to ensure its various intricacies, such as it only applying outside the coastal environment and the effects management cascade, are captured, and that this cross reference via the requested additional clause ensures consideration of the other clauses and ensures these are balanced with the infrastructure context.</p>	
FS99	KiwiRail Holdings Limited		Support the addition of a clause which refers to the Energy and Infrastructure Chapter.	3.4	Accept	See body of report.	No
171.14	Rayonier Matariki Forests	NFL-P1	Amend NFL-P1 to clarify limited to afforestation of plantation forests.	3.11	Reject	See body of report.	No
192.74	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-P1	Amend NFL-P1 to include: "x. avoiding any loss of indigenous biodiversity identified in policy ECO-P7; "	3.10	Reject	See body of report.	No

FS83	Federated Farmers of New Zealand Inc.		Oppose – Disallow. Extra words unnecessary for something already covered.	3.10	Reject	See body of report.	No
FS110	Waka Kotahi NZ Transport Agency		Oppose – Disallow. Concerned that the absolute nature of this amendment does not acknowledge that some activities, in the context of the PDP's wider outcomes, might detract from indigenous biodiversity values of ONFs. In providing for the transport system, there may be instances where effects on indigenous biodiversity have been avoided, remedied or mitigated as far as practicable, but there is still some adverse effect on ONF values thus a more nuanced approach is required.	3.10	Reject	See body of report	No
195.88	Transpower New Zealand Limited	NFL-P1	Amend NFL-P1: "Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of <u>inappropriate</u> activities and development, <u>except where Policy EI-P5 applies</u> , by: ..."	3.3, 3.4	Accept in part	See body of report. Also, I consider there is scope to add reference to subdivision as drawing on the submission as a whole, and not just the specific relief sought, the submission is seeking alignment with s6(b) and therefore has scope to include reference to inappropriate 'subdivision'.	Yes
FS99	KiwiRail Holdings Ltd		Support – Allow. Improves alignment with the RMA and provides linkages to relevant sections of the PDP relating to infrastructure.	3.3, 3.4	Accept in part	See body of report.	No
210.37	Waimakariri Irrigation Limited	NFL-P1	Amend NFL-P1: "..." 1. avoiding, <u>where practicable</u> , or otherwise remedying, mitigating or offsetting, use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River; 2. avoiding, <u>where practicable</u> , or otherwise remedying, mitigating or offsetting, use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on: ..."	3.5	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Support - Allow. Practicality test is appropriate.	3.5	Reject	See body of report.	No

249.156	Mainpower New Zealand Limited	NFL-P1	NFL-P1 by adding additional clause: "... 7. enabling conservation activities and non-motorised recreation activities.; and 8. <u>recognise that, due to locational, operational and technical requirements, infrastructure may need to be located within areas with natural environment values.</u> "	3.4	Reject	See body of report.	No
275.26	Waka Kotahi NZ Transport Agency	NFL-P1	Amend NFL-P1: "Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of activities and development by: 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River, <u>except where activities have a functional need or operational need to be located within the features and provided the adverse effects on values are avoided, remedied or mitigated;</u> 2. avoiding use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on: a. coastal physical processes; b. ecological habitat and indigenous biodiversity; and c. the experience of the elements and processes of (a) and (b); <u>except where activities have a functional need or operational need to be located within the Ashley River/Rakahuri Saltwater Creek Estuary and provided the adverse effects on values are avoided, remedied or mitigated;</u> "	3.4	Reject	See body of report.	No
FS99	KiwiRail Holdings Ltd		<i>Support – Allow. Provides recognition of functional and operational need of the location of infrastructure.</i>	3.4	Reject	See body of report.	No
326.311	Rolleston Industrial Developments Limited	NFL-P1	Retain NFL-P1 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No

FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
362.3	North Canterbury Fish and Game Council	NFL-P1	Support NFL-P1 inclusion of the Waimakariri, Ashley/Rakahuri and Saltwater Creek as Outstanding Natural Features and Ashley River as a Significant Amenity Landscape.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support.	Not applicable – only addressed in this table	Accept in part		No
414.140	Federated Farmers of New Zealand Inc.	NFL-P1	Amend NFL-P1: "... 5. avoiding activities such as plantation forestry, woodlots, shelterbelts, afforestation , mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; ..."	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.11	Accept	See body of report.	No
419.97	Department of Conservation	NFL-P1	Retain NFL-P1 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept in part		No
420.23	Dairy Holdings Limited	NFL-P1	Amend NFL-P1 (1), (5) and (6): "... 1. managing avoiding use and development that <u>has the potential to detracts</u> from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River; ..."	3.12, 3.16	Reject	See various sections in body of report.	No

			5. avoiding new areas of activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; 6. providing for existing rural production where this does not detract from the identified values ; and ..."				
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Table B 13: Recommended responses to submissions and further submissions - Table NFL-P2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.312	Rolleston Industrial Developments Limited	NFL-P2	Retain NFL-P2 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
419.98	Department of Conservation	NFL-P2	Retain NFL-P2 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Support – in accordance with the requirements of the RMA.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept</i>		<i>No</i>

Table B 14: Recommended responses to submissions and further submissions - NFL-P3

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
41.25	Fulton Hogan Ltd	NFL-P3	Amend NFL-P3 to use terms set out in the National Planning Standards definition standard and to allow primary productive activities to occur where these do not detract from the values identified: "Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of activities and development by: ... 5. providing for existing rural <u>primary</u> production where this does not detract from the identified values; and ..."	3.6	Reject	See body of report.	No
62.48	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-P3	Amend NFL-P3 so EI-P5 must be considered in regard to infrastructure, e.g: "... x. <u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5.</u> "	3.4 — <u>Not applicable — only addressed in this table</u>	Reject <u>Accept</u>	See body of report. <u>Taking into account the legal opinion provided by Chorus, Spark and Vodafone and the findings of King Salmon , I consider that NFL-P3 is more directive than EI-P5 and therefore EI-P5 may not provide a pathway for consenting infrastructure.</u> <u>This is because the NFL policies include 'avoid' clauses and EI-P5, while more specific in terms of how it specifically relates to infrastructure within sensitive areas, is an 'enabling' policy. Paragraph 10 of the legal opinion provided by Chorus et al notes that 'avoiding' policies may prevail over specific policies. The King Salmon decision discussed the use of the environmental bottom line approach</u>	No <u>Yes</u>

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
						<p><u>compared to the overall broad judgement approach when balancing conflicting policies. It notes that an 'avoid' policy is an absolute directive which trumps an 'enabling' policy, even if the 'enabling' policy is more specific.</u></p> <p><u>I consider that the requested amendment to NFL-P3 of adding a cross-reference to EI-P5 is an appropriate method of addressing this conflict and ensuring that EI-P5 prevails where applicable. I do not consider this EI-P5 cross reference amendment will have any unintended consequences, such as 'watering down' the protective NFL policies, because under 'overall broad judgement approach' this is the same outcome (i.e., that EI-P5 prevails over the NFL policies). It will provide greater clarity and certainty for regionally significant infrastructure providers.</u></p> <p><u>Overall, I consider the policy framework will align with the objectives of protecting ONF/ONLs from inappropriate activities that would adversely affect landscape values. It essentially indicates that regionally significant infrastructure is appropriate where it has a functional need or operational need to locate within these areas and effects have been practicably minimised.</u></p> <p><u>I consider a cross reference to EI-P5 is preferable to ensure its various intricacies, such as it only applying outside the coastal environment and the effects management cascade, are captured, and that this cross reference via the requested additional clause ensures consideration of the other</u></p>	

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
						clauses and ensures these are balanced with the infrastructure context.	
FS99	KiwiRail Holdings Ltd		Supports the addition of a clause which refers to the Energy and Instructure Chapter.	3.4	Reject	See body of report.	No
171.15	Rayonier Matariki Forests	NFL-P3	Amend NFL-P3 to clarify limited to afforestation of plantation forests.	3.11	Reject	See body of report	No
192.75	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-P3	Retain NFL-P3 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
195.89	Transpower New Zealand Limited	NFL-P3	Amend NFL-P3: "Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of <u>inappropriate</u> activities and development, <u>except where Policy EI-P5 applies</u> , by: 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values of the Puketeraki Range and Oxford Foothills identified in NFL-APP1, in particular on the: ..."	3.3, 3.4	Accept in part	See applicable sections in body of report.	Yes
FS99	KiwiRail Holdings Ltd		Support – Allow. Improves alignment with the RMA and provides linkages to relevant sections of the PDP relating to infrastructure.	3.4	Accept in part	See applicable sections in body of report.	No
249.157	Mainpower New Zealand Limited	NFL-P3	Amend NFL-P3 by adding additional clause: "Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of activities and development by:	3.4	Reject	See body of report.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			... 6. enabling conservation activities and non-motorised recreation activities.; and 7. recognise that, due to locational, operational and technical requirements, network utilities may need to be located within areas with natural environment values."				
275.27	Waka Kotahi NZ Transport Agency	NFL-P3	Amend NFL-P3(1) by adding the following clause after (1)(d): "... <u>except where activities have a functional need or operational need to be located within the Puketeraki Range and Oxford Foothills and provided the adverse effects on values are avoided, remedied or mitigated;</u> ..."	3.4	Reject	See body of report.	No
316.117	Canterbury Regional Council	NFL-P3	Retain NFL-P3 as notified or retain the original intent.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS80	Christchurch International Airport Limited		<i>Supports – the Proposed Plan should give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.</i>	Not applicable – only addressed in this table	Accept in part		No
326.313	Rolleston Industrial Developments Limited	NFL-P3	Retain NFL-P3 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	Not applicable – only addressed in this table	Reject	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
362.5	North Canterbury Fish and Game Council	NFL-P3	Amend NFL-P3 to include Lees Valley as an Outstanding Natural Landscape until the full Significant Natural Area mapping process is completed.	3.7	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support.	3.7	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Oppose – disallow - premature inclusion of Lees Valley as an ONL.	3.7	Accept	See body of report.	No
362.7	North Canterbury Fish and Game Council	NFL-P3	Amend NFL-P3 to include rules to limit indigenous vegetation clearance in Outstanding Natural Landscapes at threat of vegetation clearance and pastoral intensification.	3.9	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Oppose – disallow - vegetation clearance is covered elsewhere.	3.9	Accept	See body of report.	No
414.141	Federated Farmers of New Zealand Inc.	NFL-P3	Amend NFL-P3: "... 4. avoiding activities such as plantation forestry, shelterbelts, afforestation, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; ..."	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose - not in accordance with RMA and other higher order documents.	3.11	Accept	See body of report.	No
419.99	Department of Conservation	NFL-P3	Retain NFL-P3 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept in part.		No

Table B 15: Recommended responses to submissions and further submissions - NFL-P4

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
41.26	Fulton Hogan Ltd	NFL-P4	Amend NFL-P4: "... 4. avoiding incompatible activities, including plantation forestry, shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures which create where these activities result in unacceptable adverse effects on the identified values; 5. mitigating through bulk, location and design controls the adverse effects of other uses and development in areas which have no capacity to absorb change; 6. providing for non motorised recreation activities and conservation activities; and 7. providing for existing rural primary production where this does not detract from the identified values."	3.6, 3.12, 3.16	Reject Accept in part	See body of report. Also, I recommend accepting the requested amendment to NFL-P4(4), as it improves the clarity of this clause.	No
62.49	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-P4	Amend NFL-P4 so EI-P5 must be considered in regard to infrastructure, e.g: "... x. <u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5.</u> "	3.4 — Not applicable – only addressed in this table	Reject Accept	See body of report. Taking into account the legal opinion provided by Chorus, Spark and Vodafone and the findings of King Salmon , I consider that NFL-P4 is more directive than EI-P5 and therefore EI-P5 may not provide a pathway for consenting infrastructure. This is because the NFL policies include 'avoid' clauses and EI-P5, while more specific in terms of how it specifically relates to infrastructure within sensitive areas, is an 'enabling' policy. Paragraph 10 of the legal opinion provided by Chorus et al notes that 'avoiding' policies may prevail over specific policies. The King Salmon decision discussed the use of the environmental bottom line approach compared to the overall broad judgement approach when balancing conflicting policies. It notes that an 'avoid' policy is an absolute directive which trumps an 'enabling' policy, even if the 'enabling'	No Yes

						<p>policy is more specific.</p> <p>I consider that the requested amendment to NFL-P4 of adding a cross-reference to EI-P5 is an appropriate method of addressing this conflict and ensuring that EI-P5 prevails where applicable. I do not consider this EI-P5 cross reference amendment will have any unintended consequences, such as 'watering down' the protective NFL policies, because under 'overall broad judgement approach' this is the same outcome (i.e., that EI-P5 prevails over the NFL policies). It will provide greater clarity and certainty for regionally significant infrastructure providers.</p> <p>Overall, I consider the policy framework will align with the objectives of protecting ONF/ONLs from inappropriate activities that would adversely affect landscape values. It essentially indicates that regionally significant infrastructure is appropriate where it has a functional need or operational need to locate within these areas and effects have been practicably minimised.</p> <p>I consider a cross reference to EI-P5 is preferable to ensure its various intricacies, such as it only applying outside the coastal environment and the effects management cascade, are captured, and that this cross reference via the requested additional clause ensures consideration of the other clauses and ensures these are balanced with the infrastructure context.</p>	
FS110	Waka Kotahi NZ Transport Agency		Support the proposed amendment as EI-P5 provides a framework for managing the adverse effects of infrastructure within specified areas, and consider it appropriate that it is taken into account in this policy so that the relationship between EI-P5 and NFL-P4 is clear.	3.4	Accept in part	See body of report.	No

FS99	KiwiRail Holdings Limited		Supports the addition of a clause which refers to the Energy and Instructure Chapter.	3.4	Accept in part	See body of report.	No
171.16	Rayonier Matariki Forests	NFL-P4	Amend NFL-P4 to delete reference to plantation forestry.	3.11	Reject	See body of report.	No
192.76	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-P4	Retain NFL-P4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
195.90	Transpower New Zealand Limited	NFL-P4	Amend NFL-P4: "Recognise the values of the significant amenity landscapes identified in NFL-APP1 and maintain them, <u>except where Policy EI-P5 applies</u> by: 1. managing adverse effects of use and development on the moderate-high biophysical values and high sensory and associative values of the Ashley River/Rakahuri identified in NFL-APP1, in particular on the: ..."	3.4	Reject	See body of report.	No
FS77	Department of Conservation		Disallow - the effects hierarchy should be applied by first avoiding the adverse effects.	3.4	Accept	See body of report.	No
FS99	KiwiRail Holdings Ltd		Support – allow - improves alignment with the RMA and provides linkages to relevant sections of the PDP relating to infrastructure.	3.4	Reject	See body of report.	No
210.39	Waimakariri Irrigation Limited	NFL-P4	Retain NFL-P4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No

249.158	Mainpower New Zealand Limited	NFL-P4	Amend NFL-P4 by adding additional clause: "Recognise the values of the significant amenity landscapes identified in NFL-APP1 and maintain them by: ... 7. providing for existing rural production where this does not detract from the identified values; <u>and</u> 8. <u>recognise that, due to locational, operational and technical requirements, network utilities may need to be located within areas with natural environment values.</u> "	3.4	Reject	See body of report.	No
326.314	Rolleston Industrial Developments Limited	NFL-P4	Retain NFL-P4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	Not applicable – only addressed in this table	Reject	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	No
414.142	Federated Farmers of New Zealand Inc.	NFL-P4	Amend NFL-P4: "... 4. avoiding incompatible activities, including plantation forestry, shelterbelts afforestation , mining and quarrying activities, and large buildings or groups of buildings or other structures which create unacceptable adverse effects on the identified values; ..."	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.11	Accept	See body of report.	No
419.100	Department of Conservation	NFL-P4	Retain NFL-P4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point.	No

FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept		No
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Table B 16: Recommended responses to submissions and further submissions - NFL-R1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.315	Rolleston Industrial Developments Limited	NFL-R1	Retain NFL-R1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	Reject	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	No

Table B 17: Recommended responses to submissions and further submissions - NFL-R2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.316	Rolleston Industrial Developments Limited	NFL-R2	Retain NFL-R2 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No

FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
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Table B 18: Recommended responses to submissions and further submissions - NFL-R3

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.317	Rolleston Industrial Developments Limited	NFL-R3	Retain NFL-R3 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

Table B 19: Recommended responses to submissions and further submissions - NFL-R4

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
192.77	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-R4	Amend NFL-R4 to reduce its scope to not include amenities not subject to the conditions.	3.17	Accept in part	See body of report. Also, I agree with the point raised in the Forest & Bird evidence that a consequential amendment is needed to the title of NFL-MD1 (New buildings and structures, additions to buildings and access tracks) to ensure it is	Yes

						applicable to cycleways and walkways given the additional activity standard recommended that relates to these. While Forest & Bird suggest this via the addition of 'Effects on natural features and natural landscapes' to the title, I consider that it would be more appropriate to instead add reference to cycleways and walkways.	
FS110	Waka Kotahi NZ Transport Agency		<i>Oppose – Disallow in full. The exclusion of structures that are public amenities, including cycleways and walkways, would necessitate a resource consent; additional conditions could be added to the permitted activity rule to manage the effects of larger scale cycleways and walkways.</i>	3.17	Accept in part	See body of report. My recommendation is to amend the rule by adding an activity standard limiting the width of cycleways and walkways, which aligns with this further submission.	No
326.318	Rolleston Industrial Developments Limited	NFL-R4	Retain NFL-R4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes recommended on the basis of this submission. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

Table B 20: Recommended responses to submissions and further submissions - NFL-R5

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
210.41	Waimakariri Irrigation Limited	NFL-R5	Amend the default activity status of the Waimakariri River from Non-Complying to Restricted Discretionary.	3.4	Reject	See body of report.	No
249.159	Mainpower New Zealand Limited	NFL-R5	Amend NFL-R5 by adding additional clause: "... <u>2. The structure is an existing infrastructure pole, line or cable that is, realigned, replaced, maintained, repaired or upgraded.</u> "	3.4	Reject	See body of report.	No

326.319	Rolleston Industrial Developments Limited	NFL-R5	Retain NFL-R5 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
414.143	Federated Farmers of New Zealand Inc.	NFL-R5	Amend NFL-R5 note: "This rule does not apply to structures and buildings provided for under NFL-R1 to NFL-R4, NFL-R8, or natural hazards mitigation structures for flooding, <u>or fences.</u> "	3.17	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.17	<i>Accept</i>		<i>No</i>
419.101	Department of Conservation	NFL-R5	Retain NFL-R5 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Support - in accordance with the requirements of the RMA.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept</i>		<i>No</i>

Table B 21: Recommended responses to submissions and further submissions - NFL-R6

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
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249.160	Mainpower New Zealand Limited	NFL-R6	Seek clarification that NFL-R6 is not applicable to infrastructure as the matter is covered by EI-R2.	3.4	Reject	See body of report.	No
326.320	Rolleston Industrial Developments Limited	NFL-R6	Retain NFL-R6 as notified.	Not applicable – only addressed in this table	Accept in part	No changes recommended on the basis of this submission. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
414.144	Federated Farmers of New Zealand Inc.	NFL-R6	Amend NFL-R6: Add, " <u>or where permitted under other rules.</u> "	3.17	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.17	<i>Accept in part</i>	<i>See body of report.</i>	<i>No</i>
419.102	Department of Conservation	NFL-R6	Retain NFL-R6 as notified.	Not applicable – only addressed in this table	Accept in part	No changes recommended on the basis of this submission. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Support - in accordance with the requirements of the RMA.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept in part</i>		<i>No</i>

Table B 22: Recommended responses to submissions and further submissions - NFL-R7

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
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326.321	Rolleston Industrial Developments Limited	NFL-R7	Retain NFL-R7 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>

Table B 23: Recommended responses to submissions and further submissions - NFL-R8

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
254.37	Christchurch International Airport Limited	NFL-R8	Retain NFL-R8 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS88	<i>Kainga Ora – Homes and Communities</i>		<i>Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the airport noise contour is relevant to this rule, which relates to centre pivot and travelling irrigators within an ONF, ONL, or SAL.</i>	<i>No</i>
326.322	Rolleston Industrial Developments Limited	NFL-R8	Retain NFL-R8 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No

FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
414.145	Federated Farmers of New Zealand Inc.	NFL-R8	Delete NFL-R8.	3.12	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.12	Accept	See body of report.	No
420.25	Dairy Holdings Limited	NFL-R8	Amend NFL-R8: "Activity status for areas of existing irrigation: PER Activity status for areas of new irrigation: DIS"	3.12	Reject	See body of report.	No

Table B 24: Recommended responses to submissions and further submissions - NFL-R9

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.323	Rolleston Industrial Developments Limited	NFL-R9	Retain NFL-R9 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

Table B 25: Recommended responses to submissions and further submissions - NFL-R10

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
254.38	Christchurch International Airport Limited	NFL-R10	Retain NFL-R10 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS88	Kainga Ora – Homes and Communities		<i>Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the airport noise contour is relevant to this rule, which relates plantation forestry within an ONF, ONL, or SAL.</i>	<i>No</i>
326.324	Rolleston Industrial Developments Limited	NFL-R10	Retain NFL-R10 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
414.146	Federated Farmers of New Zealand Inc.	NFL-R10	Amend NFL-R10 title: " <u>Afforestation</u> "	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.11	Accept	<i>See body of report.</i>	<i>No</i>

Table B 26: Recommended responses to submissions and further submissions - NFL-R11

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
254.39	Christchurch International Airport Limited	NFL-R11	Retain NFL-R11 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS88	<i>Kainga Ora – Homes and Communities</i>		<i>Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the airport noise contour is relevant to this rule, which relates planting restricted tree species within an ONF, ONL, or SAL.</i>	<i>No</i>
316.118	Canterbury Regional Council	NFL-R11	Amend NFL-R11 ⁹⁰ (i) so that only crack (<i>Salix fragilis</i>) and grey (<i>Salix cinerea</i>) willow are listed.	3.13	Accept	See body of report	Yes
FS80	<i>Christchurch International Airport Limited</i>		<i>Supports that the Proposed Plan give effect to the CRPS, in particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.</i>	3.13	<i>Accept</i>	<i>See body of report</i>	<i>No</i>
326.325	Rolleston Industrial Developments Limited	NFL-R11	Retain NFL-R11 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	<i>Ohoka Residents Association</i>		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
414.147	Federated Farmers of New Zealand Inc.	NFL-R11	Amend NFL-R11: "... i <u>Non pest Salix spp.</u> "	3.13	Reject	See body of report	No

⁹⁰ Error corrected (submission summary error)

FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.13	Accept	See body of report	No
419.106	Department of Conservation	NFL-R11	Seeks that the planting of Scots Pine, Lodgepole Pine, Corsican Pine, European Larch, Mountain Pine within the Waimakariri River Outstanding Natural Features, Puketeraki Range and Oxford Foothills Outstanding Natural Landscapes, Ashley River / Rakahuri Significant Amenity Landscapes should be a noncomplying activity.	3.17	Accept	See body of report	Yes
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	3.17	Accept	See body of report	No
419.107	Department of Conservation	NFL-R11	Retain NFL-R11(2) as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept in part		No

Table B 27: Recommended responses to submissions and further submissions - NFL-R12

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
41.27	Fulton Hogan Ltd	NFL-R12	Amend the activity status of NFL-R12 to discretionary.	3.17	Reject	See body of report.	No
254.40	Christchurch International Airport Limited	NFL-R12	Retain NFL-R12 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point.	No

FS88	Kainga Ora – Homes and Communities		Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.	Not applicable – only addressed in this table	Reject		No
316.119	Canterbury Regional Council	NFL-R12	Consider making a clarification that activities in, on, under or over the beds of lakes and rivers are managed by the Canterbury Regional Council and as such the rules in this chapter do not apply to these areas in an advice note.	3.17	Accept	See body of report.	Yes
FS80	Christchurch International Airport Limited		Supports request that the Proposed Plan give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	3.17	Accept	See body of report.	No
326.326	Rolleston Industrial Developments Limited	NFL-R12	Retain NFL-R12 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

Table B 28: Recommended responses to submissions and further submissions - NFL-R13

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
171.17	Rayonier Matariki Forests	NFL-R13	Limit the rules to afforestation.	3.11	Reject	See body of report.	No
219.5	Ngai Tahu Forestry	NFL-R13	Amend activity status to discretionary for better alignment with the National Environmental Standards for Plantation Forestry.	3.11	Reject Accept in part	See body of report. Regulation 13 states that "Afforestation must not occur within a visual amenity landscape if rules in the relevant plan	No Yes

						<p><u>restrict plantation forestry activities within that landscape". Regulation 15(3) states that "Afforestation is a controlled activity if regulation 13 is not complied with." Rule NFL-R13 (Plantation forestry) essentially relates to 'new' plantation forestry – which encompasses afforestation (new plantation forestry on land where there is no plantation forestry), along with associated forestry infrastructure, harvesting and replanting activities.</u></p> <p><u>Therefore, while the NESPF does not appear to specify activity standard limits for 'plantation forestry' with VAL, it does for afforestation (under Regulation 15 - controlled activity status and this cannot be more stringent as this matter is not mentioned under Regulation 6).</u></p> <p><u>Therefore, I consider that as NFL-R13 essentially relates to new plantation forestry (which is afforestation), and the purpose of using the term 'plantation forestry' (instead of just 'afforestation') is to encompass the broader aspects of this definition (forestry infrastructure, etc) then it must comply with the NESPF requirements of Regulation 15(3) which is a controlled activity status within a Visual Amenity Landscape/SAL.</u></p> <p><u>I obtained legal advice on this. This advice agreed with my above conclusions on the basis that as afforestation is a subset of plantation forestry in the context of NFL-P13 and therefore the controlled activity status of Regulation 15(3) of the NESPF applies.</u></p> <p><u>Therefore, I consider that NFL-R13 should be amended to controlled activity status within the SAL via the scope of this submission. Regulation 15(4) states: "For the purpose of subclause (3), control is</u></p>
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						reserved over the effects on the visual amenity values of the visual amenity landscape, including any future effects from plantation forestry activities." Thus NFL-R13 would need to be amended to reflect this as a matter of control also.	
FS77	Department of Conservation		Support.	3.11	Reject	See body of report.	No
326.327	Rolleston Industrial Developments Limited	NFL-R13	Retain NFL-R13 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
414.148	Federated Farmers of New Zealand Inc.	NFL-R13	Amend NFL-R13 title: "Afforestation"	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.11	Support	See body of report.	No
419.103	Department of Conservation	NFL-R13	Retain NFL-R13 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept		No

420.26	Dairy Holdings Limited	NFL-R13	Amend NFL-R13: "Activity status for replanting areas of previous plantation forestry: PER Activity status for new areas of plantation forestry: DIS NC "	3.11	Reject	See body of report.	No
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Table B 29: Recommended responses to submissions and further submissions - NFL-S1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
62.50	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-S1	Amend NFL-S1 Exemptions to add the following, or similar: "... <u>Infrastructure poles and attached equipment in road reserve that are finished in materials that will naturally weather to a not reflective colour.</u> "	3.4	Accept	See body of report.	Yes
326.328	Rolleston Industrial Developments Limited	NFL-S1	Retain NFL-S1 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	Not applicable – only addressed in this table	Reject	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	No
414.149	Federated Farmers of New Zealand Inc.	NFL-S1	Amend exemption list with additional bullet point to: " <u>NFL-S1(1) does not apply to fences</u> "	3.18	Accept in part	See body of report.	Yes
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.18	Accept in part	See body of report.	No

Table B 30: Recommended responses to submissions and further submissions - NFL-S2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
62.51	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-S2	Amend NFL-S2 to add an exemption for infrastructure with a footprint of less than 10m ² .	3.4	Accept	See body of report.	Yes
326.329	Rolleston Industrial Developments Limited	NFL-S2	Retain NFL-S2 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>

Table B 31: Recommended responses to submissions and further submissions - Planning maps

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
130.3	Emily Arthur-Moore	Planning Maps	Oppose exclusion of areas of the Lees Valley from Outstanding Natural Landscape and seek it is all included.	3.7	Reject	See body of report.	No
210.68	Waimakariri Irrigation Limited	Planning Maps	These overlays must reflect the definition of "riverbed" under the RMA, as in the area covered by water when the river is at its fullest flow in "usual" conditions (as confirmed by the Court of Appeal in Canterbury Regional Council v Dewhirst Land Company [2019] NZCA 486). Exclude intake infrastructure at Browns Rock from the Natural Features and Landscapes overlay.	3.8	Accept in part	See body of report.	Yes

Table B 32: Recommended responses to submissions and further submissions - NFL-MD1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
249.161	Mainpower New Zealand Limited	NFL-MD1	Retain NFL-MD1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
326.330	Rolleston Industrial Developments Limited	NFL-MD1	Retain NFL-MD1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
414.150	Federated Farmers of New Zealand Inc.	NFL-MD1	Retain NFL-MD1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>		<i>No</i>
419.104	Department of Conservation	NFL-MD1	Retain NFL-MD1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No

FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept		No
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Table B 33: Recommended responses to submissions and further submissions - NFL-MD2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.331	Rolleston Industrial Developments Limited	NFL-MD2	Retain NFL-MD2 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
419.105	Department of Conservation	NFL-MD2	Retain NFL-MD2 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept		No

Table B 34: Recommended responses to submissions and further submissions - NFL-APP1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
192.78	Royal Forest and Bird Protection Society of New Zealand Inc.	Appendix	Include in NFL-APP1 - Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Feature - Likely Threats section: " <u>Motorised vehicles (including 4x4s; quad bikes; side by sides; and motorbikes) on the associated sand dunes</u> "	3.19	Accept in part	See body of report.	Yes
210.42	Waimakariri Irrigation Limited	NFL-APP1	Amend NFL-APP1 to rectify that a number of activities identified as 'threats' are already located in the Waimakariri Outstanding Natural Feature.	3.19	Reject	See body of report	No
360.15	Christchurch City Council	NFL-APP1	Continuing to work with Waimakariri District Council on matters relating to the Waimakariri River to ensure its ongoing protection.	Not applicable – only addressed in this table	Accept	Agree with submitter as this aligns with cross boundary matters as per section 75(2)(f) of the RMA.	No
FS37	Richard & Geoff Spark		<i>Oppose – Disallow. Inconsistent with RMA, NPS-UD and NPS-HPL, and may impact on the consenting framework for the rezoning and other amendments sought by Richard & Geoff Spark.</i>	Not applicable – only addressed in this table	Reject		No
FS46	Miranda Hales		<i>Reject - Inconsistent with RMA, NPS-UD and NPS-HPL.</i>	Not applicable – only addressed in this table	Reject		No
FS80	Christchurch International Airport Limited		<i>Support - versatile soils and highly productive land are important considerations. Areas of land currently zoned rural and contain Land Use Category 2 and 3 soils are inappropriate for urban rezoning. The NPS-HPL is now in force and contains strong direction to avoid urban growth on highly productive land.</i>	Not applicable – only addressed in this table	Accept		No
414.151	Federated Farmers of New Zealand Inc.	NFL-APP1	Amend NFL-APP1 to introduce additional columns of: Current risk Existing management history Reversibility of negative effects	3.19	Reject	See body of report.	No

FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.19	Accept	See body of report.	No
419.108	Department of Conservation	NFL-APP1	Retain NFL-APP1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept		No
420.27	Dairy Holdings Limited	Appendix	Amend NFL-APP1 Waimakariri River - Outstanding Natural Features (ONFs) to rectify that a number of activities identified as 'threats' are already widespread in the Waimakariri ONF.	3.19	Reject	See body of report.	No