

**OFFICER'S REPORT FOR:**

**Hearing Panel:**

**SUBJECT:**

Proposed Waimakariri District Plan:  
Āhuatanga o te awa - Natural character of  
freshwater bodies (‘NATC’)

**PREPARED BY:**

Peter Wilson, Senior Policy Planner

**REPORT DATED:**

14 June 2023

**DATE OF HEARING:**

Hearing Stream 4 (17-21 July 2023)



**WAIMAKARIRI**  
DISTRICT COUNCIL

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## Executive Summary

1. This report considers submissions received by the District Council on the Natural Character of Freshwater Bodies chapter.
2. 128 submissions were received from 19 original submitters, 49 in support, 54 seeking amendment, and 25 opposed. There are 53 further submissions from 8 further submitters. 26 of these are in support, 26 opposed and one neutral.
3. The key issues are:
  - How the setbacks and freshwater overlays work together, and their consistency with higher order direction.
  - The provision for infrastructure and farming within the setbacks and freshwater overlays.
  - Integration with provisions in other chapters.
4. This report addresses each of these matters, as well as any other issues raised by submissions.
5. There are a number of consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
6. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and these are summarised below:
  - Minor changes to Objective NATC-O1 and O3.
  - Minor changes to some of the notified policies to:
    - Removal of wording in policies that duplicate district-wide matters.
    - Clarify application and improve grammar.
  - Alignment and clarification of the rules with higher order instruments.
  - Clarification of the application of overlays and setbacks.
7. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.
8. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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## Interpretation

9. This s42A Officer's report utilises a number of abbreviations for brevity as set out in Table 1 below:

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
RMA	Resource Management Act 1991
RMAEHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
MDRS	Medium density residential standards, as defined in s2, RMA
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESSTO	National Environmental Standards for Storing Tyres Outdoors 2021
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSUDC	National Policy Statement on Urban Development Capacity 2016 (superseded)
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
Our Space	Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga (Our Space)
RPS	Operative Canterbury Regional Policy Statement

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
CCC	Christchurch City Council
CDHB	Christchurch District Health Board
Chorus	Chorus New Zealand Ltd
CIAL	Christchurch International Airport Ltd
Corrections	Ara Poutama Aotearoa the Department of Corrections
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc / Federated Farmers North Canterbury Province
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Heritage NZ	Heritage New Zealand Pouhere Taonga
Hort NZ	Horticulture NZ
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
MoE	Minister / Ministry of Education
Ngāi Tūāhuriri	Te Ngāi Tūāhuriri Rūnanga
NZDF	New Zealand Defence Force
Police	Minister of Police / NZ Police
QEII Trust	Queen Elizabeth the Second National Trust
Ravenswood	Ravenswood Developments Ltd
RIDL	Rolleston Industrial Developments Ltd
Spark	Spark New Zealand Trading Ltd
Tuhaitara Trust	Te Kohaka o Tuhaitara Trust
Transpower	Transpower New Zealand Ltd
Vodafone	Vodafone New Zealand Ltd / One.NZ
WDC	Waimakariri District Council (including as requiring authority)
Waka Kotahi	Waka Kotahi NZ Transport Agency
WIL	Waimakariri Irrigation Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

# 1. Introduction

## 1.1 Purpose

10. The report considers submissions received by the District Council in relation to the Natural Character of Freshwater Bodies ('NATC') chapter.
11. The report outlines recommendations in response to the key issues that have emerged from submissions.
12. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the NATC chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
13. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant strategic directions objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the Natural Character of Freshwater Bodies chapter in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
14. The report outlines recommendations in response to the key issues that have emerged from submissions.
15. The recommendations are informed by the s32 evaluation<sup>1</sup>. In preparing this report I have also had regard to recommendations made in the Outstanding natural features and landscapes, Coastal Environment, Public Access, and Activities on the Surface of Water s42A reports.
16. This report is provided to assist the Hearings Panel in their role as commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

## 1.2 Author

17. My name is Peter Wilson. My role in preparing this report is that of an expert planner.
18. My qualifications, experience, and history of involvement with the Proposed Plan are set out in **Appendix D** of this report.
19. Although this is a District Council level hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
20. The scope of my evidence relates to NATC chapter matters. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.

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<sup>1</sup> [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0024/98223/12.-NATURAL-CHARACTER-FRESHWATER-BODIES-CHAPTER-S32-REPORT-DPR-2021.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0024/98223/12.-NATURAL-CHARACTER-FRESHWATER-BODIES-CHAPTER-S32-REPORT-DPR-2021.pdf)

21. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

22. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **1.3 Key Issues in Contention**

23. I consider the following to be the key issues in contention in the chapter:

- How the setbacks and freshwater overlays work together, and their consistency with higher order direction.
- The provision for infrastructure and farming within the setbacks and freshwater overlays.
- Integration with other chapters.

24. I address each of these key issues in this report, as well as any other issues raised by submissions.

### **1.4 Procedural Matters**

25. I have recommended CIAL submissions [254.41, 254.42] and an associated further submission from Kainga Ora [FS 88] that requests for bird strike risk to be considered as a matter of discretion when planting species in freshwater setbacks be referred to the airport chapter topic, in line with the recommendations provided to the Hearing Panel as part of Stream 1.



## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

26. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

27. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Coastal Environment<sup>2</sup>.

### 2.2 Section 32AA

28. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

29. The required section 32AA evaluation for changes proposed to objectives and policies as a result of consideration of submissions is in Appendix C. Where changes are proposed to rules, standards, schedules, tables, and matters of discretion the s32AA evaluation is inline below the recommendations.

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<sup>2</sup> [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0027/98226/17.-COASTAL-ENVIRONMENT-S32-REPORT-DPR-2021..pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0027/98226/17.-COASTAL-ENVIRONMENT-S32-REPORT-DPR-2021..pdf)

## **2.3 Trade Competition**

30. There are no known trade competition issues raised within the submissions.

### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

31. This s42A evaluation report considers submissions received by Council in relation to Natural Character of Freshwater Bodies ('NATC') chapter provisions in the Proposed Plan.
32. 128 submissions were received from 20 original submitters, 49 in support, 56 seeking amendments, and 24 opposed. There are 68 further submissions from 9 further submitters. 39 of these are in support, 28 opposed and one was neutral<sup>3</sup>. As noted above, two additional submissions and one further submission have been recommended for referral as they relate to airport noise matters.

##### 3.1.1 *Format for considering submissions*

33. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
  - Matters raised by submitters within sections;
  - Assessment and recommendations; and
  - Summary of recommendations to submissions.
34. A s32AA analysis in relation to new or amended objectives and policies is provided in **Appendix C** or in the recommendation section for rules and other matters

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<sup>3</sup> 7 of the Department of Conservation further submissions do not have a specific sentiment on whether to support or oppose. However, these are in the context of overall sentiment to decline the whole submission, so I have interpreted these further submissions as opposition.

## **4 Analysis of submissions**

### **4.1 General**

#### **4.1.1 Matters raised by submitters**

35. The Kaiapoi-Tuahiwi Community Board [147.13] seek to retain the natural character of freshwater bodies section as notified.
36. The Rangiora Ashley Community Board [148.10] support provisions to allow recreational activities such as kayaking, rafting and jet boating on major waterways such as the Waimakariri River.
37. Forest and Bird [192.63] seek to include new provisions for meeting the requirements of Section 6(a) of the Resource Management Act 1991 in relation to unscheduled natural character freshwater bodies. Federated Farmers oppose this in a further submission<sup>4</sup>.
38. Mainpower NZ [249.141] seek to insert appropriate hyperlinks from the Energy and Infrastructure Chapter to the relevant natural character of freshwater bodies rules.

#### **4.1.2 Assessment**

39. For the Kaiapoi-Tuahiwi Community Board submission [147.13], for reasons identified below, I have recommended changes as a result of other submissions, I therefore do not recommend retaining the chapter as notified. I note that their submission was in broad support of the natural character chapter, containing no specific relief, and that as the changes I have recommended to the chapter do not change the overall intent and direction of the chapter, this submitters relief is still given effect to.
40. The Rangiora-Ashley Community Board [148.10] generally supported recreational activities. They request no specific relief. As with the Kaiapoi-Tuahiwi board submission above, this submission is similarly broad and supportive, and with the chapter's intent and direction not changing as a result of my recommendations, I consider that the submitters relief is still given effect to.
41. For Forest and Bird [192.63], I note that that their specific relief which will be discussed further on in this report and is similar to that of the Waimakariri District Council's submission in respect of unscheduled rivers. I support this relief in principle, noting that the details will be discussed in the objectives, policies, rules, and other provisions later in this report.
42. For Mainpower [294.141] I note that their specific relief (discussed below) and on other chapters, also requests improving linkages, including hyperlinks between the EI chapter and other chapters. I consider that this issue will be dealt with in the specifics below, as well as in other chapters, and make a recommendation in accordance with those recommendations elsewhere in this report.

#### **4.1.3 Recommendations**

43. I recommend the following outcomes in relation to the submissions:

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<sup>4</sup> Oppose – Federated Farmers of NZ [FS 83]

- The submissions from Kaiapoi-Tuahiwi Community Board [147.13], Rangiora-Ashley Community Board [148.10] is **accepted**
- The submissions from Forest and Bird [192.63] and Mainpower [294.141] be **accepted in principle**.
- The further submission from Federated Farmers [FS 83] is **rejected**

44. I recommend no changes to the Proposed Plan.

## 4.2 Definitions

### 4.2.1 Matters raised by submitters

45. The following Proposed Plan definitions are relevant to the NATC chapter report:

- Freshwater.
- Freshwater body setback.
- Lake.
- Riparian margin.
- River.
- Shelterbelts.

46. There are no submissions on the definition of “Lake” and “River”. There are submissions on the other definitions.

47. Hort NZ [295.35] seek to retain the definition of ‘Freshwater’ as notified. This is supported by a further submission from CIAL<sup>5</sup>.

48. Federated Farmers [414.17] seek to amend the definition of riparian margin to:

*Riparian margin: means any ~~vegetated~~ strip of land which extends along streams, rivers and the banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems.*

49. The Department of Conservation [419.24] seek to retain the definition of ‘Riparian Margin’ as notified but seek consistency by replacing ‘river corridor’ and ‘margin of the water body’ where used elsewhere in the Proposed Waimakariri District Plan, with ‘riparian margin’. This is supported by a further submission from Forest and Bird<sup>6</sup>.

50. Hort NZ [295.57] seek to amend the definition of shelter belts to:

*Shelterbelt: means a row or rows of trees or hedges planted to partially block wind flow and reduce soil erosion. This is supported by a further submission from CIAL<sup>7</sup>.*

51. The Department of Conservation [419.25] seek to retain the definition of ‘Shelterbelt’ as notified. This is supported by a further submission from Forest and Bird<sup>8</sup>.

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<sup>5</sup> Support – CIAL [FS 80]

<sup>6</sup> Support – Forest and Bird [FS 78]

<sup>7</sup> Support – CIAL [FS 80]

<sup>8</sup> Support – Forest and Bird [FS 78]

52. Forest and Bird [192.12] question if a definition for the “edge of a wetland” is required.

#### **4.2.2 Assessment**

53. There are no submissions on the definition of “Lake” and “River”. Both are definitions within the RMA or National Plan Standards and no consequential amendments arise from other submissions, and as such, I recommend these should be retained as notified.

54. The only submission on the definition of “Freshwater” (a NPS/RMA definition), from HortNZ [295.35], is in support. I also recommend this definition should be retained as notified.

#### *Federated Farmers – Definition of Riparian Margin*

55. For Federated Farmers [414.17] I agree with the submitter that there is no need to provide the qualifier of “vegetated” in the definition of riparian margin. The inclusion of “vegetated” could imply that when land next to a river is not vegetated, it is not a riparian margin, and that Proposed Plan provisions that apply to that land may not meet the definition. Similarly, “vegetated” is subjective, particularly in the context of a dynamic riverbed that is prone to flooding and subsequent temporary loss of vegetation.

56. I have searched the Proposed Plan for instances where the “riparian margin” definition occurs. These are:

- EI-MD5(8) - *Ecological effects including any loss of indigenous flora, fauna, habitat and effects on riparian margins.*
- NH-P15 - *Ecological effects including any loss of indigenous flora, fauna, habitat and effects on riparian margins.*
- SASM-P5(5) - *protect the health, natural functions and processes of riparian margins and the coastal environment from the adverse effects of adjoining land use activities; and*
- NATC-AN1 – *It is advised that applicants consult with Te Ngāi Tūāhuriri Runanga and consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities on sites adjoining water bodies which have cultural, spiritual and/or historic values and interests or associations of importance to Ngāi Tūāhuriri, providing opportunities for Ngāi Tūāhuriri to exercise their customary responsibilities as mana whenua and kaitiaki in respect of riparian margins.*
- Subdivision chapter (introduction) – *Subdivision also provides an opportunity to consider matters such as natural hazards, protection and enhancement of riparian margins, rural character, reverse sensitivity, urban design, and the recognition and protection of cultural values.*

57. I note there are no rules that rely on the definition, only matters of discretion, policies, an advice note, and introductory text. I believe that the environmental issue of concern is ensuring the appropriate functioning of the riparian margin, which may involve protection of its characteristics, if it is functioning already, or the enhancement or reinstatement where it is not functioning. A riparian margin is simply the area of land next to a freshwater body, and

it exists independently of its function. I believe that removing term “vegetated” from the definition as requested would not alter the application or effect of the provisions that rely on it.

58. Having analysed this, I agree with Federated Farmers [414.17] and recommend that the definition of riparian margin is amended to:

Riparian margin: means any ~~vegetated~~ strip of land which extends along streams, rivers and the banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems.

*Department of Conservation – “river corridor” and “margin of river body”*

59. The Department of Conservation [419.24] seek consistency in how ‘river corridor’ and ‘margin of waterbody’ are used. They suggest replacing the definitions with ‘riparian margin’.

60. The term ‘river corridor’ occurs once in the following location in the Proposed Plan:

- *“Appendix NFL-APP1 – Outstanding and Significant Landscapes and Features – Values and Threats – Waimakariri River – Outstanding Natural Features – Likely Threats:*

*Further encroachment into the river corridor of activities on adjacent land...;”*

61. The term ‘margin of waterbody’ or subsets of this such as margins of rivers, lakes, streams, ponds, wetlands, aquifers occur three times in the following locations in the Proposed Plan:

- *EW-R9(3) - the activity shall not be located within 20m of the bank of any river or lake, 50m from the margin of any wetland.*
- *EW-MD7(4) - The extent to which the earthworks will restrict public access and enjoyment of the margin of any water body.*
- *EW-MD7(5) - The extent to which the habitat of trout, salmon, and indigenous aquatic species, may be adversely affected by any disturbance on the margin of the water body.*

62. The only instance of the use of ‘river corridor’ is in the context of a value list, which was based on expert advice, and the proposed relief would skew this meaning. I consider that the three instances of “margin” in their context have the same meaning as within the proposed relief. However, I note DoC’s primary relief is to accept the definition of ‘riparian margin’ as notified. As a result of the recommendation on the Federated Farmers relief which involves a change and that the terms ‘river corridor’ and ‘margin of waterbody’ are suitable within the context they are used, I do not support the Department of Conservation [419.24] relief.

### *Definition of the 'Edge of wetland'*

63. I have considered Forest and Bird's relief for a definition of "edge of a wetland" and I consider that given that the NESF provides a definition of 'wetland' and has a complex list of activity standards that a definition in a district plan would add unnecessary complexity and not achieve efficient administration of an already complex set of regulations. The edge of a wetland is both scientifically subjective and activity and regulation specific. I therefore consider that their submission point should be declined.

### *Definition of 'Shelterbelt'*

64. In considering the definition of shelterbelt, I rely on my experience with freshwater, agricultural, and regional planning, and my qualifications in physical geography.
65. For the definition of 'shelterbelt', I consider that shelter belts do not necessarily reduce soil erosion in all cases. The reduction of erosion may be an outcome from partially blocking wind flow in some cases, but it is a secondary feature, as is attenuating spray drift, or any other effect arising downwind from a shelterbelt. The reduction of erosion would not necessarily arise in all cases. I do not recommend linking a definition that defines an activity – the shelterbelt – to an environmental outcome without firm causation. I also note that the definition does not align with the NPS definition of shelterbelt:

*"Shelterbelt means a row of trees or hedges planted to partially block wind flow."*

66. Subsequently, I do not support the HortNZ relief [295.27] and support the Department of Conservation relief to retain the definition as notified [419.25].

### **4.2.3 Recommendations**

67. I recommend the following outcomes in relation to the submissions:
- HortNZ [295.35], Federated Farmers [414.17], Department of Conservation [419.25] is **accepted**
  - Further submissions CIAL [FS 80], Forest and Bird [FS 78], Federated Farmers [FS 83] are **accepted**.
  - Department of Conservation [419.24], HortNZ [295.27], Forest and Bird [192.12] is **rejected**
68. I recommend that the amendments above and in Appendix A be adopted. These amendments are also contained in **Appendix A**.

### **4.2.4 s32AA Evaluation**

69. For the reasons provided in my evaluation, I consider that the amendments better reflect the actual nature of a riparian margin. Therefore, the amended definition is more efficient and effective than the notified definition in achieving the purposes of the RMA.



## 5 Objectives:

### 5.1 NATC-O1: Preservation of natural character and NATC-O2: Restoration of Natural Character

#### 5.1.1 Matters raised by submitters

70. Forest and Bird [192.64, 192.65] question why NATC-O1 refers to the ‘freshwater environment’ whereas NATC-O2 refers to ‘freshwater bodies’. Their submission seeks to retain both the objectives, but to consider amendments.
71. WIL [210.25]<sup>9</sup>, WIL[210.26]<sup>10</sup> recognise the importance of the surface freshwater environment, however seek to replace “preservation”, with “protection” to continue to enable irrigation and stock water infrastructure and to provide for the “District’s social and economic well-being”. This is opposed by the Department of Conservation and supported by further submissions from Federated Farmers.
72. Dairy Holdings Limited [420.13], [420.14] submission notes that they recognise the importance of the surface freshwater environment, however, state that it is critical for the social and economic well-being of the Waimakariri District that this character is protected, without being overly restrictive of other activities located in these areas. They request the following amendments:
- NATC-O1 The ~~preservation~~ protection of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins.*
- NATC- O2 “~~Restoration~~ Where practicable, prioritise restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred.”*
73. Federated Farmers [414.129] oppose NATC-O2 stating “there is no requirement for ‘restoration’ within the Resource Management Act 1991”. They note that “restoration would be of degraded natural character, which is a challenging and subjective matter”. This relief sought is opposed in a further submission by Forest and Bird<sup>11</sup>.
74. Mainpower [249.142], RIDL [326.281] and Federated Farmers [414.128] wish to retain NATC-O1 as notified. Forest and Bird opposed the submission of Federated Farmers in a further submission<sup>12</sup>.
75. Mainpower [249.143], RIDL [326.282] seek to retain NATC-O2 as notified.

#### 5.1.2 Assessment

76. I have searched the Proposed Plan for the use of the term “freshwater environment”, which is the term used in NATC-O1. No objectives, policies, rules, or methods use this term. The plan consistently uses the term “freshwater body”, or “freshwater bodies”, which is the term used in NATC-O2.

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<sup>9</sup> Support – Federated Farmers of New Zealand – North Canterbury Province [FS 83]

<sup>10</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers of New Zealand – North Canterbury Province [FS 83]

<sup>11</sup> Oppose – Forest and Bird [FS 78]

<sup>12</sup> Oppose – Forest and Bird [FS 78]

77. I agree with Forest and Bird about the need to adjust the wording in NATC O1 and NATC O2. I note Federated Farmers supported NATC-O1, however, my reading of Forest and Bird's further submission is that they do not agree with Federated Farmers.

78. I recommend the following amendment:

NATC-O1: Preservation of natural character

The preservation of the natural character of ~~the surface freshwater~~ bodies ~~environment, its including~~ wetlands, and lakes and rivers and their margins freshwater ~~bodies, including lakes, rivers, wetlands and their margins.~~

79. I consider that this amendment addresses Forest and Bird's concern, retaining the intent and purpose of the objective, and ensuring consistency with NATC-O2.

80. I have considered WIL's and Dairy Holdings requests to replace 'preservation' in NATC-O1 with "protection". NATC-O1 implements the following specific higher order instruments:

- *CRPS objective 7.2.1 (2) Sustainable management of freshwater*

*The natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development and where appropriate restored or enhanced"*

- *CRPS policy 7.3.1 Adverse effects of activities on the natural character of fresh water*

*To identify the natural character values of fresh water bodies and their margins in the region and to:*

- 1. preserve natural character values where there is a high state of natural character;*
- 2. maintain natural character values where they are modified but highly valued; and*
- 3. improve natural character values where they have been degraded to unacceptable levels;*

- *CRPS policy 7.3.2 - Natural character of braided rivers and lakes*

*To maintain the natural character of braided rivers, and of natural lakes by:*

- 1. subject to clause (3), by prohibiting the damming of each of the main-stem of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata and Waitaki rivers;*
- 2. in respect of every other braided river in the region; by ensuring any damming of a braided river does not reduce the braided character of the main stem;*
- 3. in respect of every natural lake by limiting any use of the lake for water storage so its level does not exceed or fall below the upper or lower levels of its natural operating range;*
- 4. clauses 1 – 3 do not restrict continued operation, maintenance or upgrading of any water storage scheme, irrigation scheme or hydro-electricity generation scheme for which lawful consent was in effect when this regional policy statement becomes operative, subject to the activity:*

*a. remaining a similar scale, intensity and character; and*

*b. not resulting in any additional significant adverse effect on the natural character of the river or lake.*

81. In my view there is a difference between policy 7.3.1 and 7.3.2. Policy 7.3.1 applies to natural character generally, whilst policy 7.3.2 applies to the natural character arising from water flows and levels within rivers and lakes.
82. The overriding requirement is from CRPS objective 7.2.1, which reflects s6(1) RMA for preservation of natural character, and this preservation requirement is achieved by protecting this natural character against inappropriate subdivision, use and development. In the context of “inappropriate”, some subdivision, use, and development is therefore possible, provided natural character is preserved. I note that Ms Milosavljevic has proposed amendments to the Objectives within the Natural Features and Landscapes chapter for similar reasons. There is no “protection” term within the CRPS Objective, and to include one would be to be inconsistent with the CRPS. I cannot accept the WIL relief as it would derogate from the higher order direction.
83. WIL [210.26] and Dairy Holdings [420.13] request similar amendments to NATC-O2, seeking “where practicable, prioritise restoration”. Federated Farmers [414.129] request deletion of the whole objective because the RMA does not provide a requirement for restoration. An objective should not be subjective in the sense that it applies in some situations and not others. The “where practicable” request would play out within specific consent applications (where consents are required) as the policies that enable use would be tested alongside those that enable restoration, under the overarching and requirement to preserve natural character. As a result, I do not recommend any amendments to NATC-O2.
84. For Federated Farmers, taking a *King Salmon* line of interpretation, I consider that the direction for restoration comes from the CRPS in particular, and not the RMA itself, as there is no requirement to refer to Part 2 RMA directly where national and regional instruments already give effect to Part 2. CRPS Policy 7.3.2 - *Natural character of braided rivers and lakes* and Policy 7.3.3 – *Enhancing fresh water environments and biodiversity* provide direction to restore riparian environments. I do not agree that the NATC objective needs to be removed, as doing so would fail to implement the CRPS.

### **5.1.3 Recommendations**

85. I recommend the following outcomes in relation to the submissions:
- Federated Farmers [414.129], WIL [210.25], WIL [210.26] and Dairy Holdings [410.13] are **rejected**
  - Further submissions Federated Farmers [FS 83], Waimakariri Irrigation Limited, Forest and Bird [FS 83] are **rejected**
  - Mainpower NZ [249.142, 249.143], RIDL [326.281, 326.282], Federated Farmers [414.128] are **accepted**.
  - Further submission Department of Conservation [FS 77], Forest and Bird [FS 83] are **accepted**.

- Forest and Bird [192.64, 192.65], WIL [210.26] and Dairy Holdings [420.14] are **accepted in part**

86. That the recommended changes as outlined above and in **Appendix A** are adopted.

#### **5.1.4 s32AA Evaluation**

87. Table C1 in Appendix A contains the section 32AA evaluation.

## **5.2 NATC-O3: Use of freshwater body margins**

### **5.2.1 Matters raised by submitters**

88. Forest and Bird [192.66] state that the title of NATC-O3 refers only to margins but the Objective is about the use of the freshwater body and its margins. They seek to amend the title of NATC-O3 to read:

*"Use of the freshwater body and its margin"*

89. WIL [210.27]<sup>13</sup> and Dairy Holdings Limited [420.15] recognise the importance of the surface freshwater environment. However, they note that it may not always be possible to preserve natural character, particularly with respect to regionally significant infrastructure. WIL request amending NATC-O3 as follows:

*"The use of wetlands, and lakes and rivers and their margins are managed to ~~preserve~~ maintain their natural character."*

90. WIL's relief is supported by Federated Farmers and opposed by the Department of Conservation.

91. Mainpower [249.144], RIDL [326.283] seek to retain NATC-O3 as notified.

### **5.2.2 Assessment**

92. With regard to NATC-O3, I consider that Forest and Bird's amendment in part improves the readability of the objective. I also propose a reshuffle of the word order to put the list of types of freshwater bodies in the same order as the other objectives, and a minor grammar change:

Use of freshwater bodies and their margins

The use of wetlands, and lakes, and rivers and their margins are managed to preserve their natural character.

93. WIL [210.27] and Dairy Holdings Limited [420.15] seek that the direction to preserve in NATC-O3 is replaced with "maintain". As with the reasoning on the objectives above, I consider that this would fail to give effect to the CRPS requirements to preserve natural character.

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<sup>13</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers of New Zealand – North Canterbury Province [FS 83]

### **5.2.3 Recommendations**

94. I recommend the following outcomes in relation to the submissions:
- WIL [210.27] and Dairy Holdings Limited [410.15] are **rejected**
  - Further submission Federated Farmers [83] is **rejected**
  - Mainpower [249.114] RIDL [326.283] are **accepted**.
  - Further submission Department of Conservation [FS 77] is **accepted**
  - Forest and Bird's relief [192.66] is **accepted in part**.
95. That the recommended changes as outlined above and in **Appendix A** are adopted.

### **5.2.4 s32AA Evaluation**

96. The s32AA evaluation is within Table C2 of Appendix C.

## 6 Policies

### 6.1 NATC-P1: Recognising natural character

#### 6.1.1 Matters raised by submitters

97. Forest and Bird [192.67] request amendments to NATC-P1, as follows:

*"Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of freshwater bodies and their margins:*

- 1. ~~freshwater bodies and their margins~~ in their natural state or close to their natural state;*
- 2. ~~freshwater~~ landforms and landscapes, biophysical, geologic and morphological aspects;*

*...*

*6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability ~~of the freshwater body~~ to support taonga species and mahinga kai activities; and*

*7. the experience of the above elements, patterns and processes."*

98. Federated Farmers [414.130] request changes to reference surface freshwater natural character, as per NATC-O1, and where these requirements duplicate what is in the Canterbury Land and Water Regional Plan, they request them to be deleted. The following amendments were also requested to amend the title of NATC-P1 to read: *"Recognising natural character of surface freshwater bodies"*

99. Dairy Holdings Limited [420.16] state that "farms are significant contributor to the social and economic well-being of the Waimakariri District and wider South Island" and consider "that it is vital that the plan recognises the historic and ongoing land use, particularly where it contributes to regionally significant infrastructure. They state that the plan must strike a balance between protecting the natural environment and enabling infrastructure that serves the community's needs. They request the following amendment to NATC-P1:

*At the same time, recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District."*

100. RIDL [326.284] support NATC-P1 and request it to be retained as notified.

#### 6.1.2 Assessment

101. I consider that Forest and Bird [192.67] and Federated Farmers' [414.134] relief better links NATC-P1 to amended objectives NATC-O1 and NATC-O2. These objectives refer to "surface" freshwater environments, or "waterbodies". The notified version of NATC-P1 is also repetitive in the use of "freshwater" when it is in the chapeau of the policy. If the Forest and Bird relief is accepted, I recommend the addition of the word "its" to improve the grammar of the amendment. Read together, the recommended amendments are as follows:

#### **NATC-P1 Recognising natural character of surface freshwater bodies**

"Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of surface freshwater bodies and their margins:

- 1. ~~freshwater bodies and their margins~~ their natural state or close to their*

natural state;

2. ~~freshwater~~ landforms and landscapes, biophysical, geologic and morphological aspects;

...

6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and its continuing ability of the ~~freshwater body~~ to support taonga species and mahinga kai activities; and

7. the experience of the above elements, patterns and processes."

102. For Dairy Holdings [420.16], who request an additional criterion to NATC-P1 recognising historical and ongoing land use that contributes to the social and economic well-being of the district, I consider that the natural character of freshwater bodies provisions do not apply to farming and land in general. They apply to structures, and afforestation only. In the context of structures, existing and ongoing use of structures associated with land within the freshwater setbacks are already covered by NATC-P5 and P6. These two policies provide for structures with a functional or operational need, or new and upgraded structures, subject to criteria that are then reflected in the relevant rules. In the context of farming, irrigation infrastructure is likely captured by NATC-P5. I note the concern, which I will further address in the rules, but I recommend that this relief is **rejected** as it is already covered within the policies.

### **6.1.3 Recommendations**

103. I recommend that:

- Dairy Holdings [420.16] is **rejected**
- Forest and Bird [192.67], Federated Farmers' [414.134] RIDL [326.284] are **accepted**.

104. The amendments above and in Appendix 1 are **accepted**

### **6.1.4 s32AA Evaluation**

105. The s32AA evaluation is within Table C3 of Appendix C.

## **6.2 NATC-P2: Identify, map and schedule significant freshwater bodies**

### **6.2.1 Matters raised by submitters**

106. Forest and Bird [192.68] state that NATC-P2(4) is unclear, asking if it is the freshwater body providing the recreational activity or is it merely providing access to areas of recreational use. They state that it is important to recognise in freshwater body margins the accessibility of rivers for angling, canoeing, rafting etc, and that it is important to recognise the inherent value of the freshwater body itself to provide recreational activity. They also state that the chapter relates to freshwater body margins, and that this should be recognised. They seek the following changes to the Policy:

*"Identify, map and schedule significant freshwater bodies and their margins*

*Continue the identification, mapping, and scheduling of freshwater bodies and their margins with one or more recognised natural character attributes, where the following apply:*

1. ~~they freshwater bodies and their margins~~ have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;
2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;
3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri ~~to the freshwater body,~~ including the ability to undertake customary practices; ~~and~~
4. importance ~~of the freshwater body~~ to provide access and connections to areas of recreational use; and
5. recreational use."

107. WIL [210.28]<sup>14</sup> stated that irrigation and stockwater networks are critical for social and economic wellbeing, and identify that when identifying significant freshwater bodies, that it is important to consider the presence of infrastructure and the potential for such identification to interfere with the safe and efficient functioning of that infrastructure, wishing for a "balance between protecting the environment and enabling infrastructure that serves community's need". They request the following amended criteria:

5. the absence of critical or regionally significant infrastructure."

108. WIL's submission is supported by a further submission from Transpower [FS 92] and opposed in a further submission by the Department of Conservation [FS 77].

109. Dairy Holdings Limited [420.17] state that "farms are significant contributor to the social and economic well-being of the Waimakariri District and wider South Island" and consider "that it is vital that the plan recognises the historic and ongoing land use, particularly where it contributes to regionally significant infrastructure. They state that the plan must strike a balance between protecting the natural environment and enabling infrastructure that serves the community's needs. They request the following amendment to NATC-P1:

At the same time, recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District.

110. RIDL [326.285] support NATC-P1 and request it to be retained as notified.

### **6.2.2 Assessment**

111. In relation to the Forest and Bird submission, I consider that their amendments improve the clarity of NATC-P2. I also consider that adding recreational values into the Policy improves the linkages between the NATC chapter, the PA chapter, and the ASW chapter.

112. Given that activities on the surface of water have their own chapter and set of provisions within the Proposed Plan, I consider that the primary purpose of NATC-P2 is as stated in the policy's title – the identification, map[ping], schedule[ing] of significant freshwater bodies, and that recreational use should be consistent with the experience of the elements, patterns, and processes as set out in NATC-P1. Therefore, I consider that Forest and Bird's additional criterion "recreational use" better captures the values. I would, however, simplify (4) by stating "recreational use", and not continue with the existing (4).

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<sup>14</sup> Oppose – Department of Conservation [FS 77], Support – Transpower New Zealand Limited [FS 92]



113. Taking into account the above assessment, my recommended amendments to NATC-P2 would read as follows:

**NATC-P2 "Identify, map and schedule significant freshwater bodies and their margins"**

Continue the identification, mapping, and scheduling of freshwater bodies and their margins with one or more recognised natural character attributes, where the following apply:

1. ~~they freshwater bodies and their margins~~ have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;
2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;
3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri ~~to the freshwater body,~~ including the ability to undertake customary practices; ~~and~~
4. importance of the freshwater body to provide access and connections to areas of recreational use; and
5. recreational use associated with the experience of natural character elements, patterns and processes."

114. WIL [210.28]'s relief sought is to exempt rivers that have critical infrastructure in them from consideration for their natural character values. However, as policies NATC-P5 and P6 provide for ongoing use of existing infrastructure, and subject to criteria, upgrading of infrastructure with a functional or operational need to be in areas subject to a freshwater natural character overlay. Even if it were possible under higher order direction (which in my opinion is not provided for) to exclude areas of freshwater natural character with critical infrastructure in them, it would not achieve the outcome the submitter wants, as this infrastructure is already provided for with restrictions and criteria. WIL have raised the specifics of infrastructure operation and provision with their submissions on the rules and activity standards, as well as on other chapters, such as energy and infrastructure. I do not support their relief.

115. WIL [210.38] and Dairy Holdings Limited's [420.18] relief seeks the removal of limitations such as size, visual appearance, and location from NATC-P2. I consider that this would result in NATC-P2 being inconsistent with the objectives, in particular NATC-O3. The purpose of a policy is to implement an objective, and specificity on the particular aspects of activities that may need to be controlled or managed is in my view required. The policy also supports the Matters of Discretion, which use the terms "size", "visual appearance", and "location", and as such, NATC-P2 requires these terms in order for the Matters of Discretion to operate effectively.

### **6.2.3 Recommendations**

116. I recommend that the following outcomes in relation to the submissions:
- WIL [210.38], Dairy Holdings Limited [420.18] are **rejected**
  - Further submission Transpower [FS 92] is **rejected**

- RIDL [326.285], Forest and Bird [192.68] is **accepted**
- Further submission Department of Conservation [FS 77] is **accepted**

117. That the amendments as set out above and in Appendix 1 be adopted.

#### **6.2.4 s32AA Evaluation**

118. The s32AA evaluation is within Table C4 of Appendix C.

### **6.3 NATC-P3: Customary harvesting and Ngāi Tūāhuriri values within the freshwater body and their margins**

#### **6.3.1 Matters raised by submitters**

119. WIL [210.39]<sup>15</sup> and Dairy Holdings [420.18]<sup>16</sup> support the intent of NATC-P3 to the extent that land use effects are managed. However they note that the policy only directs that effects of land use are managed through limiting their size, appearance, and location, which inappropriately limits the methods available to manage effects. They seek the following amendments:

*Amend NATC-P3:*

*“Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely affect taonga species, mahinga kai or customary harvesting, access, and other cultural values.”*

120. This relief is opposed in further submissions by the Department of Conservation [FS 77], and supported by Federated Farmers [FS 83], and Transpower [FS 92].

121. RIDL [326.286] support NATC-P3 and request it to be retained as notified.

#### **6.3.2 Assessment**

122. I do not support WIL as the matters of discretion, which are often specific to size, visual appearance, and location require a link through to the policy in order to function effectively.

123. Subsequently I do not support the further submissions of Federated Farmers and Transpower, but I do support the further submission of the Department of Conservation [FS 77].

#### **6.3.3 Recommendations**

124. I recommend the following outcome in relation to the submissions:

- WIL [210.39] is **rejected**
- Further submissions Federated Farmers [FS 83], and Transpower [FS 92] are **rejected**

<sup>15</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83], Support – Transpower New Zealand Limited [FS 92]

<sup>16</sup> Support – Federated Farmers [FS 83]

- RIDL [326.286] is **accepted**.
- Further submission Department of Conservation [FS 77] is **accepted**

125. There are no recommended amendments resulting from these recommendations.

## 6.4 NATC-P4: Preservation of natural character values

### 6.4.1 Matters raised by submitters

126. Forest and Bird [192.69]<sup>17</sup> request to “amend NATC-P4 as it is not clear what minimising means in this context. Is it minimise as in the National Policy Statement for Freshwater Management 2020 clause 3.21(1) (i.e. avoid, minimise, remedy)? Or does it mean both remedy and mitigate?”. They state that it should be consistent with NATC-P5 and NATC-P6 which does not use 'minimise' but uses 'avoid, remedy or mitigate'. They seek to amend NATC-P4 as follows:

*"Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:*

- 1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values ~~of the surface freshwater bodies~~;*
- 2. Avoid, ~~minimising~~ remedy or mitigate, in that order, indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;*
- 3. requiring setbacks of activities from ~~wetlands, and lakes and rivers and their margins~~, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and*
- 4. promoting opportunities to restore and rehabilitate the natural character ~~of surface freshwater bodies and their margins~~, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values."*

127. This is supported by further submissions from Federated Farmers [FS 83] and Transpower [FS 92].

128. Rayonier Matariki Forests [171.10] state “that NATC-P4(3) is not clear as to what activities within the National Environmental Standards for Plantation Forestry are applicable. It refers to plantation forestry, but it is not clear if the policy applies to afforestation, replanting, earthworks, or harvesting activities”. They request to limit NATC-P4 to afforestation and provide for existing plantation forestry and its activities to be dealt with under the National Environmental Standards for Plantation Forestry.

129. WIL [210.30] support the intent of NATC-P4 to preserve natural character where that is practicable. However, they state “it must recognise and provide for regionally significant infrastructure, including irrigation infrastructure that has a functional and operational need to locate near freshwater bodies”. They seek to amend NATC-P4 to read:

- 2. minimising, or where that is not reasonably practicable, managing indigenous vegetation*

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<sup>17</sup> Support – Federated Farmers [FS 83], Support – Transpower New Zealand Limited [FS 92]

*clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;*  
3. *where reasonably practicable, requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and*

130. Dairy Holdings [410.19] request essentially the same relief as WIL, however they request to “manage” indigenous vegetation clearance rather than “managing”.

131. Federated Farmers [414.131]<sup>18</sup> note that NATC-P4(4) may be overridden by avoid tests in objectives and policies, and request that NATC-P4(4) is deleted as follows:

“  
~~2. minimising indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;~~  
”

132. This is opposed by a further submission from Forest and Bird [FS 78].

133. RIDL [326.287] support NATC-P4 and request it to be retained as notified.

#### **6.4.2 Assessment**

134. Forest and Bird’s [192.69] request is to strengthen the indigenous vegetation clearance provisions within NATC-P4(4). On the other hand, Federated Farmers [414.131] wish to see clause (4) deleted as it is provided for elsewhere. The ECO chapter contains district-wide provisions for indigenous biodiversity. Much of the area within freshwater setbacks and the natural character overlay would be classified as an unmapped SNA, or indigenous vegetation clearance outside of a mapped SNA or unmapped SNA. The policy direction in this chapter is more stringent than either the notified version or Forest and Bird’s relief, specifying the requirement (ECO-P8) to recognise Te Mana o te Wai [by] maintain the ecological integrity of waterbodies by avoiding indigenous vegetation clearance near them.

135. I note that within overlays, the general approach to plan drafting has been to remove double-up provisions such as this where appropriate provisions exist in other chapters. This is what I have recommended for the coastal environment overlay for instance, and I would similarly recommend this approach here. For the purpose of my assessment I consider that a reference to ECO-P8 is required and appropriate, however I note that the wider context of ECO-P8 will need to be assessed in the ECO chapter s42A.

136. I cannot support the Federated Farmers relief as P4(4) is the primary restoration clause. I do note that I have recommended that this clause become a standalone policy NATC-P7.

137. For Rayonier Matariki Forests [171.10] I have considered that their request to identify which specific plantation forestry activities can occur in the context of freshwater natural character overlays and setbacks. As existing plantation forestry within the overlays and setbacks can continue under s10 RMA existing use rights, the non-complying activity only applies to new

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<sup>18</sup> Oppose – Forest and Bird [FS 78]

plantation forestry activities<sup>19</sup>. As the rule framework is simple I do not believe there is a need to consider and list which specific plantation forestry activities apply as “plantation forestry” is the inclusive set of all of these activities.

138. For the WIL [210.30] and Dairy Holdings [410.19] submissions NATC-P5 and NATC-P6 provide the provisions for infrastructure. I consider that their relief, if accepted, would result in NATC-P6 failing to implement the objectives, and, in the context of (2), may no longer be required if my recommendation above to remove the indigenous biodiversity to preserve natural character where that is practicable. I thus cannot support these.
139. I recommend the following amendment to NATC-P4 as follows:

#### **NATC-P4 Preservation of natural character values**

Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:

1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;
2. Avoid, ~~minimising~~ remedy or mitigate, in that order, indigenous vegetation clearance and modification which affects natural character, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;
3. requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and
4. promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values

#### **6.4.3 Recommendations**

140. I recommend the following outcomes in relation to the submissions:
- WIL [210.30], Dairy Holdings [410.19], Federated Farmers [414.131], Rayonier[171.10] are **rejected**
  - RIDL [326.287] is **accepted**
  - Further submissions Forest and Bird [FS 78], Transpower [FS 92] and Federated Farmers [FS 83] are **accepted**
  - Forest and Bird [192.69] is **accepted in part**, subject to recommendations made within the ECO chapter.
141. That the amendments above and as set out in Appendix 1 are adopted

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<sup>19</sup> CI 13 NESPF allows rules in a visual amenity landscape to be more restrictive than the NESPF.

#### **6.4.4 s32AA Evaluation**

142. The s32AA evaluation is within Table C5 of Appendix C.

### **6.5 NATC-P5: Structures within surface freshwater body setbacks**

#### **6.5.1 Matters raised by submitters**

143. WIL [210.31] seeks an amendment to NATC-P5 to recognise that in some circumstances offsetting may be a more suitable option than avoiding, remedying, or mitigating adverse effects. They consider greater flexibility is required to allow off-setting as an alternative. The following amendment is requested:

*“Enable activities that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated, or offset.”*

144. Transpower [195.77] support NATC-P5 as it enables activities that have a functional need or operational need to be located within the freshwater body setbacks which include the National Grid that must traverse both the Waimakariri and Ashley rivers. They request the retention of NATC-P5 as notified.

145. Mainpower [249.165]<sup>20</sup> support NATC-P5 but seek further clarity by way of the following amendment:

*“Enable activities (including the maintenance, repair, upgrade, development and operation of critical infrastructure) that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated.”*

146. This is supported by a further submission from Kiwirail [FS 99].

147. Fulton Hogan [41.53]<sup>21</sup> support NATC-P5 as some activities have a functional or operational need to be located within setbacks of water bodies. This is especially the case with river based aggregate extraction activities and critical lifeline structure, such as bridges and culverts. Kiwirail [41.53] support Fulton Hogan in a further submission.

148. RIDL [326.288] support NATC-P5 and request it to be retained as notified.

#### **6.5.2 Assessment**

149. I have considered WIL’s [210.31] request for offsetting to be added to NATC-P5. Offsetting can be an option in the effects mitigation hierarchy, such as that in the draft National Policy Statement on Indigenous Biodiversity, but only when it can be proven that effects cannot be avoided, remedied, or mitigated, and in that order. In my experience of planning practice across New Zealand, I have not seen offsetting used for structures affecting natural character.

150. In the context of the Proposed Plan, when s6(a) RMA and regional instruments set requirements for preservation, offsetting would fail to achieve these directives. NATC-P5

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<sup>20</sup> Support – Kiwirail Holdings Limited [FS 99]

<sup>21</sup> Support – Kiwirail Holdings Limited [FS 99]

currently sets a traditional effects mitigation hierarchy, which includes the options of remedying and mitigating effects where they cannot be avoided but does not include offsetting. In the context of remedying or mitigating, this provides for some ability to alter aspects of natural character in the context of activities that have a functional or operational need to be situated in a freshwater natural character setback, but not natural character as a whole, and that is where remedies and mitigation are applied, it must be on the site in question, not elsewhere.

151. “Aquatic offsetting” is a concept within the NPSFM available to regional councils through their regional plans. It is part of the effects management hierarchy in the NPSFM<sup>22</sup>. My understanding is that ECan have not yet implemented the NPSFM. However, I note that Appendix 6 of the NPSFM outlines limitations on how it applies, such as only being available to redress minor residual adverse effects, after steps to avoid, minimise, and remedy adverse effects have been exhausted. It may also not be appropriate in certain circumstances, which can include values that are irreplaceable and vulnerable.
152. Given that natural character is a physical construct, unique to a place and not replicated elsewhere, I do not consider that offsetting in the form of either monetary compensation or works on another site would be appropriate, such as in the way they are sometimes appropriate in the context of a plant or animal species once other mitigation options in the hierarchy are applied. Offsetting would not achieve the preservation directives within NATC-O1-O2.
153. I consider that Mainpower’s [249.145] request for clarity on the types of activities that have a functional or operational need to be located within a freshwater setback would potentially skew the application of NATC-P5 in practice away from considering the two tests of functional need and operational need in favour of testing against a list of activities. These are both national planning standard definitions:
- *Functional need - means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.*
  - *Operational need - means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.*
154. For example, whilst maintenance and repair within an existing footprint or envelope of a structure likely meet the test, upgrades and developments that exceed an existing footprint may not be, and the specific effects need to be tested, not the activity itself.
155. In the context of Mainpower’s concern, I note that Fulton Hogan [41.53] and Transpower [195.77] consider that the policy does provide for some activities within the freshwater setbacks which have a functional or operational need to be there, citing critical infrastructure and gravel extraction. I support these submissions.

### **6.5.3 Recommendations**

156. I recommend the following outcomes in relation to the submissions:
- WIL [210.31] and Mainpower [249.145] is **rejected**.
  - Further submission Kiwirail [FS 99] is **rejected**.

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<sup>22</sup> s 3.21(1) NPSFM 2020

- Fulton Hogan [41.53] and Transpower [195.77] RIDL [326.189] are **accepted**.
- Further submission of Kiwirail [FS 99] is **accepted**.

157. I recommend no changes to the Proposed Plan as a result of my recommendations.

## 6.6 NATC-P6: New and existing structures within and over freshwater bodies

### 6.6.1 Matters raised by submitters

158. Forest and Bird [192.70] state that “there is no need for the plan to ‘provide’ for structures in a freshwater body or its margins. There is no such direction in the Strategic Directions Chapter.” They request the following amendment:

~~Provide for~~ Consider new structure

159. Transpower [195.78]<sup>23</sup> supports NATC-P6 in part but seeks minor amendments to confirm the Policy also applies to structure ‘over’ waterbodies. The amendments sought are:

*Provide for new structures, and upgrades to existing structures, on or over the surface of freshwater where:*

- 1. public access to, and along, the freshwater body is maintained;*
- 2. the structure has a functional need or operational need to be located on or over the surface of freshwater;*
- 3. the structure does not unreasonably compromise the use of the surface of freshwater for existing users;*
- 4. the structure does not ~~disturb~~ have a significant adverse effect on the habitat of indigenous species or hinder passage of migratory fish species;*
- 5. the structure avoids to the extent practicable creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and*
- 6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values.*

160. Kiwi rail [FS 99] support Transpower in a further submission.

161. WIL [210.32]<sup>24</sup> support the intent of NATC-P6 but request amendments to (6) to recognise that in some circumstances offsetting may be necessary or a more suitable option. The following amendments are requested:

*Amend NATC-P6:*

*"...*

- 6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated, or offset in order to preserve those values."*

162. Forest and Bird [FS 78] oppose WIL in a further submission.

<sup>23</sup> Support – Kiwirail Holdings Limited [FS 99]

<sup>24</sup> Oppose – Forest and Bird [FS 78]



163. The Department of Conservation [419.109]<sup>25</sup> state “that NATC-P6 is inconsistent with the National Policy Statement for Freshwater Management 2020 (NPSFM 2020) section 3.24 Rivers 'the loss of river extent and values is avoided', and section 3.22 Wetlands, 'the loss of extent of natural inland wetlands is avoided'. The Canterbury Land and Water Regional Plan section 2A.3 and 2A.4 uses the same wording as the NPSFM 2020”. They request the following amendments:

*New and existing structures within and over freshwater bodies*

*The loss of the extent of natural inland wetlands and the loss of river extent and values is avoided, when providing for new structures, and upgrades to existing structures, on the surface of freshwater where:*

*1. public access to, and along, the freshwater body is maintained;*

164. DOC is opposed by further submissions from the Department of Conservation [FS 83] and Transpower [FS 92].
165. Federated Farmers [414.132]<sup>26</sup> state that “NATC-P6 is a good policy, however, it is likely overridden by many of the indigenous biodiversity policies”, they support NATC-P6 provides that the following context is added:

*"This rule overrides the rules in the indigenous biodiversity chapter"*

166. Federated Farmers are opposed in a further submission from Forest and Bird [FS 83].
167. Mainpower [249.146] support NATC-P6 but seek an addition to the Policy as follows:

*Provide for new structures, and upgrades to existing structures, on the surface of freshwater where:*

*1. public access to, and along, the freshwater body is maintained;*

*2. the structure, or any critical infrastructure, has a functional need or operational need to be located on the surface of freshwater;*

## **6.6.2 Assessment**

168. I agree with Forest and Bird that the NATC-P6 does not provide for structures, it should be considering the suitability of structures subject to the six criteria within the policy. “Provide for” is more enabling and has the connotation of making something available and is a stronger direction than ‘consider’, which is similar to ‘have regard to’ and ‘take into account’, subject to criteria.
169. I recommend that NATC-P6 is amended as requested by the submitter. I note the submissions from infrastructure providers concerned about the degree to which the policies enable infrastructure within the freshwater setbacks, and I do not consider that this recommendation alters the application of the policy.

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<sup>25</sup> Oppose – Federated Farmers [FS 83], Oppose – Transpower New Zealand Limited [FS 92]

<sup>26</sup> Oppose – Forest and Bird [FS 78]

## **NATC-P6 New and existing structures within and over freshwater bodies**

~~Provide for~~ Consider new structures, and upgrades to existing structures, on the surface of freshwater where:

1. public access to, and along, the freshwater body is maintained;
2. the structure has a functional need or operational need to be located on the surface of freshwater;
3. the structure does not compromise the use of the surface of freshwater for existing users;
4. the structure does not disturb the habitat of indigenous species or hinder passage of migratory fish species;
5. the structure avoids creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and
6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values.

170. I disagree with WIL's offsetting relief for the same reasons as set out in NATC-P5 (section 6.5 above).

171. I agree with Transpower that P6 applies to structures on and over freshwater bodies, and I have considered the other matters Transpower has raised in the context of the restricted discretionary activity status and the relevant matters of discretion. I consider that the "avoid" direction in P5(5) is too strong in this regard, and it should be amended to "minimise", which is the verb most consistently used in the Natural Hazards section.

~~Provide for~~ Consider new structures, and upgrades to existing structures, on the surface of freshwater where:

1. public access to, and along, the freshwater body is maintained;
2. the structure has a functional need or operational need to be located on the surface of freshwater;
3. the structure does not compromise the use of the surface of freshwater for existing users;
4. the structure does not disturb the habitat of indigenous species or hinder passage of migratory fish species;
5. the structure ~~avoids~~ minimises creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and
6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values.

172. I disagree with Mainpower about including critical infrastructure, as this would unnecessarily limit the policy's application to just critical infrastructure, rather than on testing the functional and operational need of all forms of infrastructure to be situated in the freshwater setbacks if required. As I see it, the trouble with identifying a distinct category of activity for exemption is that the exemption becomes about achieving the category status, rather than focusing on the effects of the activity. The NATC objectives and policies do not distinguish based on relatively subjective categories of activities, like infrastructure.
173. I note Federated Farmers support for the policy but disagree that this policy overrides the rules in the indigenous biodiversity chapter. This chapter applies to structures<sup>27</sup> in the freshwater setbacks, not to indigenous biodiversity itself, and the indigenous biodiversity provisions have always applied, even when they are more stringent. In the context of how I have recommended the deletion of indigenous biodiversity provisions in other provisions where already covered by the ECO chapter, I consider that NATC-P6(4) is slightly different in that it refers to the broader aspect of habitat, rather than the specific of indigenous vegetation clearance, and as such, it I consider it should remain to ensure plan integration.
174. The Department of Conservation relief raises the question of to what degree this policy implements or needs to implement the NPSFM. DOC's specific request is for NATC-P6 to better implement NPSFM policy 3.24. Policy 3.24 – rivers, states the following (the underlining is mine):
- (1) Every regional council must include the following policy (or words to the same effect) in its regional plan:*
- “The loss of river extent and values is avoided, unless the council is satisfied that:*
- (a) there is a functional need for the activity in that location; and*
- (b) the effects of the activity are managed by applying the effects management hierarchy...*
175. DOC may be referring to NPSFM section 3.22 natural inland wetlands. This states:
- “Every regional council must include the following policy (or words to the same effect) in its regional plan:*
- “The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where...”:*
176. Both policies are the same in that they apply to regional councils and regional plans, not to district plans. NPSFM approach 3.5(4) applies specifically to territorial authorities in respect of urban development, which I consider the NATC provisions implement by way of scheduling all water bodies, including urban water bodies. The DOC relief would be parroting the NPSFM without context or a requirement, so I cannot support it.

#### *Application to wetlands*

177. The NPSFM definition of “natural inland wetland” has been subject to change. Whilst the Proposed Plan uses the s2 RMA definition by way of the National Planning Standard definition, the NPSFM definition is a subset applying through the NESF. My concern is that

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<sup>27</sup> Afforestation and replanting of plantation forestry is essentially treated as a structure.

changes in the definition may have expanded or limited the area of unscheduled freshwater setbacks to areas never intended to be captured by them, with the area in question changing as the definition changed through its various versions, without the Proposed Plan necessarily reflecting this and adjusting accordingly.

178. On the current definition of “natural inland wetland”, the default setting is that areas are not wetlands, unless certain criteria are met, such as containing less than 50% exotic pasture, or the presence of threatened species. If these criteria are met, these areas would be wetlands and the freshwater setbacks, and provisions would apply, along with the setbacks that come from provisions of the other chapters of the Proposed Plan.
179. NATC-SCHED1 currently lists one wetland (Pines Beach wetland) with the rest of the scheduled water bodies being rivers, albeit there may be wetlands on their margins. NATC-SCHED4 captures unscheduled freshwater bodies, which would include currently unmapped and undefined wetlands in the meaning of the NPSFM and applies 5m setbacks to them.

#### *Other setbacks*

180. In addition to the general comments/appendix I note a range of setbacks within higher instruments and within the Proposed Plan. For instance:
  - The NESF sets a 10m setback for many activities in and around wetlands, with some exceptions handled by way of consent.
  - The Proposed Plan has a 75m setback for indigenous vegetation clearance around lakes, 20m from the banks of rivers, and 50m from wetlands.
  - The proposed Plan also has a 20m setback for earthworks from the banks of streams and rivers, and 50m from wetlands and lakes.

#### *Consideration of NPSFM 2020*

181. The NPSFM requires integrated management (ki uta ki tai) by local authorities. Approach 3.5(4) requires territorial authorities to include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.
182. The freshwater overlays and setbacks apply in urban areas, and I consider that the suite of provisions does give effect to this component of the NPSFM 2020.

#### **6.6.3 Recommendation**

183. I recommend the following outcomes from submissions:
  - WIL [210.31], Mainpower [249.146]. Federated Farmers [414.132], Department of Conservation [419.109] are **rejected**
  - Forest and Bird [192.70], Transpower [195.78], RIDL [326.289] are **accepted**
  - Further submissions Kiwirail [FS 99], Forest and Bird [FS 78], Federated Farmers [FS 83], Transpower [FS 92] are **accepted**
184. I recommend that the amendments as set out above and in Appendix A are adopted.

#### **6.6.4 s32AA Evaluation**

185. The s32AA evaluation is in Table C6 of Appendix C.

## 7 Rules: Introduction and General

### 7.1 Rule NATC-R1: Planting of indigenous vegetation

#### 7.1.1 *Matters raised by submitters*

186. The only submitter on this rule, RIDL [326.90] supports the rule as notified.

#### 7.1.2 *Assessment*

187. The only submitter on the rule supports it as notified, and as there are no consequential changes, I recommend that rule NATC-R1 remains as notified.

#### 7.1.3 *Recommendation*

188. I recommend that RIDL [326.90] is **accepted**.

189. I recommend no changes to the Proposed Plan.

### 7.2 Rule NATC-R2: Planting of non-indigenous vegetation

#### 7.2.1 *Matters raised by submitters*

190. Rayonier Matariki Forests [171.11]<sup>28</sup> state that it is not clear how NATC-R2 relates to plantation forestry activities in existing plantation forestry and have concerns about the impact of this if replanting cannot occur. They request the following additions:

*Insert new additional clause to NATC-R2:*

*"...*

*4. Enable replanting of plantation forests"*

191. This is opposed by a further submission from the Department of Conservation [FS 77].

192. Forest and Bird [192.71] recommend not including a date with the *National Pest Plant Accord*, as this document is subject to change and amendment with the likelihood of additional plants being added to it.

193. ECan [316.111] request to amend NATC-R2 to clarify that planting for erosion and flood control will need to be undertaken within the setbacks specified in NATC-S1 and to amend NATC-R2(3) and NATC-S1 to clarify they do not apply to plantings for erosion or flood control purposes where undertaken by the Canterbury Regional Council or District Council.

194. Federated Farmers [414.133]<sup>29</sup> consider that NATC-R2 is a "practical policy, which would be better if it was in the indigenous biodiversity section, as the ECO rules likely override this in most contexts". They support NATC-R2 but wish for the following context to be added:

*"This rule overrides the rules in the indigenous biodiversity chapter"*

195. This is opposed by a further submission from Forest and Bird [FS 78].

196. RIDL [326.290] support NATC-R2 and request for it to be retained as notified.

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<sup>28</sup> Oppose – Department of Conservation [FS 77]

<sup>29</sup> Oppose – Forest and Bird [FS 78]

## 7.2.2 Assessment

197. I agree with Rayonier that the provisions need to be specific as to the types of plantation forestry activity that can occur in the freshwater setbacks. I note that this request for specificity and consistency about the various types of plantation forestry activities has been asked of other chapter provisions. There may be small areas of existing plantation forestry within the overlays and setbacks. Section 3.2.4.1<sup>30</sup> of the s32 evaluation discusses the application of the NESPF with respect to the natural character setback. I note that the s32 interprets the NESPF as follows:

*“provisions that control the planting, harvesting and ancillary operations of plantation forestry across the country”*

and

*“The Natural Character Chapter has considered the effect that plantation forestry has on the natural character attributes of freshwater bodies. Plantation forestry modifies some of the attributes of natural character through:*

- *altering the natural state of freshwater body margins as an artificial land use,*
- *change the biophysical process associated with different vegetation, changing moisture content and soil pH,*
- *alter hydrological flow conditions, water flow and levels with reduction in flows of up to 50% when compared to other land use,*
- *loss of indigenous biodiversity, habitats and ecosystems, and*
- *changes in the experience of natural character of freshwater body margins”*

198. The s32 does not split plantation forestry out into its individual components, probably because the intention, as shown with the non-complying activity standard, was to effectively prevent any new plantation forestry from being established within the overlays and setbacks. Section 10 RMA enables existing plantation forestry on the current footprint within the setbacks to continue, and this includes replanting.

199. I thus cannot support the Rayonier request to specify the component activities.

200. As with the coastal environment and natural features and landscapes chapters, I consider that the plantation forestry provisions should be extended to carbon forestry.

201. For Forest and Bird, I agree that the National Pest Plant Accord is a living document and intended to be so. It is a cooperative agreement between the Ministry for Primary Industries, the New Zealand Plant Producers Incorporated, unitary and regional councils, and the Department of Conservation<sup>31</sup>. It is used alongside those pest management plans and

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<sup>30</sup> Pg 21, s32 natural character of freshwater bodies report, [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0024/98223/12.-NATURAL-CHARACTER-FRESHWATER-BODIES-CHAPTER-S32-REPORT-DPR-2021.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0024/98223/12.-NATURAL-CHARACTER-FRESHWATER-BODIES-CHAPTER-S32-REPORT-DPR-2021.pdf)

<sup>31</sup> <https://www.mpi.govt.nz/biosecurity/how-to-find-report-and-prevent-pests-and-diseases/partnerships-programmes-and-accords/national-pest-plant-accord-for-preventing-the-sale-of-invasive-weeds-in-nz/>

strategies in the Biosecurity Act jurisdiction. The *National Pest Plant Accord* is not a document of national direction in the meaning of the National Planning Standards.

202. However, I do not believe it is lawful to reference a living document within a District Plan and the *National Pest Plant Accord* still has a version and a date. Any changes to the version must be via plan change. For this reason, I cannot support the Forest and Bird relief.

203. I note that the *National Pest Plant Accord* list could be interpreted as a minimum standard, with consent applicants and other parties adopting the latest version voluntarily in proposals. The functionality of it as intended could still be achieved without relying on plan changes.

204. I agree with ECan, that whilst NATC-R2 is intended to enable Regional or District Councils and their contractors to plant non-indigenous vegetation within freshwater setbacks for the purposes of erosion or flood control, because NATC-S1 specifies that the activities must be outside the specified setback, and NATC-R2 currently references NATC-S1, the rule is internally inconsistent and does not achieve its purpose. The following amendment would rectify the issue and achieve ECan's relief:

(2) planting excludes all plants listed in the National Pest Plant Accord (reprinted with minor amendments February 2020), the DOC Consolidated List of Environmental Weeds in NZ (May 2008), and all organisms classified as pests and all Organisms of Interest listed in the Canterbury Regional Pest Management Plan 2018-2038; and

(3) ~~the activity complies with NATC-S1.~~

205. For Federated Farmers, as with their similar relief discussed in paragraph 151 above, I note the support for the policy, but cannot recommend the relief, as NATC-R2 is overridden by the more stringent rules within the ECO chapter.

206. I note RIDL's support for the rule as notified. The proposed amendments do not change the intent of the rule as notified.

### **7.2.3 Recommendations**

207. I recommend the following outcome for submissions:

- Federated Farmers [414.133], Rayonier [171.11], Forest and Bird [192.71] are **rejected**
- ECan [316.111], RIDL [326.290] are **accepted**
- Further submissions from the Department of Conservation [FS 77] Forest and Bird [FS 78] are **accepted**

208. I recommend that the drafting changes as set out above and in Appendix A be adopted.

### **7.2.4 s32AA Evaluation**

209. In my opinion, the amendments recommended to NATC-R2 and NATC-R10 are more appropriate in terms of achieving the objectives than the notified rules. The



amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the NATC chapter.

### **7.3 Rule NATC-R3: Customary harvesting**

#### **7.3.1 Matters raised by submitters**

210. RIDL [326.292] support NATC-R1 and request to retain it as notified.

#### **7.3.2 Assessment**

211. RIDL support the rule and request it is retained as notified, and there are no consequential changes requested or arising from other submissions.

#### **7.3.3 Recommendation**

212. I recommend RIDL [326.292] be **accepted**

213. I recommend no changes to drafting.

### **7.4 Rule NATC-R4: Water intake structure, siphon and ancillary equipment**

#### **7.4.1 Matters raised by submitters**

214. HortNZ [295.95] support NATC-R4 as it “prevents duplication of resource consenting”, and request to retain it as notified.

215. RIDL [326.293] also support NATC-R4, and request it retained as notified.

#### **7.4.2 Assessment**

216. All submissions are in support, however, there may be consequential changes arising from the consideration of other submissions.

#### **7.4.3 Recommendation**

217. I recommend HortNZ [295.95] and RIDL [326.293] be **accepted**

### **7.5 Rule NATC-R5: Public amenities**

#### **7.5.1 Matters raised by submitters**

218. RIDL [326.294] support NATC-R5 and request to retain it as notified.

#### **7.5.2 Assessment**

219. All submissions are in support, and there are no consequential changes.

#### **7.5.3 Recommendations**

220. I recommend RIDL [326.294] be **accepted**

221. I recommend no changes to drafting

## **7.6 Rule NATC-R6: New or replacement fences and water troughs**

### **7.6.1 Matters raised by submitters**

222. Dean and Victoria Caseley [159.1] oppose NATC-R6 as *“it is inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020, and is an unnecessary double up of regulation. Amendments to the Resource Management Act 1991 requires all rural properties with an arable or pastoral land area of 20ha or a horticultural area of 5ha to have a Certified Freshwater Farm Plan, which will avoid the need for additional resource consents for farming related activities (such as stock exclusion, fencing and water trough placement, bridges and culverts). Asking an applicant to apply for two or even three consents in relation to the same activity is overly onerous, costly and will not serve to provide for better environmental outcomes.”*
223. They request for the deletion of NATC-R6 and the associated setbacks set out in NATC-S1 and Table NATC-1, in so far as they relate to for any waterbody not listed in SCHED1, SCHED2 or SCHED3, or alternatively, to amend NATC-R6 to be consistent with the Resource Management (Stock Exclusion) Regulations 2020.
224. RIDL [326.295] support NATC-R6 and request to retain it as notified.

### **7.6.2 Assessment**

225. I agree with Dean and Victoria Caseley that for fences, I consider that the NATC provisions were not intended to apply to stock exclusion fences. Only a regional plan (cl 19, Stock Exclusion Regulations) can be more stringent than the stock exclusion regulations. Instead, my view is that these provisions are intended to apply to urban fences and other property boundary structures which may affect natural character. The following consequential amendment to the title of NATC-R6 would address this issue:

#### **NATC-R6 New or replacement fences and water troughs**

*This does not apply to stock exclusion fences*

226. Their other relief is dealt with below in respect of the other rules they have submitted on.
227. RIDL [326.295] support NATC-R5 and request to retain it as notified.

### **7.6.3 Recommendations**

228. I recommend the submissions of Dean and Victoria Caseley [159.1], RIDL [326.295] be **accepted**
229. I recommend the changes as above and in Appendix A be adopted.

### **7.6.4 s32AA Evaluation**

230. In my opinion, the amendments recommended to NATC-R5 are more appropriate in terms of achieving the objectives than the notified rules. The amended rule is more efficient and effective than the notified rule in achieving the objectives and policies of the NATC chapter.

## 7.7 Rule NATC-R7: Addition to an existing building or structure

### 7.7.1 Matters raised by submitters

231. Transpower [195.79] oppose NATC-R7, requesting “a clear permitted activity pathway for the maintenance, repair and upgrade of the National Grid (particularly in places where addition of conductors is required over a waterbody) to give effect to the National Policy Statement on Electricity Transmission (including Policies 2 and 5)”. Transpower request the following amendment:

*Insert new clause into NATC-R7:*

*“1. any building or structure addition has a maximum GFA addition of 10m<sup>2</sup> in any continuous five year period  
~~x. the structures is part of the National Grid and clause (1) does not apply.”~~”*

232. RIDL [326.296] and Mainpower [249.147] support NATC-R7 and request to retain it as notified.

### 7.7.2 Assessment

233. For Transpower, I consider that the assessment of provisions within the energy and infrastructure chapter would be the appropriate place to consider the relief sought in the submission.
234. The other submissions are in support, and there are no consequential changes.

### 7.7.3 Recommendations

235. I recommend the following outcome for submissions:
- Transpower [195.79] be **accepted in part**.
  - RIDL [326.296] and Mainpower [249.147] be **accepted**
236. I recommend no changes to drafting.

## 7.8 Rules NATC-R8: New structures within and over freshwater bodies and NATC-R9: New building or structure

### 7.8.1 Matters raised by submitters

237. Dean and Victoria Caseley [159.2, 159.3] oppose NATC-R8 and R9 stating:

*“...Oppose NATC-R8 as it is inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020, and is an unnecessary double up of regulation. Amendments to the Resource Management Act 1991 requires all rural properties with an arable or pastoral land area of 20ha or a horticultural area of 5ha to have a Certified Freshwater Farm Plan, which will avoid the need for additional resource consents for farming related activities (such as stock exclusion, fencing and water trough placement, bridges and culverts).*”

*Asking an applicant to apply for two or even three consents in relation to the same activity is overly onerous, costly and will not serve to provide for better environmental outcomes.*

*Delete NATC-R8 and NATC-R9 to avoid doubling up on regulation, leaving them to be addressed under the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, thereby avoiding Council resource consents for matters which are required to be addressed under those plans or in a Certified Freshwater Farm Plan.”*

238. Transpower [195.80, 195.81] support NATC-R8 and R9 in part “on the basis that NATC-R8 or NATC-R9 provide for the new National Grid assets traversing a Scheduled Natural Character Freshwater Bodies Overlay”. They note that new transmission lines may be better provided for under amended EI-R24. Transpower request clarification on how NATC-R8 applies to the National Grid (and any other provisions in respect of the existing National Grid) and if necessary, amend EI-R24.
239. ECan [316.112, 316.113] state that “there may be some activities where location in or over freshwater bodies or in riparian margins is inappropriate given the higher order policy framework in regard to protecting natural character values (see National Policy Statement for Freshwater Management). While some activities such as Infrastructure with a functional or operational need or ancillary structures to recreational use etc may be appropriate, other activities may not be appropriate in order to preserve natural character values around freshwater bodies”. ECan request to amend NATC-R8 and R9 “by providing a more focused group of buildings and structures that may be considered as Restricted Discretionary within and over freshwater bodies”.
240. Bellgrove Rangiora Limited [408.20] submit that “the difference between NATC-R9 and NATC-R8 is unclear. NATC-R8 appears to be for structures and buildings within or over the waterway, whereas NATC-R9 for structures and buildings within the waterway setback but this is not explicitly specified”<sup>9</sup>. They request to:
- Clarify that NATC-R9 applies to buildings within the setback but not the banks of the river itself (noting that for works within the river NATC-R8 applies).
  - Amend the overlay extent of the Cam/Ruataniwha River to not extend west of the Belgrove farmhouse to ensure that any dwellings proposed within 20m of the top of the Cam/Ruataniwha River are not restricted unfairly when the ecological values of the river do not warrant such natural character protection.
241. RIDL [326.297,326.298] support NATC-R8 & R9 and request for them to be retained as notified.
242. Mainpower NZ [249.148, 249.149] support NATC-R8 and R9 and request for them to be retained as notified.

### **7.8.2 Assessment**

243. Submitters raise concerns with the scope of NATC-R8 and R9. For clarity, I consider that NATC-R8 applies to new structures in, on, or over the freshwater body itself (i.e within the banks) and NATC-R9 applies to new buildings and structures within the overlays and

setbacks, which are wider than the freshwater body. I consider that existing structures are not captured, including where there are additions to existing structures under 10m<sup>2</sup> per year in NATC-R7. However, I agree in principle with Bellgrove Rangiora Limited that the lack of criteria for NATC-R8 creates a problem when compared with NATC-R9, and also in principle with Transpower, as the application of these provisions to the National Grid and energy and infrastructure is not clear. However, I do not agree with their suggested amendments.

244. I agree with Dean and Victoria Caseley that despite the text “This rule applies to this activity not provided for in rules NATC-R4 to NATC-R8”, NATC-R9 could be interpreted and applied in such a way as to add additional stringency over and above that set by national direction and the Canterbury Land and Water Regional Plan due to the way rules NATC-R4-R8 are currently drafted.
245. I also agree with ECan, that NATC-R8 or NATC-R9 should be more targeted to the types of activities they are managing under the restricted discretionary status. If the rules clearly ‘carve out’ the activities that are already managed under national direction and/or regional plans, then this would achieve the “targeting” requested by ECan.
246. NATC-R4 to R8 are required to implement the policies, particularly, NATC-P4, P5 and P6 which clearly apply to structures likely to affect natural character. The challenge is that whilst the larger buildings are the types of structures anticipated, smaller farming-related structures are also captured. These are structures and activities that may be already permitted under national direction instruments and regional plans. I have assessed the likely duplication and inconsistency issues below:
- NATC-R4 – cl 70, 71 NESF provides for the placement, use, alteration, extension, or reconstruction of culverts and weirs in, on, over, or under the bed of any river or connected area as a permitted activity subject to conditions.
  - NATC-R5 – unlikely to be any duplication or consistency issues.
  - NATC-R6 – cl 8 Resource Management (Stock Exclusion) Regulations 2020 require a 3m setback from lakes and wide rivers, but NATC-R6 currently requires a 5m setback. Water troughs are provided as a permitted activity.
  - NATC-R7 – unlikely to be any duplication or inconsistency issues.
  - NATC-R8 - unlikely to be any duplication or inconsistency issues.
247. I note that the bulk of the NESF provisions, which are required to be implemented by ECan (s 5 NESF), relate to wetlands, and that as the definition of wetland has changed in 2023<sup>32</sup> to presume that areas of land are unlikely to be wetlands unless specific tests (such as the presence of threatened species or less than 50% exotic pasture) are met, the NATC provisions will not generally apply to wetlands unless they are identified in future processes, such as freshwater farm environment plans. I note one scheduled wetland in NATC-SCHED1.
248. This means that for the most part, the consistency and duplication issues relate to rivers and lakes where the NESF is not as specific. Culverts and weirs are the likely missing farming related infrastructure, but I consider that these are within the ambit and intention of NATC-R4 as drafted but should be made explicit. NATC-R4 was in my view intended to provide for

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<sup>32</sup> s 3.21, NPSFM 2020 (as amended in February 2023)

farming related water infrastructure, as a permitted activity, to ensure consistency with the NESF and CLWRP, however I accept that the notified drafting of NATC-R4 is not clear on this, but with minor amendments would be clear:

**NATC-R4 Culverts, weirs, water intake structures, siphons and ancillary equipment**

Scheduled Natural Character Freshwater Bodies Overlay

Activity status: PER

Where: any new culverts, weirs, water intake structures, siphons or ancillary equipment such as pump sheds, electricity supply and pipework, are authorised or permitted by the Regional Council.

249. I have discussed the issue of fences above in section 8.6
250. I have considered the relationship between NATC-R8 and NATC-R9, in response to ECan and Bellgrove. I agree that the rules need clarification on where they apply. R8 should apply to new structures within and over freshwater overlays and setbacks, not just the freshwater body itself. NATC-R9 applies to all new buildings and structures but only where the activity is not already covered by NATC-R4-R8. I consider that an amendment to the title of NATC-R8 to clarify where it applies would address the submitters' concerns:

**NATC-R8 – New structures within and over freshwater bodies overlays and setbacks**

251. For Bellgrove's request to amend the setback adjacent to the Cam/Ruataniwha River, I note that that a reduction in freshwater setback width can be considered in a consenting context by way of NATC-MD6, which is triggered when any activity doesn't achieve the setbacks in NATC-S1. The Cam/Ruataniwha River is a NATC-SCHED2 freshwater body, with a setback of 20m in rural and open space zones, and 10m in residential zones. Bellgrove are currently developing some of this land, and as such, the zoning is residential, and the requested 10m setback would apply.
252. Some of the Bellgrove land is already consented, by way of the Covid fast-track process, with development already occurring. I note that as part of this process, 10 metre esplanade reserves were agreed as an appropriate setback<sup>33</sup> with the same justification as within their Proposed Plan submission. As the land is now effectively zoned residential, I agree that the overlay mapping should be changed accordingly but consider that Bellgrove now have the setback at the 10m width they requested.
253. For Transpower, as above, I consider that the assessment of provisions within the energy and infrastructure chapter would be the appropriate place to consider the relief sought in the submission.

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<sup>33</sup> Pg 6, Appendix 12, Additional Responses to Bellgrove Fast-Track Consent Application, [https://environment.govt.nz/assets/what-government-is-doing/fast-track/Bellgrove/52.13-apx\\_12-additional\\_to\\_the-application.pdf](https://environment.govt.nz/assets/what-government-is-doing/fast-track/Bellgrove/52.13-apx_12-additional_to_the-application.pdf)

254. For RIDL and Mainpower, I note that as they stated support for NATC-R8 and R9 as notified, and that as these may now change, as a result of my recommendations, this support may no longer exist.

### **7.8.3 Recommendations**

255. I recommend the following outcome for submissions:

- Dean and Victoria Caseley [159.2], Transpower [195.80, 195.81], ECan [316.112,316.113] and Bellgrove [408.20] are **accepted in part**
- RIDL [326.297, 326.298], Mainpower [249.148, 249.149] are **rejected**

256. I recommend the drafting changes as above and set out in Appendix A.

### **7.8.4 s32AA Evaluation**

257. In my opinion, the amendments recommended to NATC-R4, NATC-R6 and NATC-R8 are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the NATC chapter.

## **7.9 Rule NATC-R10: Plantation forestry, woodlot or shelterbelts**

### **7.9.1 Matters raised by submitters**

258. Rayonier Matariki Forests [171.12]<sup>34</sup> restate their submission on NATC-P4(3) and request to “Limit NATC-R10 to afforestation and provide for existing plantation forestry and its activities to dealt with under the National Environmental Standards for Plantation Forestry”. This is opposed by a further submission from the Department of Conservation [FS 77].

259. Federated Farmers [414.134]<sup>35</sup> consider that “NATC-R10 may be inconsistent or unnecessarily more stringent than the National Environmental Standard on Plantation Forestry” and request for the deletion of NATC-R10. This is opposed by Forest and Bird in a further submission [FS 78].

260. RIDL [326.299] support NATC-R10 and request to retain it as notified.

### **7.9.2 Assessment**

261. As with their submission on the policies, I agree with Rayonier on the need to clarify the intent of the rule. My understanding of the intent of the chapter was to prevent new plantation forestry within the freshwater overlays and setbacks, however, Rayonier submit, the provisions apply to plantation forestry generally, and are not currently specific about the particular plantation forestry activities which apply. I have considered this request for specificity and I do not believe it is needed, as it is only new plantation forestry activities within the overlays and setbacks which are a non-complying activity. All existing plantation forestry activities can continue under s10 RMA existing use rights. This would include harvesting and replanting. As such, whilst I agree with clarifying this issue for the submitter, I cannot agree with their relief.

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<sup>34</sup> Oppose – Department of Conservation [FS 77]

<sup>35</sup> Oppose – Forest and Bird [FS 78]

262. For consistency with other chapters, I recommend that carbon forestry is added to this rule.
263. I recommend the following amendments:

### **NATC-R10 Plantation forestry, carbon forest, woodlot or shelterbelts**

264. I do not agree with Federated Farmers that R10 is inconsistent or unnecessarily more stringent than the NESF, as cl 13 NESF provides scope for district plan rules to be more stringent than it in visual amenity landscapes, and cl 6(1) allows additional stringency in any plan rule that implements an NPSFM objective. The freshwater setbacks and natural character overlay are both visual amenity landscapes and implement some of the NPSFM objectives.
265. For RIDL, I note that as they stated support for NATC-R10 as notified, and that this may change as a result of my recommendations, their support may no longer apply. It would be worth confirming this with the submitter.

#### **7.9.3 Recommendations**

266. I recommend the following outcome for submissions:
- Federated Farmers [414.134] and Rayonier Matariki Forests [171.12] are **rejected**
  - RIDL [326.299] is **accepted**
  - Department of Conservation [FS 77] and Forest and Bird further submissions [FS 78] are **accepted**.
267. That the amendments above and in Appendix A are adopted

#### **7.9.4 S32AA Evaluation**

268. In my opinion, the amendments recommended to NATC-R10 are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the NATC chapter.



## 8 Activity standards

### 8.1 Activity standard NATC-S1: Setback standards for the natural character of freshwater bodies

#### 8.1.1 Matters raised by submitters

269. Dean and Victoria Caseley [159.4] *“oppose the setbacks set out in NATC-S1 and Table NATC-1. These setbacks are inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020 and are an unnecessary double up of regulation. Requirements for audited Freshwater Farm Plans on rural properties is partly to avoid the need for additional resource consents for farming related activities such as stock exclusion, fencing, water trough placement, bridges and culverts. Requiring multiple consents for the same activity is onerous, costly and will not provide better environmental outcomes. Recent freshwater management reform has dealt with stock exclusion and require a setback for new fence lines of 3m which is less than the 5m required under Table NATC-1 for any waterbody not listed in SCHED1, SCHED2 or SCHED3. A setback of 5m is onerous on farming properties. Delete NATC-R6 and the associated setbacks set out in NATC-S1 and Table NATC-1, in so far as they relate to for any waterbody not listed in SCHED1, SCHED2 or SCHED3, or in the alternative amend so as to be consistent with the Resource Management (Stock Exclusion) Regulations 2020.”*
270. Rayonier [171.13]<sup>36</sup> state that “NATC-S1 is unclear as to the alignment with the National Environmental Standards for Plantation Forestry setbacks”, and request to “amend NATC-S1 to clarify that the setbacks for the various plantation forestry activities as set out in the National Environmental Standards for Plantation Forestry prevail.”. This is opposed by the Department of Conservation in a further submission [FS 77].
271. Transpower [195.83] oppose “NATC-S1 as it is not clear whether this setback would apply to the National Grid. They also state there is a “need to be clear where provisions apply to infrastructure and, where provisions apply, infrastructure is appropriately enabled in order to give effect to higher order provisions and implement the Proposed District Plan objectives” and request to amend NATC-S1 “to exempt National Grid from this setback and ensure EI provisions apply”.
272. WIL [210.33]<sup>37</sup> state that “irrigation and stockwater networks are critical for the District's social and economic wellbeing and often has a functional and operational need to be located near freshwater bodies. It is vital that the setback standards contain an exemption for community scale irrigation and stockwater infrastructure” and request to amend NATC-S1 as follows:
- “1. Except for community scale irrigation and stockwater infrastructure, activities shall be outside of the setback distance specified in Table NATC-1.”*

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<sup>36</sup> Oppose – Department of Conservation [FS 77]

<sup>37</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83]

273. The Department of Conservation [FS 77] oppose WIL and Federated Farmers [FS 83] support WIL in further submissions.
274. The Waimakariri District Council [367.46] request to insert a new bullet point in advisory note NATC-S1 stating:
- "- NATC-SCHED4 freshwater bodies are not mapped and does not include any water body listed in NATC-AN2..."*
275. Federated Farmers [414.135]<sup>38</sup> oppose the NATC-S1 setbacks stating "They are inconsistent with other setbacks that apply on land, such as from the Canterbury Land and Water Plan, marginal strip (which have existing land use restrictions) (usually 20 metres or more), esplanade strip, formed or unformed legal road, or even override or are inconsistent with the buffers in the National Environmental Standards for Freshwater s360 stock exclusion regulations, or ECO rules. Federated Farmers also request the deletion of the NATC-S1 setbacks table.
276. Forest and Bird oppose Federated Farmers in a further submission [FS 78].
277. Mainpower NZ [249.150] support NATC-S1 and request for it to be retained as notified.
278. RIDL [326.300] support NATC-S1 and request for it to be retained as notified.

### **8.1.2 Assessment**

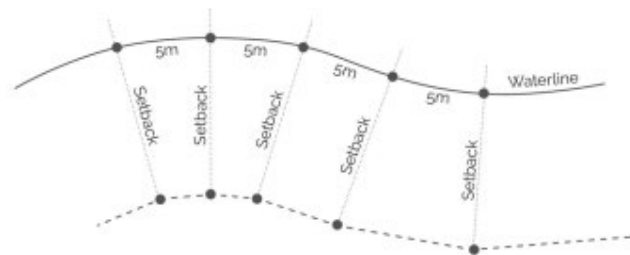
279. I agree with Dean and Victoria Caseley's concerns. I address this in two parts, firstly the interpretation of the setback provisions, then their concerns as they related to the energy and infrastructure provisions.

#### *Application of setbacks*

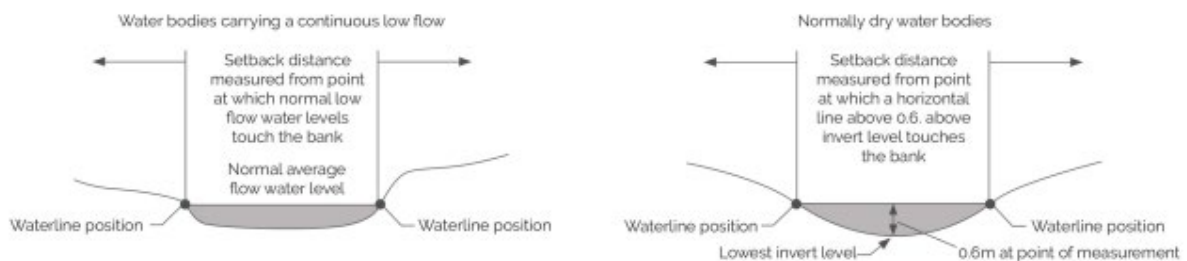
280. My understanding is that the freshwater overlays and the setbacks work in the following way:
- The Proposed Plan maps 'scheduled natural character freshwater body overlays', otherwise referred to as freshwater overlay. These overlays apply to the beds of freshwater bodies, almost all are rivers, with one scheduled wetland at Pines Beach. There are four classes of freshwater bodies. For the SCHED1 rivers, such as the Waimakariri and Ashley/Rakahuri River, much of the land within the freshwater overlay is either Crown riverbed (managed by LINZ), or various forms of reserve (managed either by the Canterbury Regional Council or the Department of Conservation). For the other rivers in SCHED2-4, the riverbed is either Crown riverbed, managed by LINZ, or private land.
  - The notified Proposed Plan has the rules applying to apply to the freshwater overlays.
281. Figure NATC-1 provides guidance on the interpretation of the banks of water bodies:

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<sup>38</sup> Oppose – Forest and Bird [FS 78]



Where the waterline position follows a meandering alignment setback distance shall be measured along a line that is nearly as practicable radial to the curvature of the waterline, and at 3m intervals along the waterline as illustrated.



282. Figure-1 implies that that setback is measured from the normal average flow waterline, or the “bank” out to whatever table NATC-S1 defines as the setback distance – which is between 5m and 50m distance. This may be entirely within the scheduled and mapped freshwater overlay, which can be wider than 50m. It also means that the setback moves with the riverbed inside the outermost stopbank, which I consider is entirely appropriate for braided rivers which move.
283. If Figure-1 is applied in the context of SCHED-1 wide rivers, such as the Waimakariri or Ashley/Rakahuri, the setbacks referred to in the Proposed Plan largely are *inside* the freshwater overlay.
284. For smaller SCHED-2-SCHED-4 rivers, the setbacks will be outside or additional to the overlay.
285. For clarity, I recommend that:
- Figure-1 is amended to:
 

Water bodies carrying a continuous low flow:

“Setback distance measured from point at which normal flow water levels touch the ~~bank~~ bed.”

Normally dry water bodies:

“Setback distance measured from point at which a horizontal line above 0.6m above lowest invert level touches the bed bank”

- Amend NATC-S1 as follows

Activities in SCHED1 freshwater bodies shall be outside of the freshwater overlay

Activities in SCHED2, SCHED3, SCHED4 freshwater bodies shall be outside the freshwater overlay and any additional setback distance specified in Table NATC-1.

- Amend Table NATC-1

**Table NATC-1: Freshwater body setbacks** 

<b>Freshwater body classification</b>	<b>Freshwater body setback widths Rural Zones, Open Space and Recreation Zones</b>	<b>Freshwater body setback widths Residential Zones, Industrial Zones, Commercial and Mixed Use Zones, and Special Purpose Zones</b>
NATC-SCHED1	<u>Within the freshwater overlay</u>	<u>Within the freshwater overlay</u>
NATC-SCHED2	20m	10m
NATC-SCHED3	10m	5m
UNSCHEDULED	5m	5m

286. I note the Rayonier concerns about the setbacks, but as discussed in their previous relief, as existing plantation forestry can continue by way of s10 RMA, I do not consider that specific amendments to NATC-S1 for plantation forestry are required.

*Application of energy and infrastructure provisions*

287. I have recommended to the energy and infrastructure reporting officer (Mr McLennan) amendments to EI-R26 to clarify its status in respect of the NATC provisions which may resolve Transpower's concern.

*Remainder of assessment*

288. For Transpower, as I have outlined with their similar relief above, the energy and infrastructure chapter will contain the necessary rules will ensure that the operation of the National Grid is subject to no additional stringency than permitted by higher order instruments.

289. For WIL I consider that infrastructure, including irrigation infrastructure is enabled within setbacks where there is a functional or operational need for it to be there. EI-R49 and EI-R50 provide for maintenance and some upgrading of irrigation infrastructure as a permitted activity, and policies NATC-P5 and P6 provide support at consenting time for irrigation infrastructure with tests and standards that achieve the NATC objectives.

290. For the Waimakariri District Council, I note that there is currently no NATC-SCHED4, however I consider that the submission point may be asking for the UNSCHEDULED list to be renamed as NATC-SCHED4, for consequential amendments to amend references, and for an amendment to NATC-AN2 advice note. I agree with these changes, as I consider that they will improve the readability of the Proposed Plan. "UNSCHEDULED" is the opposite of a schedule, yet at the moment, it is within a schedule, and the provisions all refer to schedules. The Council's proposed amendments will rectify this.
291. For Federated Farmers, I disagree with the relief sought, noting that the NATC-S1 setbacks are already operationalised by the rules, and apply to new structures only. Where marginal strips, unformed or formed legal roads exist, these would form either all or part of the setback. The recommended amendments to the rules clarifying that farming water infrastructure is a permitted activity have also addressed the concerns.
292. For RIDL and Mainpower, I note that as they stated support for NATC-S1 as notified, and that this may change as a result of my recommendations, their support may no longer apply. It would be worth confirming this with the submitter.

### **8.1.3 Recommendations**

293. I recommend that the following outcome for submissions:
- Federated Farmers [414.135], Mainpower NZ [249.150], Rayonier [171.13], RIDL [326.300], Transpower [195.83], WIL [210.33] are **rejected**
  - Further submission Federated Farmers [FS 83] is **rejected**
  - Dean and Victoria Caseley [159.4], Waimakariri District Council [367.46] are **accepted**
  - Department of Conservation further submissions [FS 77], and Forest and Bird further submission [FS 78] are **accepted**
294. The amendments to Figure-1, NATC-S1, Table NATC-1 as set out above and in Appendix A are adopted.

### **8.1.4 s32AA Evaluation**

295. In my opinion, the amendments recommended to Figure 1, NATC-S1, and Table NATC-1 are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the NATC chapter.

## **8.2 Activity standard NATC-S2: building and structure reflectivity**

### **8.2.1 Matters raised by submitters**

296. Mainpower NZ [249.151] support NATC-S2 and request for it to be retained as notified.
297. RIDL [326.301] support NATC-S2 and request for it to be retained as notified.

### **8.2.2 Assessment**

298. All submissions are in support, with no consequential changes arising from other submissions.

### **8.2.3 Recommendations**

- 299. I recommend that Mainpower [249.151], RIDL [326.301] submissions are **accepted**
- 300. I recommend no drafting changes.

## **9 Tables**

### **9.1 Table NATC-1: Freshwater body setbacks**

#### **9.1.1 Matters raised by submitters**

301. Dean and Victoria Caseley [159.5] oppose the setbacks, stating similar relief as set out in section 8 above, requesting to delete Table NATC-1.
302. Sarah Gale [273.3] states that “the 5m setback is a reasonable and practical setback for a medium density residential zone such that the Northbrook Stream reaches affect however when the stream is listed as an open public drain on the Councils Urban Drainage Maps, freshwater setback provisions should not be applied”. She requests to “exempt open public drains from the freshwater bodies provisions and setbacks”.
303. Dairy Holdings Limited [420.20] oppose the setbacks in the table, stating “the NATC-SCHED1 overlay covers large areas of farmland, including areas that have been cultivated, contain important farming infrastructure and areas of exotic forest. The setback requirements would introduce inappropriate consenting requirements that are likely to restrict farming operations and necessary repair and maintenance works”. They request to “delete setback requirements in Table NATC-1 or amend requirement for SCHED1 to 5m”.
304. The Waimakariri District Council [367.44] state that Figure NATC-1 contains 5m intervals but that the figure text shows 3m intervals. They request changing the text from 3m to 5m intervals.

#### **9.1.2 Assessment**

305. For Dean and Victoria Caseley [159.5] I note my comments as for their other similar submissions that I agree with the concerns, but I consider that these have been resolved by my recommended amendments.
306. For Sarah Gale, I consider that the legal drainage status of a freshwater body should not affect its natural character status. The primary purpose of natural character setbacks is to preserve open space free of intrusive structures around a freshwater body, and the tests by which a freshwater body is assessed for natural character relate to form, not function.
307. For Dairy Holdings, I consider that the setbacks in NATC-S1 should not limit farming activities. It only affects new structures and buildings that are not already permitted under R4-R8. Repair and maintenance works of irrigation are either permitted, or permitted through the energy and infrastructure chapter. Harvesting and replanting of existing plantation forestry is also permitted, noting the discussion above which shows that the only plantation forestry within the setbacks is at boundaries. Whilst I agree with the issues that Dairy Holdings raise, I consider that they have been resolved with the amendments above, and so I reject their specific relief.
308. I agree with the Waimakariri District Council that the error in NATC-1 should be amended.

#### **9.1.3 Recommendations**

309. I recommend the following outcome for submissions:

- Waimakariri District Council [367.44] is **accepted**
- Sarah Gale [273.3], Dairy Holdings Limited [420.20] Dean and Victoria Caseley [159.5] are **rejected**

310. I recommend that the text in Figure 1 is amended to state 3m, rather than 5m, intervals.

#### **9.1.4 s32AA Evaluation**

311. In my opinion, the amendments recommended to Figure 1 are more appropriate in terms of achieving the objectives than the notified Figure. The amended Figure is more efficient and effective than the notified Figure in achieving the objectives and policies of the NATC chapter.



## 10 Schedules

### 10.1 NATC-SCHED1

#### 10.1.1 Matters raised by submitters

312. Bellgrove Rangiora Limited [408.19] state:
- “The Cam River Overlay extent into 52 Kippenberger Avenue (PT RS 267) exceeds that required as a site-specific ecological survey and assessment concluded that there is no permanent aquatic life other than the ornamental pond north of the Bellgrove Homestead, a buffer strip will not provide an ecological link to aquatic habitats, and the water temperature moderating effect does not have to be considered as no water is present.
  - The Cam/Ruataniwha River within Bellgrove North is identified as requiring a 20m-wide setback as the land is currently zoned Rural, however this may create confusion following the certification process when this land is confirmed for residential development the required setback will reduce to 10m.
  - They request to modify the extent of the Cam/Ruataniwha River scheduled as a Natural Character Freshwater Body 20m so that it does not extend west of the Bellgrove homestead; and to
  - Modify the overlay so that it does not specify the setback distance given this is zone dependent and could create confusion, especially in development areas, such as Bellgrove North, that are subject to a proposed certification process to facilitate urban development.”
313. Rayonier [171.22] request to amend NATC-SCHED1 to clarify that the setbacks for the various plantation forestry activities as set out in the National Environmental Standards for Plantation Forestry setbacks prevail. The Department of Conservation oppose this in a further submission [FS 77].
314. Federated Farmers [414.139]<sup>39</sup> request to delete NATC-SCHED1 in its entirety, as “setback requirements already exist in legislation, on the land cadastre, from national instruments, or elsewhere within this plan”. Forest and Bird oppose this request in a further submission [FS 78].
315. Forest and Bird [192.73] support the tables and schedules. However, they state that it is difficult to determine whether there are setback requirements for wetlands other than Pines Beach wetland. They are concerned about consistency with the NESF for activities on the margins of unscheduled wetlands.
316. Sarah Gale [273.4] requests to “exempt open public drains from the fresh water bodies provisions and setbacks”.

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<sup>39</sup> Oppose – Forest and Bird [FS 78]

317. The Christchurch City Council [360.16] support provisions relating to the Waimakariri River and its margins, being one of the best examples of braided rivers and associated indigenous flora and fauna habitats. They note that the Waimakariri River is included in NATC-SCHED1. They also support identification of [the] Waimakariri River as an Outstanding Natural Feature and notes that rules for this and as a Scheduled Natural Character Freshwater Body align with the Christchurch City Council's treatment of the river in the Christchurch District Plan. The Christchurch City Council agree that these provisions will provide the same level of protection for the river should it have been listed as a Significant Natural Area, and [wish] to [continue] to work with Waimakariri District Council on matters relating to the Waimakariri River to ensure its ongoing protection.
318. The Waimakariri District Council [367.45] seek to clarify that the Natural Character of Freshwater Bodies overlay name include[s] unscheduled water bodies. They specifically request to “amend UNSCHEDULED term in Table NATC-1 and NATC-SCHED - Scheduled freshwater bodies, from UNSCHEDULED to NATCSCHED4”.

### **10.1.2 Assessment**

319. Bellgrove have obtained subdivision resource consent under the COVID-19 Recovery (Fast-track Consenting Act) 2020 for the stage 1 development, which as I understand it, includes the urban area 10m setbacks on the Cam/Ruataniwha River. My understanding is that would have removed the substantive concern with the 20m setbacks, however, I note that the overlay will technically still need to be amended to 10m.
320. If changes are to occur to the overlay, I would recommend the following:
- That these occur as a package following decisions/approval.
  - That where consenting or other decisions have replaced the Proposed Plan overlays, that the updated setbacks be mapped instead.
321. I consider that the relief sought by Bellgrove may have superseded by their consent, which technically leads me to recommend rejecting it
322. For Rayonier, as with their previous relief, this schedule would only apply to new plantation forestry activities, approved under the non-complying activity status. Existing plantation forestry can continue under s10 RMA.
323. For Federated Farmers, I disagree that the setbacks are provided for elsewhere. Whilst there are setbacks on specific activities, such as earthworks, there are no overall and consistent setbacks that provide for the collective matter of natural character in a consistent manner linked to distance from rivers.
324. For Forest and Bird, I note that NESF applies to the regional councils only<sup>40</sup>, so in the context of the district council's functions around wetlands, there is a 5m setback for unscheduled wetlands, compared with the 10m (or greater) setbacks in the NESF. However, I note the setbacks elsewhere in the Proposed Plan, such as 50m setbacks for earthworks in from the

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<sup>40</sup> CI 5, Resource Management(National Environmental Standards for Freshwater) Regulations 2020

edge of a wetland or lake in Rule EW-S3. I also consider that as wetlands are identified through freshwater farm planning and/or regional council plan changes and other programmes, there may be a need to add further wetlands to the appropriate schedules in this plan, but that occurs by plan change. I cannot support this relief.

325. For the Waimakariri District Council, I agree that an unscheduled list is not technically part of the plan, and should become a formal schedule entitled NATC-SCHED4. I recommend the following amendments:

**~~UNSCHEDULED (Tributaries) NATC-SCHED4~~**

Any freshwater body not listed in SCHED1, SCHED2 or SCHED3

326. I note the support of Christchurch City Council, which is the neighbouring council on the southern boundary of the Waimakariri District.

327. For Sarah Gale, my recommendation is the same as in section 9.12 above.

**10.1.3 Recommendations**

328. I recommend the following outcome for submissions:

- Federated Farmers [414.139], Sarah Gale [273.4], Rayonier [171.22], Forest and Bird [192.73] and the substantive part of the Bellgrove Rangiora Limited [408.19] relief are **rejected**, unless information presented by Bellgrove at the hearing requires this recommendation to be changed.
- Christchurch City Council [360.16] Waimakariri District Council[367.45] are **accepted**
- Department of Conservation [FS 77], Forest and Bird [78] further submissions are **accepted**
- the overlays are updated and remapped following decisions and approval of the plan.

329. That the amendments to the plan above and in Appendix 1 are adopted.

**10.1.4 s32AA Evaluation**

330. That the updating and remapping of the overlays that follows decisions on and approval of the plan, and the amendment to the schedules is minor and consequential and will not affect the efficiency of the operation of the plan.

## 11 Advice notes

### 11.1 Advice notes: NATC-AN1 and NATC-AN2

#### 11.1.1 Matters raised by submitters

331. Forest and Bird [192.72]<sup>41</sup> state that “part of the advice note is over-reaching and does not protect or preserve the natural character of rivers. They request the following amendment:

*Amend NATC-AN2:*

*“...  
or within any ephemeral flow path where there is no defined channel!”*

332. This is opposed by Federated Farmers [FS 83] in a further submission.
333. Sarah Gale [273.5] wishes to clarify “that Northbrook Stream, where it is a boxed drain or similar modified urban system, and where it is listed as an open public drain on the Council urban drainage maps, is exempt from natural waterbody setback and requirements”, and to “clarify the status of urban drains/freshwater bodies so that Northbrook Stream and other similar urban systems are exempt from natural waterbody setback and requirements”.

#### 11.1.2 Assessment

334. For Forest and Bird, the natural character overlays and thus the freshwater setbacks apply to areas where natural character values are permanent, as in, freshwater bodies which have a defined bed or formation upon which to determine and delineate the natural character. These may include reaches that are seasonally ephemeral, where the channel is visible. I see a difficulty with extending this to areas without a defined channel, or basin (in the case of lakes), as no certainty can be provided on the extent of the natural character area, and it will fluctuate depending on rainfall and hydrology. I do not consider this as a solid basis on which to apply a set of provisions which restrict land use.
335. For Sarah Gale, my recommendation is the same as with her other submission (para 286). I consider that the legal drainage status of a freshwater body should not affect its natural character status.

#### 11.1.3 Recommendations

336. I recommend the following outcome for submissions:
- Forest and Bird [192.72] Sarah Gale [273.5] are **rejected**
  - Further submission Federated Farmers [FS 83] is **accepted**
337. I recommend no changes to plan drafting.

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<sup>41</sup> Oppose – Federated Farmers [FS 83]

## 12 Matters of Discretion

### 12.1 General

#### 12.1.1 *Matters raised by submitters*

338. Federated Farmers [414.31] state that “all the freshwater setbacks in the Natural Character of Freshwater Bodies Matters of Discretion have subdivision, use, and development in mind, but will have perverse effects on existing rural land use” and request that all matters of discretion, objectives, policies, and rules in the Natural Character of Freshwater Bodies section are amended to indicate that they apply to subdivision only, to avoid wrongly applying them to existing rural land uses.

#### 12.1.2 *Assessment*

339. I understand the concerns of Federated Farmers, however I consider that these have been either clarified by way of ensuring that the fencing requirements apply to urban fences, and not for stock exclusion, and also with the clarifications and amendments made to ensure that farming activities are not captured, and small farm irrigation infrastructure is permitted, I consider that the concerns have been addressed and no specific changes are required to the matters of discretion.

#### 12.1.3 *Recommendations*

340. I recommend that:

- Federated Farmers submission [414.31] is **rejected**

341. I recommend no changes to plan drafting

## 12.2 Matters of Discretion: NATC-MD1

342. I note the consequential changes recommended to the matters of discretion to better handle restoration and rehabilitation matters. Where I recommend no changes to the matters of discretion below this is in the context of submissions directly on that matter of discretion.

#### 12.2.1 *Matters raised by submitters*

343. Federated Farmers [414.32] state that “NATC-MD1 could adversely affect the planting of vegetation associated with farming, horticulture, or rural land use. This is a particular issue if the submitter's other relief to delete or amend the freshwater setbacks is not accepted”. They request to “insert an additional matter to NATC-MD” as follow:

“...  
5. “None of the above applies to traditional rural use of a private landholding””.

344. RIDL [326.302] support NATC-MD1 and wish to retain it as notified.

#### 12.2.2 *Assessment*

345. As with the recommendation above, I do not consider the freshwater setbacks affect the planting of vegetation associated with farming, horticulture, or rural land use. Rule NATC-R2 permits the planting of agricultural crops or grass within improved pasture, and with

gardens. As the error with NATC-S1 also applying to this as been removed, I consider that Federated Farmers concerns have been addressed. I recommend that their specific relief is rejected.

346. RIDL support the matter of discretion as notified.

### **12.2.3 Recommendations**

347. I recommend that the following outcome for submissions:

- Federated Farmers [414.32] be **rejected**
- RIDL [326.302] be **accepted**

348. I recommend no changes to plan drafting.

## **12.3 Matters of Discretion: NATC-MD2**

### **12.3.1 Matters raised by submitters**

349. Federated Farmers [414.33, 414.136]<sup>42</sup> state that NATC-MD2 fails to give effect to the public access policies and rules, which provide for exemptions to the public access provisions on various grounds. They consider that “NATC-MD2 appears to go further than these policies and rules, introducing the power to manage the adverse effects of activities and developments where these might compromise the use or enjoyment of the areas. When read with the large freshwater setbacks, this is a substantial and unlawful imposition on private landholders”. Federated Farmers request the deletion of NATC-MD2 in entirety and to rely on policies, or underlying status of land.”. The following amendment is requested:

5. "None of the above applies to traditional rural use of a private landholding".

350. Federated Farmers also state that “on the current numbers, most of these setbacks are on private land, and public access cannot be a consideration except upon subdivision and subsequent creation of an esplanade reserve or strip”.

351. Forest and Bird oppose Federated Farmers in a further submission [FS 78].

352. Mainpower [249.152] and RIDL [326.303] support NATC-MD2 and wish to retain it as notified.

### **12.3.2 Assessment**

353. NATC-MD2 sets a requirement to maintain and enhance existing access, when the adverse effects of activities and developments would limit public access or compromise the use and enjoyment of areas. As a matter of discretion, it would apply during consenting, and as most farming activities are permitted, or not captured by the NATC provisions, and occur on private land, this MD is unlikely to be triggered by farming. As the provisions are focused on subdivision and structures, it is likely to ensure that when developments are occurring that public access is considered.

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<sup>42</sup> Oppose – Forest and Bird [FS 78]

354. RIDL support the rule as notified. The rule has changed since notification however, but I do not consider it has altered the intent of the rule sufficient to change the submitter's sentiment.

### **12.3.3 Recommendations**

355. I recommend the following outcome for submissions:

- Federated Farmers [414.33] is **rejected**
- Mainpower [249.152] RIDL [326.303] are **accepted**
- Forest and Bird further submission [FS 78] is **accepted**

356. I recommend no changes to plan drafting.

## **12.4 Matters of Discretion: NATC-MD3**

### **12.4.1 Matters raised by submitters**

357. Federated Farmers [414.34] state that NATC-MD3 does not address existing lawful use within freshwater setbacks and request the following amendments:

To NATC-MD3 title:

*"Specified structures lawfully established, with landowner permission, within freshwater setbacks"*

Insert additional matter to NATC-MD3:

*8. The extent to which the structure impedes or assists the existing use of the land.*

*5. None of the above applies to traditional rural use of a private landholding.*

358. RIDL [326.304] support NATC-MD3 and wish to retain it as notified.

### **12.4.2 Assessment**

359. The amendments to NATC-R4 and R6 clarify the nature of the specified structures that exist, or can exist within the freshwater setbacks. Existing use rights under s10A RMA would also cover any current buildings, such as farm sheds, and NATC-R7 provides for 10m<sup>2</sup> additions to existing buildings and structures in any continuous 5-year period. Outside of this, new buildings or structures are a restricted discretionary activity under NATC-R9.

360. I consider that Federated Farmers relief is unnecessary, as the provisions including the recommended amendments either enable existing farming activities, and permit new fences and water infrastructure – the types of farming activities that occur in this environment.

361. RIDL support the rule as notified. The rule has changed since notification however, but I do not consider it has altered the intent of the rule sufficient to change the submitter's sentiment.

### **12.4.3 Recommendations**

362. I recommend the following outcome for submissions:

- Federated Farmers [414.34] is **rejected**
- RIDL [326.304] is **accepted**

363. I recommend no changes to plan drafting.

## **12.5 Matters of Discretion: NATC-MD4**

### **12.5.1 Matters raised by submitters**

364. Mainpower [249.153]<sup>43</sup> support NATC-MD4 “but seek to add a further matter of discretion around the functional need and operational need to locate in the setback and the ability to carry out maintenance, repair, upgrade and development of critical infrastructure”. They request the following amendment:

*"The functional and operational need of critical infrastructure to locate within setbacks or for a network utility to carry out maintenance, replacement, repair and upgrade."*

365. Kiwirail Holdings Limited [FS 99], Federated Farmers [FS 83, Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95] support Mainpower with further submissions.

366. Federated Farmers [414.35] state that NATC-MD4 needs to be limited to new buildings and structures. It should indicate that given the size of some of the freshwater setbacks, structures can only be established on them with lawful landowner permission. They request to amend the title of NATC-MD4:

*"New buildings, structures, and impervious surfaces established with landowner permission within freshwater setbacks"*

367. RIDL [326.305] support NATC-MD4 and wish to retain it as notified.

### **12.5.2 Assessment**

368. For Mainpower, I note that activities that have a functional and operational need to be within the setback, which would include electricity distribution lines, is already enabled by the policies. I do not see the need for changes to the matters of discretion accordingly.

369. For Federated Farmers, NATC-MD4, by way of the rules, is already limited to new buildings and structures. It is only triggered by consent applications, and therefore, I consider that the Federated Farmers relief is unnecessary.

370. RIDL support the rule as notified. The rule has changed since notification however, but I do not consider it has altered the intent of the rule sufficient to change the submitter’s sentiment.

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<sup>43</sup> Support – Kiwirail Holdings Limited [FS 99], Support – Federated Farmers [FS 83], Support - Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95]



### 12.5.3 Recommendations

371. I recommend the following outcome for submissions:
- Mainpower [249.153] Federated Farmers [414.35] are **rejected**.
  - Kiwirail Holdings Limited [FS 99], Federated Farmers [FS 83, Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95] are **rejected**
  - RIDL [326.305] is **accepted**.
372. I recommend no changes to plan drafting.

## 12.6 Matters of Discretion: NATC-MD5

### 12.6.1 Matters raised by submitters

373. Mainpower [249.154]<sup>44</sup> support NATC-MD5 “but seek an additional clause to ensure consideration is given to the functional need and operational need of critical infrastructure to locate over freshwater bodies.” They request the following amendment:

*"Structures within and over freshwater bodies*

*...*

*7. or critical infrastructure, any functional or operational need to locate over a freshwater body."*

374. Kiwirail [FS 99] and Federated Farmers [FS 83] support Mainpower with further submissions.
375. Federated Farmers [414.137]<sup>45</sup> request to amend NATC-MD5 as there are currently no matters of discretion around measures such as encouraging built stock crossings.  
"*...*  
*7. Structures required to reduce stock access to freshwater where required by other policies."*
376. Forest and Bird oppose Federated Farmers in a further submission [FS 78].
377. RIDL [326.306] support NATC-MD5 and wish to retain it as notified.

### 12.6.2 Assessment

378. For Mainpower, I consider that the support they seek for functional and operational need is already in NATC-P6 and MD5 does not need to repeat this.
379. The changes to NATC-R4 and R6 should ensure that permitted stock access to water, and culvert placement under the stock exclusion regulations and NESF is not duplicated by these provisions, and as these are permitted activities, consents, and thus NATC MD5 will not be inadvertently triggered. This likely addresses the Federated Farmers concern, without

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<sup>44</sup> Support – Kiwirail Holdings Limited [FS 99], Support – Federated Farmers [FS 83]

<sup>45</sup> Oppose – Forest and Bird [FS 78]

requiring the amendments to the Matter of Discretion that they have requested.

380. RIDL support the rule as notified. The rule has changed since notification however, but I do not consider it has altered the intent of the rule sufficient to change the submitter's sentiment.

### **12.6.3 Recommendations**

381. I recommend the following outcome for submissions:
- Mainpower [249.154] Federated Farmers [414.137] are **rejected**.
  - Further submissions Kiwirail [FS 99], Federated Farmers [FS 83], Forest and Bird [FS 78] are **rejected**
  - RIDL [326.306] is **accepted**.
382. I recommend no changes to plan drafting.

## **12.7 Matters of Discretion: NATC-MD6**

### **12.7.1 Matters raised by submitters**

383. WIL [210.34]<sup>46</sup> state that "irrigation and stockwater networks are critical for the District's social and economic wellbeing and the associated infrastructure often has a functional and operational need to be located near freshwater bodies. It is vital that irrigation and stockwater infrastructure is explicitly recognised as a matter for consideration". They request the following amendment:

"...

3. Where regionally significant infrastructure, including for irrigation and stockwater, has a functional and operational need to locate within the applicable setback width."

384. Kiwirail [FS 83] support WIL and the Department of Conservation [FS 77] oppose WIL in further submissions.
385. Federated Farmers [414.36,414.138<sup>47</sup>] state that "NATC-MD6 implies a land grab as a freshwater setback reduction can only occur under limited exceptions. The setbacks may have subdivision in mind; however they apply generally to all rural land, and will have perverse outcomes". They are also opposed as "there is no mention of legislation, national instruments, or existing legal setback (marginal strip or esplanade reserve) within this setback reduction policy. They request the deletion of "all matters of discretion in NATC-MD6, as relief elsewhere is requesting the removal of the freshwater setback approach in its entirety, and instead use existing setbacks within national instruments, the Canterbury Land and Water Regional Plan, and underlying landownership (including current and future esplanade reserves and strips, and marginal strips) as sufficient setbacks". Forest and Bird oppose Federated Farmers in a further submission [FS 78].

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<sup>46</sup> Support – Kiwirail Holdings Limited [FS 99], Oppose – Department of Conservation [FS 77]

<sup>47</sup> Oppose – Forest and Bird [FS 78]

386. Dairy Holdings Limited [420.21]<sup>48</sup> state that “it is important the Plan recognises and provides for existing land uses in areas adjacent to, or mapped as, waterbodies”, and request the insertion of an additional matter into NATC-MD6:

“...  
3. Recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District.”

387. Federated Farmers support Dairy Holdings Limited in a further submission [FS 83].

388. RIDL [326.307] support NATC-MD6 and wish to retain it as notified.

### **12.7.2 Assessment**

389. NATC-MD6 is only triggered by NATC-S1, when activities do not comply with the setback distances in Table NATC-1. NATC-S1 is referenced in a number of the rules, and also recommended for changes to add “otherwise” to ensure that the exceptions in the rules are appropriately applied and do not trigger NATC-S1. However, not all rules reference NATC-S1, which technically means that MD6 may not be available as an option with all types of consents. It is not available under NATC-R8 for instance, however the recommended amendments above merge NATC-R8 with R9 and address this.

390. For WIL, I do not consider that limiting the application of the freshwater setback width reduction matter of assessment to just regionally significant infrastructure is required. Any consent application and applicant can have their proposal to reduce a width of a freshwater setback assessed. I also do not consider it necessary to carve out irrigation, as the freshwater setback itself does not limit irrigation infrastructure that has a functional or operational need to be within that setback, provided that their adverse effects on natural character are avoided, remedied, or mitigated. I consider that it is the need for, then the design, of irrigation infrastructure that determines if it can be appropriately located within the setback, not the existence of the setback.

391. For Federated Farmers and Dairy Holdings, and as with my other assessments, I do not consider that the NATC provisions are restrictive of farming within the setbacks. They enable all existing farming activities, and only manage structures and certain vegetation plantings. Marginal strips are outside of District Plan consideration, and esplanade reserves and strips are a matter to be considered when land is subdivided. Whilst esplanade reserves and strips are a separate matter in the RMA and the Proposed Plan subdivision provisions, when laid out to their usual 20 metres, they are a subset of the freshwater setbacks. Unless rural land is subdivided, they are unlikely to apply.

392. RIDL support the rule as notified. The rule has changed since notification however, but I do not consider it has altered the intent of the rule sufficient to change the submitter’s sentiment.

### **12.7.3 Recommendations**

393. I recommend the following outcome for submissions:

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<sup>48</sup> Support – Federated Farmers [FS 83]

- WIL [210.34], Federated Farmers [414.36, 414.138] Dairy Holdings [420.21] are **rejected**.
- Further submissions Kiwirail [FS 99], Federated Farmers [FS 83] are **rejected**
- RIDL [326.307] is **accepted**.
- Further submissions Department of Conservation [FS 77], Forest and Bird [FS 78] are **accepted**

394. I recommend no changes to plan drafting


### 13 Conclusions

395. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in Appendix A of this report.
396. For the reasons set out in the Section 32AA evaluation attached at Appendix C and included below some of the provisions above, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

**Recommendations:**

397. I recommend that:
- The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
  - The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.

**Signed:**

Name and Title	Signature
Peter Wilson	

## **Appendix A. Recommended Amendments**

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

## Definitions

Riparian margin<sup>49</sup>: means any ~~vegetated~~ strip of land which extends along streams, rivers and the banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems.

### **NATC-O1: Preservation of natural character**<sup>50</sup>

The preservation of the natural character of ~~the surface freshwater~~ bodies environment, ~~its including wetlands, and lakes and rivers and their margins~~ freshwater bodies, including lakes, rivers, wetlands and their margins.

### **NATC-O3: Use of freshwater bodies and their margins**<sup>51</sup>

The use of wetlands, and lakes, and rivers and their margins are managed to preserve their natural character.

### **NATC-P1 Recognising natural character of surface freshwater bodies**<sup>52</sup>

Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of surface freshwater bodies and their margins:

1. ~~freshwater bodies and their margins~~ their natural state or close to their natural state;
2. ~~freshwater~~ landforms and landscapes, biophysical, geologic and morphological aspects;
- ...
6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and its continuing ability ~~of the freshwater body~~ to support taonga species and mahinga kai activities; and
7. the experience of the above elements, patterns and processes."

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<sup>49</sup> Federated Farmers [414.17]

<sup>50</sup> Forest and Bird [192.64, 192.65]

<sup>51</sup> Forest and Bird [192.66]

<sup>52</sup> Forest and Bird [192.67, 414.134]

## **NATC-P2 Identify, map and schedule significant freshwater bodies<sup>53</sup>**

Continue the identification, mapping, and scheduling of freshwater bodies and their margins with one or more recognised natural character attributes, where the following apply:

1. ~~they freshwater bodies and their margins~~ have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;
2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;
3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri ~~to the freshwater body~~, including the ability to undertake customary practices; ~~and~~
4. importance of the freshwater body to provide access and connections to areas of recreational use; and
5. recreational use associated with the experience of natural character elements, patterns and processes."

## **NATC-P4 Preservation of natural character values<sup>54</sup>**

Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:

1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;
2. Avoid, ~~minimising~~ remedy or mitigate, in that order, indigenous vegetation clearance and modification which affects natural character, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;
3. requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and
4. promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values

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<sup>53</sup> Forest and Bird [192.68]

<sup>54</sup> Forest and Bird [192.69]



### **NATC-P6 New and existing structures within and over freshwater bodies<sup>55</sup>**

~~Provide for~~ Consider new structures, and upgrades to existing structures, on the surface of freshwater where:

7. public access to, and along, the freshwater body is maintained;
8. the structure has a functional need or operational need to be located on the surface of freshwater;
9. the structure does not compromise the use of the surface of freshwater for existing users;
10. the structure does not disturb the habitat of indigenous species or hinder passage of migratory fish species;
11. the structure ~~avoids~~ minimises creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and
12. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values.

### **NATC-R2 Planting of non-indigenous vegetation<sup>56</sup>**

...

(2) planting excludes all plants listed in the National Pest Plant Accord (reprinted with minor amendments February 2020), the DOC Consolidated List of Environmental Weeds in NZ (May 2008), and all organisms classified as pests and all Organisms of Interest listed in the Canterbury Regional Pest Management Plan 2018-2038; ~~and~~

(3) ~~the activity complies with NATC-S1.~~

### **NATC-R4 Culverts, weirs, water intake structures, siphons and ancillary equipment<sup>57</sup>**

Scheduled Natural Character Freshwater Bodies Overlay

Activity status: PER

Where: any new culverts, weirs, water intake structures, siphons or ancillary equipment such as pump sheds, electricity supply and pipework, are authorised or permitted by the Regional Council.

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<sup>55</sup> Forest and Bird [192.70], Transpower [195.78]

<sup>56</sup> ECan [316.111]

<sup>57</sup> Consequential amendment arising from Dean and Victoria Caseley [159.2, 159.3]

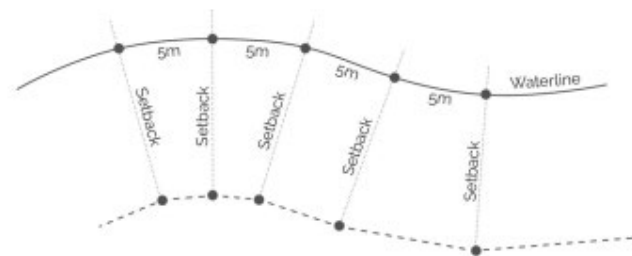
**NATC-R6 New or replacement fences and water troughs<sup>58</sup>**

*This does not apply to stock exclusion fences*

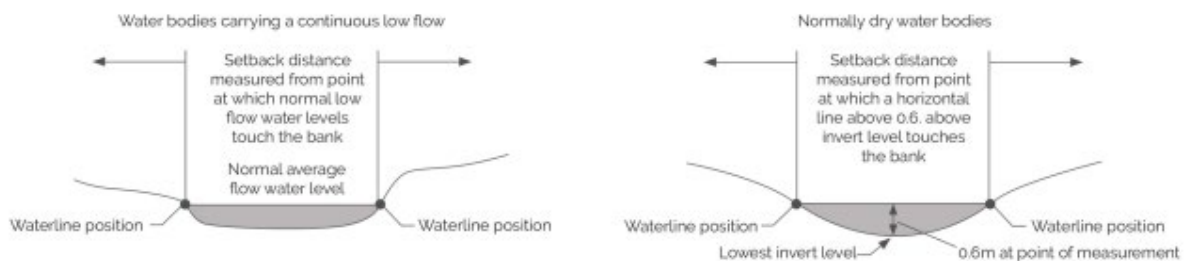
**NATC-R8 – New structures within and over freshwater bodies overlays and setbacks<sup>59</sup>**

**NATC-R10 Plantation forestry, carbon forest, woodlot or shelterbelts<sup>60</sup>**

**Figure-1<sup>61</sup>:**



Where the waterline position follows a meandering alignment setback distance shall be measured along a line that is nearly as practicable radial to the curvature of the waterline, and at 3m intervals along the waterline as illustrated.



Water bodies carrying a continuous low flow:

“Setback distance measured from point at which normal flow water levels touch the bank bed.”

Normally dry water bodies:

“Setback distance measured from point at which a horizontal line above 0.6m above lowest invert level touches the bed bank”

<sup>58</sup> Dean and Victoria Caseley [159.1]

<sup>59</sup> ECan [316.112,316.113], Bellgrove [408.20]

<sup>60</sup> Rayonier [171.12]

<sup>61</sup> Dean and Victoria Caseley [159.4]

5m becomes 3m<sup>62</sup>

### NATC-S1<sup>63</sup>

Activities in SCHED1 freshwater bodies shall be outside of the freshwater overlay

Activities in SCHED2, SCHED3, SCHED4 freshwater bodies shall be outside the freshwater overlay and any additional setback distance specified in Table NATC-1.

**Table NATC-1<sup>64</sup>**

<b>Freshwater body classification</b>	<b><u>Freshwater body setback widths Rural Zones, Open Space and Recreation Zones</u></b>	<b><u>Freshwater body setback widths Residential Zones, Industrial Zones, Commercial and Mixed Use Zones, and Special Purpose Zones</u></b>
NATC-SCHED1	<u>Within the freshwater overlay</u>	<u>Within the freshwater overlay</u>
NATC-SCHED2	20m	10m
NATC-SCHED3	10m	5m
<del>UNSCHEDULED</del> <sup>65</sup> NATC-SCHED4	5m	5m

### **NATC-MD1 Planting vegetation within freshwater body setbacks<sup>66</sup>:**

1. How the planting of vegetation will ~~affected~~ restore the natural state of the freshwater body and ~~it's~~ its amenity values

### **NATC-MD3 Specified structures within freshwater setbacks<sup>67</sup>:**

8. The manner in which the structure is used to assist in restoration and rehabilitation initiatives

<sup>62</sup> Waimakariri District Council [367.44]

<sup>63</sup> Consequential from Dean and Victoria Caseley [159.4]

<sup>64</sup> Consequential Dean and Victoria Caseley [159.4]

<sup>65</sup> Waimakariri District Council [367.44]

<sup>66</sup> Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

<sup>67</sup> Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

**NATC-MD4 Buildings, structures and impervious surfaces within freshwater body setbacks<sup>68</sup>:**

8. The manner in which the structure, building or impervious surface is used to assist in restoration and rehabilitation initiatives

**NATC-MD5 Structures within and over freshwater bodies<sup>69</sup>**

7. The manner in which the structure is used to assist in restoration and rehabilitation initiatives

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<sup>68</sup> Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

<sup>69</sup> Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

## Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B below.

**Table B: Recommended responses to submissions and further submissions**

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
<b>Definitions</b>							
<b>General</b>							
419.24 <sup>70</sup>	Department of Conservation	Definitions	Seek consistency by replacing 'river corridor' and 'margin of the waterbody' with 'riparian margin'. Retain definition of 'riparian margin' as notified.	Section 4.2	Reject	As discussed in section 4.2	No
419.25 <sup>71</sup>	Department of Conservation	Definitions	Retain definition of 'shelterbelt' as notified.	Section 4.2	Reject	As discussed in section 4.2	No
414.17	Federated Farmers of New Zealand	Definitions	Amend the definition of 'riparian margin': "means any vegetated strip of land which extends along streams, rivers and the banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems."	Section 4.2	Reject	As discussed in section 4.2	Yes
192.12	Forest and Bird	Definitions	Consider whether a definition for the 'edge of wetland' is required.	Section 4.2	Reject	As discussed in section 4.2	No

<sup>70</sup> Support – Forest and Bird [FS 78]

<sup>71</sup> Support – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
192.63 <sup>72</sup>	Forest and Bird	General	Include new provisions for meeting the requirements of Section 6(a) of the Resource Management Act 1991 in relation to unscheduled natural character freshwater bodies.	Section 4.1	Accept in principle	As discussed in section 4.1	Yes, but specific relief is discussed
295.35 <sup>73</sup>	Horticulture New Zealand	Definitions	Retain the definition of 'freshwater' as notified.	Section 4.2	Accept	As discussed in section 4.2	No
295.57 <sup>74</sup>	Horticulture New Zealand	Definitions	Amend definition of 'shelter belts': "...means a row or rows of trees or hedges planted to partially block wind flow and reduce soil erosion."	Section 4.2	Reject	As discussed in section 4.2	No
147.13	Kaiapoi-Tuahiwi Community Board	General	Retain Natural Character of Freshwater Bodies section as notified.	Section 4.1	Accept	As discussed in section 4.1	No
249.141	Mainpower NZ	General	Insert appropriate hyperlinks from the Energy and Infrastructure Chapter to the relevant natural character of freshwater bodies rules.	Section 4.1	Accept in principle	As discussed in section 4.1	No
148.10	Rangiora-Ashley Community Board	General	Support provisions to allow recreational activities such as kayaking, rafting and jet boating on major waterways such as the Waimakariri River.	Section 4.1	Accept	As discussed in section 4.1	No
<b>Objectives</b>							

<sup>72</sup> Oppose – Federated Farmers of NZ, North Canterbury Province [FS 83]

<sup>73</sup> Support – CIAL [FS 80]

<sup>74</sup> Support – CIAL [FS 80]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
192.64	Forest and Bird	NATC-O1	Question whether NATC-O2 should refer to surface freshwater environment. It is not clear why NATC-O1 refers to freshwater environments but then NATC-O2 refers to freshwater bodies. Retain NATC-O1, but consider adjustment to bring NATC-O1 and NATC-O2 in line with each other.	Section 5.1	Accept in part	As discussed in section 5.1	Yes
210.25 <sup>75</sup>	Waimakariri Irrigation Limited	NATC-O1	Recognise importance of surface freshwater environment, however amend to replace 'preservation' of the natural character to 'protection' to continue to enable irrigation and stockwater infrastructure and provide for the District's social and economic well-being. Amend NATC-O1:  "The <del>preservation</del> protection of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins."	Section 5.1	Reject	As discussed in section 5.1	No
FS 83	Federated Farmers, North Canterbury Province	NATC-O1	Supports Waimakariri Irrigation submission	Section 5.1	Reject	As discussed in section 5.1	No
249.142	Mainpower NZ	NATC-O1	Support NATC-O1. Retain NATC-O1 as notified.	Section 5.1	Accept	As discussed in section 5.1	No

<sup>75</sup> Support – Federated Farmers [FS 83]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.281	Rolleston Industrial Developments	NATC-O1	Support NATC-O1. Retain NATC-O1 as notified.	Section 5.1	Accept	As discussed in section 5.1	No
414.128 <sup>76</sup>	Federated Farmers of New Zealand Inc	NATC-O1	NATC-O1 is supported as it is restating section 6 of the Resource Management Act 1991. Retain NATC-O1 as notified.	Section 5.1	Accept	As discussed in section 5.1	No
FS 78	Forest and Bird	NATC-O1	Oppose Federated Farmers submission	Section 5.1	Reject	As discussed in section 5.1	No
420.13	Dairy Holdings Limited	NATC-O1	Recognises the importance of the surface freshwater environment. However, it is critical for the social and economic well-being of the Waimakariri District that this character is protected, without being overly restrictive of other activities that are located in these areas. Amend NATC-O1:  "The <del>preservation</del> <u>protection</u> of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins."	Section 5.1	Reject	As discussed in section 5.1	No
192.65	Forest and Bird	NATC-O2	Question whether NATC-O2 should refer to surface freshwater environment. It is not clear why NATC-O1 refers to freshwater environments but then NATC-O2 refers to freshwater bodies. Retain NATC-O2 but consider adjustment to	Section 5.1	Accept in part	As discussed in section 5.1	Yes

<sup>76</sup> Oppose – Forest and Birds [FS 78]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			bring NATC-O1 and NATC-O2 in line with each other.				
210.26 <sup>77</sup>	Waimakariri Irrigation Limited	NATC-O2	Recognise importance of surface freshwater environment and support intent to restore degraded freshwater bodies, however amend to recognise circumstances, particularly with respect to regionally significant infrastructure, where restoration is not practicable. Amend NATC-O2:  "Restoration Where practicable, prioritise restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred."	Section 5.1	Reject	As discussed in section 5.1	No
FS 77	Department of Conservation	NATC-O2	Oppose Waimakariri Irrigation Limited submission	Section 5.1	Accept	As discussed in section 5.1	No
FS 87	Federated Farmers	NATC-O2	Support Waimakariri Irrigation Limited submission	Section 5.1	Reject	As discussed in section 5.1	No
249.143	Mainpower NZ	NATC-O2	Support NATC-O2. Retain NATC-O2 as notified.	Section 5.1	Accept	As discussed in section 5.1	No
326.282	Rolleston Industrial Developments	NATC-O2	Support NATC-O2. Retain NATC-O2 as notified.	Section 5.1	Accept	As discussed in section 5.1	No
414.129 <sup>78</sup>	Federated Farmers of	NATC-O2	Oppose NATC-O2 as there is no requirement for 'restoration' within the Resource	Section 5.1	Reject	As discussed in section 5.1	No

<sup>77</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83]

<sup>78</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
	New Zealand Inc		Management Act 1991. Notes restoration would be of degraded natural character, which is a challenging and subjective matter. Delete NATC-O2.				
FS 78	Forest and Bird	NATC-O2	Oppose Federated Farmers submission	Section 5.1	Accept	As discussed in section 5.1	No
420.14	Dairy Holdings Limited	NATC-O2	Recognises the importance of the surface freshwater environment and is supportive of the intent to restore degraded freshwater bodies. However there may be circumstances, where restoration is not practicable. The objective ought to recognise this. Amend NATC-O2:  "Restoration <u>Where practicable, prioritise restoration</u> of the natural character of surface freshwater bodies and their margins where degradation has occurred."	Section 5.1	Accept in part	As discussed in section 5.1	Yes
192.66	Forest and Bird	NATC-O3	The title of NATC-O3 refers only to margins but the objective is about the use of the freshwater body and its margins. Amend NATC-O3 title: "Use of <u>the freshwater body and its margin</u> "	Section 5.2	Accept in part	As discussed in section 5.2	Yes
210.27 <sup>79</sup>	Waimakariri Irrigation Limited	NATC-O3	Recognise the importance of the surface freshwater environment. However notes it may not always be possible to preserve natural character, particularly with respect to	Section 5.2	Reject	As discussed in section 5.2	No

<sup>79</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			regionally significant infrastructure. Amend NATC-03:  "The use of wetlands, and lakes and rivers and their margins are managed to <del>preserve</del> <u>maintain</u> their natural character."				
FS 77	Department of Conservation	NATC-03	Oppose Waimakariri Irrigation Limited submission	Section 5.2	Accept	As discussed in section 5.2	No
FS 87	Federated Farmers	NATC-03	Support Waimakariri Irrigation Limited submission	Section 5.2	Reject	As discussed in section 5.2	No
249.144	Mainpower NZ	NATC-03	Support NATC-03. Retain NATC-03 as notified.	Section 5.2	Accept	As discussed in section 5.2	No
326.283	Rolleston Industrial Developments	NATC-03	Support NATC-03. Retain NATC-03 as notified.	Section 5.2	Accept	As discussed in section 5.2	No
420.15	Dairy Holdings Limited	NATC-03	Recognises the importance of the surface freshwater environment. However, it may not always be appropriate to preserve natural character, to the detriment of other activities. Amend NATC-03:  "The use of wetlands, and lakes and rivers and their margins are managed to <del>preserve</del> <u>maintain</u> their natural character."	Section 5.2	Reject	As discussed in section 5.2	No
<b>Policies</b>							
192.67	Forest and Bird	NATC-P1	Support in part NATC-P1 but some of the variables could apply equally to the freshwater body's margins.	Section 7.1	Accept	As discussed in section 7.1	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>Amend NATC-P1:</p> <p>"Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of freshwater bodies <u>and their margins</u>:</p> <p>1. <del>freshwater bodies and their margins</del> in their natural state or close to their natural state;</p> <p>2. <del>freshwater</del> landforms and landscapes, biophysical, geologic and morphological aspects;</p> <p>...</p> <p>6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability <del>of the freshwater body</del> to support taonga species and mahinga kai activities; and</p> <p>7. the experience of the above elements, patterns and processes."</p>				
326.284	Rolleston Industrial Developments Limited	NATC-P1	Support NATC-P1. Retain NATC-P1 as notified.	Section 6.1	Accept	As discussed in section 6.1	No
414.130 <sup>80</sup>	Federated Farmers	NATC-P1	NATC-P1 needs to be changed to reference surface freshwater natural character, as per NATC-O1. Some of these requirements may	Section 6.1	Accept	As discussed in section 6.1	Yes

<sup>80</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>duplicate what is in the Canterbury Land and Water Regional Plan.</p> <p>Amend title of NATC-P1:</p> <p>"Recognising natural character of <u>surface freshwater bodies</u>"</p> <p>Delete duplications with the Canterbury Land and Water Regional Plan.</p>				
420.16	Dairy Holdings Limited	NATC-P1	<p>Farms are a significant contributor to the social and economic well-being of the Waimakariri District and wider South Island. It is vital that the plan recognises the historic and ongoing land use, particularly where it contributes to regionally significant infrastructure. The plan must strike a balance between protecting the natural environment and enabling infrastructure that serves the community's needs.</p> <p>Amend NATC-P1:</p> <p>"...  <u>At the same time, recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District.</u>"</p>	Section 6.1	Reject	As discussed in section 6.1	No
192.68	Forest and Bird	NATC-P2	<p>NATC-P2(4) is unclear. Is the freshwater body providing the recreational activity or is it merely providing access to areas of recreational use? It is important to recognise in</p>	Section 6.2	Accept in part	As discussed in section 6.2	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>freshwater body margins the accessibility of rivers for angling, canoeing rafting etc., and it is also important to recognise the inherent value of the freshwater body itself to provide recreational activity.</p> <p>This chapter also relates to the freshwater body margins, this should be recognised.</p> <p>Amend NATC-P2:</p> <p>"Identify, map and schedule significant freshwater bodies <u>and their Margins</u></p> <p>Continue the identification, mapping, and scheduling of freshwater bodies and their margins with one or more recognised natural character attributes, where the following apply:</p> <ol style="list-style-type: none"> <li>1. they <del>freshwater bodies and their margins</del> have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;</li> <li>2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;</li> <li>3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri <del>to the freshwater body,</del> including the ability to undertake customary practices; <del>and</del></li> </ol>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			4. importance of the freshwater body to provide access and connections to areas of recreational use; <u>and</u> 5. recreational use."				
210.28 <sup>81</sup>	Waimakariri Irrigation Limited	NATC-P2	Irrigation and stockwater networks are critical for social and economic wellbeing. When identifying significant freshwater bodies, it is important to consider the presence of infrastructure and the potential for such identification to interfere with the safe and efficient functioning of that infrastructure. There must be a balance between protecting the environment and enabling infrastructure that serves community's needs. Amend NATC-P2: "... <u>5. the absence of critical or regionally significant infrastructure."</u>	Section 6.2	Reject	As discussed in section 6.2	No
326.285	Rolleston Industrial Developments Limited	NATC-P2	Support NATC-P2. Retain NATC-P2 as notified.	Section 6.2	Accept	As discussed in section 6.2	No
420.17 <sup>82</sup>	Dairy Holdings Limited	NATC-P2	Farms are a significant contributor to the social and economic well-being of the Waimakariri District and wider South Island, and have been	Section 6.2	Reject	As discussed in section 6.2	No

<sup>81</sup> Oppose – Department of Conservation [FS 77], Support – Transpower New Zealand Limited [FS 92]

<sup>82</sup> Support – Federated Farmers [FS 83]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>for some time. It is vital that the plan recognises the historic and ongoing land use when considering the identification, mapping and scheduling of freshwater bodies.</p> <p>Amend NATC-P2:</p> <p>"...</p> <p><u>At the same time, recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District."</u></p>				
210.29 <sup>83</sup>	Waimakariri Irrigation Limited	NATC-P3	<p>Support intent of NATC-P3 to the extent that land use effects are managed. However it only directs that effects of land use are managed through limiting their size, appearance, and location, which inappropriately limits the methods available to manage effects.</p> <p>Amend NATC-P3:</p> <p>"Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely affect taonga species, mahinga kai or customary harvesting, access, and other cultural values."</p>	Section 6.3	Reject	As discussed in section 6.3	No

<sup>83</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83], Support – Transpower New Zealand Limited [FS 92]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS 77	Department of Conservation	NATC-P3	Oppose Waimakariri Irrigation Limited submission	Section 6.3	Accept	As discussed in section 6.3	No
FS 77	Federated Farmers	NATC-P3	Support Waimakariri Irrigation Limited submission	Section 6.3	Reject	As discussed in section 6.3	No
FS 77	Transpower New Zealand Limited	NATC-P3	Support Waimakariri Irrigation Limited submission	Section 6.3	Reject	As discussed in section 6.3	No
326.286	Rolleston Industrial Developments Limited	NATC-P3	Support NATC-P3. Retain NATC-P3 as notified.	Section 6.3	Accept	As discussed in section 6.3	No
420.18 <sup>84</sup>	Dairy Holdings Limited	NATC-P3	Supports the intent NATC-P3 but considers that the tools to manage the effects of land use activities are too narrow or restricted. Amend NATC-P3:  "Recognise the cultural significance of wetlands, lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely affect taonga species."	Section 6.3	Reject	As discussed in section 6.3	No
FS 83	Federated Farmers	NATC-P3	Support Dairy Holdings Limited	Section 6.3	Reject	As discussed in section 6.3	No

<sup>84</sup> Support – Federated Farmers [FS 83]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
171.10	Rayonier Matariki Forests	NATC-P4	NATC-P4(3) is not clear as to what activities within the National Environmental Standards for Plantation Forestry are applicable. It refers to plantation forestry, but it is not clear if the policy applies to afforestation, replanting, earthworks, or harvesting activities. Limit NATC-P4 to afforestation and provide for existing plantation forestry and its activities to be dealt with under the National Environmental Standards for Plantation Forestry.	Section 6.4	Reject	As discussed in section 6.4	No
192.69 <sup>85</sup>	Forest and Bird	NATC-P4	Amend NATC-P4 as it is not clear what minimising means in this context. Is it minimise as in the National Policy Statement for Freshwater Management 2020 clause 3.21(1) (i.e. avoid, minimise, remedy)? Or does it mean both remedy and mitigate? It should be consistent with NATC-P5 and NATC-P6 which does not use 'minimise' but uses avoid, remedy or mitigate. Amend NATC-P4:  "Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by: 1. ensuring that the location, intensity, scale and form of subdivision, use and development	Section 6.4	Accept in part	As discussed in section 6.4.	Yes

<sup>85</sup> Support – Federated Farmers [FS 83], Support – Transpower New Zealand Limited [FS 92]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>of land takes into account the natural character values of the surface freshwater bodies;</p> <p>2 . Avoid, <del>minimising</del> <u>remedy or mitigate</u>, in that order, indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;</p> <p>3. requiring setbacks of activities from <del>wetlands, and lakes and rivers and their margins</del>, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and</p> <p>4. promoting opportunities to restore and rehabilitate the natural character of <del>surface freshwater bodies and their margins</del>, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values."</p>				
FS 83	Federated Farmers	NATC-P4	Supports Forest and Bird's submission	Section 6.4	Accept	As discussed in section 6.4	Yes
FS 92	Transpower New Zealand Limited	NATC-P4	Supports Forest and Bird's submission	Section 6.4	Accept	As discussed in section 6.4	Yes
210.30	Waimakariri Irrigation Limited	NATC-P4	Support intent of NATC-P4 to preserve natural character where that is practicable. However, it must recognise and provide for regionally	Section 6.4	Accept	As discussed in section 6.4	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>significant infrastructure, including irrigation infrastructure that has a functional and operational need to locate near freshwater bodies.</p> <p>Amend NATC-P4:            "...            2. <u>minimising, or where that is not reasonably practicable, managing</u> indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;            3. <u>where reasonably practicable</u>, requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and            ..."</p>				
326.287	Rolleston Industrial Developments Limited	NATC-P4	<p>Support NATC-P4.            Retain NATC-P4 as notified.</p>	Section 6.4	Accept	As discussed in section 6.4	No
414.131 <sup>86</sup>	Federated Farmers	NATC-P4	<p>Notes NATC-P4(4) may be overridden by avoid tests in Objectives and Policies.            Amend NATC-P4 by deleting clause 2:            "...</p>	Section 6.4	Reject	As discussed in section 6.4	No

<sup>86</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			2. <del>minimising indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;</del> ..."				
FS 83	Forest and Bird	NATC-P4	Oppose Federated Farmers	Section 6.4	Accept	As discussed in section 6.4	No
420.19	Dairy Holdings Limited	NATC-P4	Supports the intent NATC-P4 to preserve natural character where that is practicable. However, the plan must recognise and provide for existing activities, particularly farming, that already exist near freshwater bodies. Amend NATC-P4 (2) and (3): " 2. <u>minimising, or where that is not reasonably practicable, manage</u> indigenous vegetation clearance and modification, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins; 3. <u>where reasonably practicable</u> , requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and ..."	Section 6.4	Reject	As discussed in section 6.4	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
41.53 <sup>87</sup>	Fulton Hogan	NATC-P5	Supports NATC-P5 as some activities have a functional or operational need to be located within setbacks of water bodies. This is especially the case with river based aggregate extraction activities and critical lifeline structure, such as bridges and culverts. Retain NATC-P5 as notified.	Section 6.5	Accept	As discussed in section 6.5	No
FS 99	Kiwirail Holdings Limited	NATC-P5	Support Fulton Hogan submission	Section 6.5	Accept	As discussed in section 6.5	Yes
195.77	Transpower New Zealand Limited	NATC-P5	Supports NATC-P5 as it enables activities that have a functional need or operational need to be located within the freshwater body setbacks which include the National Grid that must traverse both the Waimakariri and Ashley rivers. Retain NATC-P5 as notified.	Section 6.5	Accept	As discussed in section 6.5	No
210.31 <sup>88</sup>	Waimakariri Irrigation Limited	NATC-P5	Amend NATC-P5 to recognise that in some circumstances offsetting may be a more suitable option than avoiding, remedying, or mitigating adverse effects. Greater flexibility is required to allow off-setting as an alternative. Amend NATC-P5:  "Enable activities that have a functional need or operational need to be located within the	Section 6.5	Reject	As discussed in section 6.5	No

<sup>87</sup> Support – Kiwirail Holdings Limited [FS 99]

<sup>88</sup> Support - Kiwirail Holdings Limited [FS 99]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied <del>or</del> mitigated, <u>or offset.</u> "				
FS 99	Kiwirail	NATC-P5	Supports Waimakariri Irrigation Limited	Section 6.5	Reject	As discussed in section 6.5	No
249.145 <sup>89</sup>	Mainpower NZ	NATC-P5	Support NATC-P5 but seek further clarity. Amend NATC-P5:  "Enable activities ( <u>including the maintenance, repair, upgrade, development and operation of critical infrastructure</u> ) that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated."	Section 6.5	Reject	As discussed in section 6.5	Yes
FS 99	Kiwirail	NATC-P5	Supports Mainpower	Section 6.5	Reject	As discussed in section 6.5	No
326.288	Rolleston Industrial Developments Limited	NATC-P5	Support NATC-P5. Retain NATC-P5 as notified.	Section 6.5	Accept	As discussed in section 6.5	No
192.70	Forest and Bird	NATC-P6	There is no need for the plan to 'provide' for structures in a freshwater body or its margins. There is no such direction in the Strategic Directions Chapter. Amend NATC-P6:	Section 6.6	Accept	As discussed in section 6.6	Yes

<sup>89</sup> Support – Kiwirail Holdings Limited [FS 99]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"... <del>Provide for</del> <u>Consider</u> new structure..."				
195.78 <sup>90</sup>	Transpower New Zealand Limited	NATC-P6	Supports NATC-P6 in part but seeks minor amendments to confirm the Policy also applies to structure 'over' waterbodies. Amend NATC-P6:  "Provide for new structures, and upgrades to existing structures, on <u>or over</u> the surface of freshwater where: 1. public access to, and along, the freshwater body is maintained; 2. the structure has a functional need or operational need to be located on <u>or over</u> the surface of freshwater; 3. the structure does not <u>unreasonably</u> compromise the use of the surface of freshwater for existing users; 4. the structure does not <del>disturb</del> <u>have a significant adverse effect</u> on the habitat of indigenous species or hinder passage of migratory fish species; 5. the structure avoids <u>to the extent practicable</u> creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and 6. any adverse effects to the natural character	Section 6.6	Accept	As discussed in section 6.6	Yes

<sup>90</sup> Support – Kiwirail Holdings Limited [FS 99]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values."				
FS 99	Kiwirail	NATC-P6	Support Transpower	Section 6.6	Accept	As discussed in section 6.6	Yes
210.32 <sup>91</sup>	Waimakariri Irrigation Limited	NATC-P6	Support intent of NATC-P6, but amend (6) to recognise that in some circumstances offsetting may be necessary or a more suitable option. Amend NATC-P6: "... 6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated, or offset in order to preserve those values."	Section 6.6	Reject	As discussed in section 6.6	No
FS 78	Forest and Bird	NATC-P6	Opposes Waimakariri Irrigation Limited	Section 6.6	Accept	As discussed in section 6.6	No
249.146	Mainpower NZ	NATC-P6	Support NATC-P6 but seek further clarity. NATC-P6:  "Provide for new structures, and upgrades to existing structures, on the surface of freshwater where: 1. public access to, and along, the freshwater body is maintained; 2. the structure, or any critical infrastructure, has a functional	Section 6.6	Accept	As discussed in section 6.6	No

<sup>91</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			need or operational need to be located on the surface of freshwater; ..."				
326.289	Rolleston Industrial Developments Limited	NATC-P6	Support NATC-P6. Retain NATC-P6 as notified.	Section 6.6	Accept	As discussed in section 6.6	No
414.132 <sup>92</sup>	Federated Farmers	NATC-P6	NATC-P6 is a good policy, however, it is likely overridden by many of the indigenous biodiversity policies. Support NATC-P6 but provide context to state:  "This rule overrides the rules in the indigenous biodiversity chapter"	Section 6.6	Reject	As discussed in section 6.6	No
FS 78	Forest and Bird	NATC-P6	Oppose Federated Farmers	Section 6.6	Accept	As discussed in section 6.6	No
419.109 <sup>93</sup>	Department of Conservation	NATC-P6	NATC-P6 is inconsistent with the National Policy Statement for Freshwater Management 2020 (NPSFM 2020) section 3.24 Rivers 'the loss of river extent and values is avoided', and section 2.2 Wetlands, 'the loss of extent of natural inland wetlands is avoided'. The Canterbury Land and Water Regional Plan section 2A.3 and 2A.4 uses the same wording as the NPSFM 2020. Amend NATC-R6:	Section 6.6	Accept	As discussed in section 6.6	No

<sup>92</sup> Oppose – Forest and Bird [FS 78]

<sup>93</sup> Oppose – Federated Farmers [FS 83], Oppose – Transpower New Zealand Limited [FS 92]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"New and existing structures within and over freshwater bodies <u>The loss of the extent of natural inland wetlands an the loss of river extent and values is avoided, when providing</u> for new structures, and upgrades to existing structures, on the surface of freshwater where: 1. public access to, and along, the freshwater body is maintained; ..."				
FS 83	Federated Farmers	NATC-P6	Oppose Department of Conservation	Section 6.6	Accept	As discussed in section 6.6	No
FS 92	Transpower New Zealand Limited	NATC-P6	Oppose Department of Conservation	Section 6.6	Accept	As discussed in section 6.6	No
<b>Rules</b>							
254.41 <sup>94</sup>	Christchurch International Airport Limited	General	Planting vegetation within freshwater body setbacks has potential to increase habitat for bird strike risk species (such as Black backed gulls or Canada Geese), particularly in and around the Waimakariri River. Seek that thought is given to this when planting is carried out in this environment. Submitter can advise on types of plant species that may be compatible with planting programmes while minimising increase in bird strike risk.	See section 2.5, procedural matters	See section 2.5, procedural matters	Reallocated to airport chapter topic	N/A

<sup>94</sup> Oppose – Kainga Ora [FS 88]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			Insert additional matter of discretion related to management of bird strike risk.				
FS 88	Kainga Ora	General	Oppose CIAL relief	Section 2.5, procedural matters	See section 2.5, procedural matters	Reallocated to airport chapter topic	N/A
326.290	Rolleston Industrial Developments Limited	NATC-R1	Support NATC-R1. Retain NATC-R1 as notified.	Section 7.1	Accept	As discussed in section 7.1	No
171.12 <sup>95</sup>	Rayonier Matariki Forests	NATC-R10	NATC-P4(3) is not clear as to what activities within the National Environmental Standards for Plantation Forestry are applicable. It refers to plantation forestry, but it is not clear if the policy applies to afforestation, replanting, earthworks, or harvesting activities. Limit NATC-R10 to afforestation and provide for existing plantation forestry and its activities to dealt with under the National Environmental Standards for Plantation Forestry.	Section 7.9	Reject	As discussed in section 7.9	No
FS 77	Department of Conservation	NATC-R10	Oppose Rayonier submission	Section 7.9	Accept	As discussed in section 7.9	No
326.299	Rolleston Industrial	NATC-R10	Support NATC-R10. Retain NATC-R10 as notified.	Section 7.9	Accept	As discussed in section 7.9	No.

<sup>95</sup> Oppose – Department of Conservation [FS 77]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
	Developments Limited						
414.134 <sup>96</sup>	Federated Farmers	NATC-R10	NATC-R10 may be inconsistent or unnecessarily more stringent than the National Environmental Standard on Plantation Forestry . Delete NATC-R10.	Section 7.9	Reject	As discussed in section 7.9	No
FS 78	Forest and Bird	NATC-R10	Oppose Federated Farmers	Section 7.9	Accept	As discussed in section 7.9	No
171.11 <sup>97</sup>	Rayonier Matariki Forests	NATC-R2	It is not clear how NATC-R2 relates to plantation forestry activities in existing plantation forestry and the impact if replanting cannot occur. Insert new additional clause to NATC-R2: "... <u>4. Enable replanting of plantation forests"</u>	Section 7.2	Reject	As discussed in section 7.2	No
FS 77	Department of Conservation	NATC-R2	Oppose Rayonier submission	Section 7.2	Accept	As discussed in section 7.2	No
192.71	Forest and Bird	NATC-R2	Recommend not including a date with the National Pest Plant Accord. This document changes and some plants may be added to it as time progresses. Amend NATC-R2: "... 2. National Pest Plant Accord (reprinted with	Section 7.2	Reject	As discussed in section 7.2	No

<sup>96</sup> Oppose – Forest and Bird [FS 78]

<sup>97</sup> Oppose – Department of Conservation [FS 77]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			minor amendments February 2020), ..."				
316.111	Canterbury Regional Council	NATC-R2	Amend NATC-R2 to clarify planting for erosion and flood control will need to be undertaken within the setbacks specified in NATC-S1. Amend NATC-R2(3) and NATC-S1 to clarify they do not apply to plantings for erosion or flood control purposes where undertaken by the Canterbury Regional Council or District Council.	Section 7.2	Reject	As discussed in section 7.2	No
326.291	Rolleston Industrial Developments Limited	NATC-R2	Support NATC-R2. Retain NATC-R2 as notified.	Section 7.2	Accept	As discussed in section 7.2	No
414.133 <sup>98</sup>	Federated Farmers	NATC-R2	NATC-R2 is a practical policy, which would be better if it was in the indigenous biodiversity section, as the ECO rules likely override this in most contexts. Support NATC-R2, but provide context to state:  " <u>This rule overrides the rules in the indigenous biodiversity chapter</u> "	Section 7.2	Reject	As discussed in section 7.2	No
FS 78	Forest and Bird	NATC-R2	Oppose Federated Farmers	Section 7.2	Accept	As discussed in section 7.2	No
326.292	Rolleston Industrial Developments Limited	NATC-R3	Support NATC-R3. Retain NATC-R3 as notified.	Section 7.3	Accept	As discussed in section 7.3	No

<sup>98</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
295.95	Horticulture New Zealand	NATC-R4	Supports NATC-R4 as it prevents duplication of resource consenting. Retain NATC-R4 as notified.	Section 7.3	Accept	As discussed in section 7.3	No
326.293	Rolleston Industrial Developments Limited	NATC-R4	Support NATC-R4. Retain NATC-R4 as notified.	Section 7.4	Accept	As discussed in section 7.4	No
326.294	Rolleston Industrial Developments Limited	NATC-R5	Support NATC-R5. Retain NATC-R5 as notified.	Section 7.5	Accept	As discussed in section 7.5	No
159.1	Dean and Victoria Caseley	NATC-R6	Oppose NATC-R6 as it is inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020, and is an unnecessary double up of regulation. Amendments to the Resource Management Act 1991 requires all rural properties with an arable or pastoral land area of 20ha or a horticultural area of 5ha to have a Certified Freshwater Farm Plan, which will avoid the need for additional resource consents for farming related activities (such as stock exclusion, fencing and water trough placement, bridges and culverts). Asking an applicant to apply for two or even three consents in relation to the same activity is	Section 7.6	Accept	As discussed in section 7.6	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>overly onerous, costly and will not serve to provide for better environmental outcomes. Delete NATC-R6 and the associated setbacks set out in NATC-S1 and Table NATC-1, in so far as they relate to for any waterbody not listed in SCHED1, SCHED2 or SCHED3. Alternatively, amend NATC-R6 to be consistent with the Resource Management (Stock Exclusion) Regulations 2020.</p>				
326.295	Rolleston Industrial Developments Limited	NATC-R6	<p>Support NATC-R6. Retain NATC-R6 as notified.</p>	Section 7.6	Accept	As discussed in section 7.6	No
195.79	Transpower New Zealand Limited	NATC-R7	<p>Opposes NATC-R7 and suggests a clear permitted activity pathway for the maintenance, repair and upgrade of the National Grid (particularly in places where addition of conductors is required over a waterbody) to give effect to the National Policy Statement on Electricity Transmission (including Policies 2 and 5). Insert new clause into NATC-R7:</p> <p>“1. any building or structure addition has a maximum GFA addition of 10m2 in any continuous five year period <del>x. the structures is part of the National Grid and clause (1) does not apply.</del>”</p>	Section 7.7	Accept in part	As discussed in section 7.7	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
249.147	Mainpower NZ	NATC-R7	Support NATC-R7. Retain NATC-R7 as notified.	Section 7.7	Accept	As discussed in section 7.7	No
326.296	Rolleston Industrial Developments Limited	NATC-R7	Support NATC-R7. Retain NATC-R7 as notified.	Section 7.7	Accept	As discussed in section 7.7	No
159.2	Dean and Victoria Caseley	NATC-R8	<p>Oppose NATC-R8 as it is inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020, and is an unnecessary double up of regulation.</p> <p>Amendments to the Resource Management Act 1991 requires all rural properties with an arable or pastoral land area of 20ha or a horticultural area of 5ha to have a Certified Freshwater Farm Plan, which will avoid the need for additional resource consents for farming related activities (such as stock exclusion, fencing and water trough placement, bridges and culverts).</p> <p>Asking an applicant to apply for two or even three consents in relation to the same activity is overly onerous, costly and will not serve to provide for better environmental outcomes.</p> <p>Delete NATC-R8 and NATC-R9 to avoid doubling up on regulation, leaving them to be</p>	Section 7.8	Accept in part	As discussed in section 7.8	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			addressed under the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, thereby avoiding Council resource consents for matters which are required to be addressed under those plans or in a Certified Freshwater Farm Plan.				
195.80	Transpower New Zealand Limited	NATC-R8	Support in part NATC-R8 on the basis that NATC-R8 or NATC-R9 provide for the new National Grid assets traversing a Scheduled Natural Character Freshwater Bodies Overlay. Notes that new transmission line may be better provided for under amended EI-R24. Clarify how NATC-R8 applies to the National Grid (and any other provisions in respect of the existing National Grid) and if necessary, amend EI-R24.	Section 7.8	Accept in part	As discussed in section 7.8	No
249.148	Mainpower NZ	NATC-R8	Support NATC-R8. Retain NATC-R8 as notified.	Section 7.8	Reject	As discussed in section 7.8	No
316.112	Canterbury Regional Council	NATC-R8	There may be some activities where location in or over freshwater bodies or in riparian margins is inappropriate given the higher order policy framework in regard to protecting natural character values (see National Policy Statement for Freshwater Management). While some activities such as Infrastructure with a functional or operational need or ancillary structures to recreational use etc may	Section 7.8	Reject	As discussed in section 7.8	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			be appropriate, other activities may not be appropriate in order to preserve natural character values around freshwater bodies. Amend NATC-R8 by providing a more focused group of buildings and structures that may be considered as Restricted Discretionary within and over freshwater bodies.				
326.297	Rolleston Industrial Developments Limited	NATC-R8	Support NATC-R8. Retain NATC-R8 as notified.	Section 7.8	Accept	As discussed in section 7.8	No
408.20	Bellgrove Rangiora Limited	NATC-R8	The difference between NATC-R9 and NATC-R8 is unclear. NATC-R8 appears to be for structures and buildings within or over the waterway, whereas NATC-R9 for structures and buildings within the waterway setback but this is not explicitly specified. Clarify that NATC-R9 applies to buildings within the setback but not the banks of the river itself (noting that for works within the river NATC-R8 applies). Amend the overlay extent of the Cam/Ruataniwha River to not extend west of the Belgrove farmhouse to ensure that any dwellings proposed within 20m of the top of the Cam/Ruataniwha River are not restricted unfairly when the ecological values of the river do not warrant such natural character protection.	Section 7.8	Accept in part	As discussed in section 7.8	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
159.3	Dean and Victoria Caseley	NATC-R9	<p>Oppose NATC-R9 and the associated setbacks set out in NATC-S1 and Table NATC-1. The rule is inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020 and are an unnecessary double up of regulation. Requirements for audited Freshwater Farm Plans on rural properties is partly to avoid the need for additional resource consents for farming related activities such as stock exclusion, fencing, water trough placement, bridges and culverts. Requiring multiple consents for the same activity is onerous, costly and will not provide better environmental outcomes.</p> <p>Recent freshwater management reform has dealt with stock exclusion and require a setback for new fence lines of 3m which is less than the 5m required under Table NATC-1 for any waterbody not listed in SCHED1, SCHED2 or SCHED3. A setback of 5m is onerous on farming properties.</p> <p>Delete NATC-R9 to avoid doubling up on regulation under the Canterbury Land and Water Regional Plan and the Resource</p>	Section 7.8	Accept in part	As discussed in section 7.8	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			Management (National Environmental Standards for Freshwater) Regulations 2020 thereby avoiding District Council resource consents for matters which are required to be addressed under those plans or in a Certified Freshwater Farm Plan.				
195.81	Transpower New Zealand Limited	NATC-R9	Support in part NATC-R9, on the basis that one or other of the rules may provide for the new National Grid assets traversing a Scheduled Natural Character Freshwater Bodies Overlay. Notes that new transmission line maybe better provided for under amended EI-R24. Clarify how NATC-R9 applies to the National Grid (and any other provisions in respect of the existing National Grid) and if necessary, amend EI-R24.	Section 7.8	Accept in part	As discussed in section 7.8	No
249.149	Mainpower NZ	NATC-R9	Support NATC-R9. Retain NATC-R9 as notified.	Section 7.8	Accept	As discussed in section 7.8	No
316.113	Canterbury Regional Council	NATC-R9	There may be some activities where location in or over freshwater bodies or in riparian margins is inappropriate given the higher order policy framework in regard to protecting natural character values (see National Policy Statement for Freshwater Management). While some activities such as Infrastructure with a functional or operational need or ancillary structures to recreational use etc may be appropriate, other activities may not be appropriate in order to preserve natural	Section 7.8	Accept in part	As discussed in section 7.8	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			character values around freshwater bodies. Amend NATC-R9 by providing a more focused group of buildings and structures that may be considered as Restricted Discretionary within overlay.				
326.298	Rolleston Industrial Developments Limited	NATC-R9	Support NATC-R9. Retain NATC-R9 as notified.	Section 7.8	Accept	As discussed in section 7.8	Yes
<b>Activity standards</b>							
367.44	Waimakariri District Council	Activity standards	Figure NATC-1 states 5m intervals but the figure text states shows 3m. Amend Figure NATC-1 text changing 3m to 5m intervals.	Section 8.1	Accept	As discussed in section 8.1	Yes
254.42	Christchurch International Airport Limited	General	Planting vegetation within freshwater body setbacks has potential to increase habitat for bird strike risk species (such as Black backed gulls or Canada Geese), particularly in and around the Waimakariri River. Seek that thought is given to this potential when planting is carried out in this environment. Submitter can advise on types of plant species that may be compatible with planting programmes while minimising any increase in bird strike risk. Insert additional matter of discretion related to management of bird strike risk.	Section 2.5, procedural matters	See section 2.5, procedural matters	Reallocated to airport chapter topic	N/A
159.4	Dean and Victoria Caseley	NATC-S1	Oppose the setbacks set out in NATC-S1 and Table NATC-1. These setbacks are inconsistent with the Canterbury Land and Water Regional	Section 8.1	Accept	As discussed in section 8.1	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations 2020 and are an unnecessary double up of regulation. Requirements for audited Freshwater Farm Plans on rural properties is partly to avoid the need for additional resource consents for farming related activities such as stock exclusion, fencing, water trough placement, bridges and culverts. Requiring multiple consents for the same activity is onerous, costly and will not provide better environmental outcomes.</p> <p>Recent freshwater management reform has dealt with stock exclusion and require a setback for new fence lines of 3m which is less than the 5m required under Table NATC-1 for any waterbody not listed in SCHED1, SCHED2 or SCHED3. A setback of 5m is onerous on farming properties.</p> <p>Delete NATC-R6 and the associated setbacks set out in NATC-S1 and Table NATC-1, in so far as they relate to for any waterbody not listed in SCHED1, SCHED2 or SCHED3, or in the alternative amend so as to be consistent with the Resource Management (Stock Exclusion) Regulations 2020.</p>				

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
171.13 <sup>99</sup>	Rayonier Matariki Forests	NATC-S1	NATC-S1 is unclear as to the alignment with the National Environmental Standards for Plantation Forestry setbacks. Amend NATC-S1 to clarify that the setbacks for the various plantation forestry activities as set out in the National Environmental Standards for Plantation Forestry prevail.	Section 8.1	Reject	As discussed in section 8.1	No
FS 77	Department of Conservation	NATC-S1	Oppose Rayonier submission	Section 8.1	Accept	As discussed in section 8.1	No
195.83	Transpower New Zealand Limited	NATC-S1	Opposes NATC-S1 as it is not clear whether this setback would apply to the National Grid. Need to be clear where provisions apply to infrastructure and, where provisions apply, infrastructure is appropriately enabled in order to give effect to higher order provisions and implement the Proposed District Plan objectives. Amend NATC-S1 to exempt National Grid from this setback and ensure EI provisions apply.	Section 8.1	Reject	As discussed in section 8.1	No
210.33 <sup>100</sup>	Waimakariri Irrigation Limited	NATC-S1	Irrigation and stockwater networks are critical for the District's social and economic wellbeing and often has a functional and operational need to be located near freshwater bodies. It is vital that the setback standards contain an exemption for community scale irrigation and	Section 8.1	Reject	As discussed in section 8.1	No

<sup>99</sup> Oppose – Department of Conservation [FS 77]

<sup>100</sup> Oppose – Department of Conservation [FS 77], Support – Federated Farmers [FS 83]



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			stockwater infrastructure. Amend NATC-S1:  "1. <u>Except for community scale irrigation and stockwater infrastructure</u> , activities shall be outside of the setback distance specified in Table NATC-1."				
FS 77	Department of Conservation	NATC-S1	Oppose WIL submission	Section 8.1	Accept	As discussed in section 8.1	No
FS 83	Federated Farmers	NATC-S1	Support WIL submission	Section 8.1	Reject	As discussed in section 8.1	No
249.150	Mainpower NZ	NATC-S1	Support NATC-S1. Retain NATC-S1 as notified.	Section 8.1	Reject	As discussed in section 8.1	No
326.300	Rolleston Industrial Developments Limited	NATC-S1	Support NATC-S1. Retain NATC-S1 as notified.	Section 8.1	Reject	As discussed in section 8.1	No
367.46	Waimakariri District Council	NATC-S1	Natural Character of Freshwater Bodies scheduled freshwater bodies. Insert new bullet point in advisory note in NATC-S1:  "- NATC-SCHED4 freshwater bodies are not mapped and does not include any water body listed in NATC-AN2..."	Section 8.1	Accept	As discussed in section 8.1	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
414.135 <sup>101</sup>	Federated Farmers of New Zealand Inc	NATC-S1	Opposes NATC-S1 setbacks. They are inconsistent with other setbacks that apply on land, such as from the Canterbury Land and Water Plan, marginal strip (which have existing land use restrictions) (usually 20 metres or more), esplanade strip, formed or unformed legal road, or even override or are inconsistent with the buffers in the National Environmental Standards for Freshwater s360 stock exclusion regulations, or ECO rules. Delete NATC-S1 setbacks table.	Section 8.1	Reject	As discussed in section 8.1	No
FS 78	Forest and Bird	NATC-S1	Oppose Federated Farmers	Section 8.1	Accept	As discussed in section 8.1	No
249.151	Mainpower NZ	NATC-S2	Support NATC-S2. Retain NATC-S2 as notified.	Section 8.2	Reject	As discussed in section 8.2	No
326.301	Rolleston Industrial Developments Limited	NATC-S2	Support NATC-S2. Retain NATC-S2 as notified.	Section 8.2	Accept	As discussed in section 8.2	No
159.5	Dean and Victoria Caseley	Table NATC-1	Oppose the setbacks set out in Table NATC-1. These setbacks are inconsistent with the Canterbury Land and Water Regional Plan, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the Resource Management (Stock Exclusion) Regulations	Section 9.1	Reject	As discussed in section 9.1	No

<sup>101</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>2020 and are an unnecessary double up of regulation. Requirements for audited Freshwater Farm Plans on rural properties is partly to avoid the need for additional resource consents for farming related activities such as stock exclusion, fencing, water trough placement, bridges and culverts. Requiring multiple consents for the same activity is onerous, costly and will not provide better environmental outcomes.</p> <p>Recent freshwater management reform has dealt with stock exclusion and require a setback for new fence lines of 3m which is less than the 5m required under Table NATC-1 for any waterbody not listed in SCHED1, SCHED2 or SCHED3. A setback of 5m is onerous on farming properties.</p> <p>Delete the setbacks set out in Table NATC-1, in so far as they relate to for any waterbody not listed in SCHED1, SCHED2 or SCHED3, or in the alternative amend so as to be consistent with the Resource Management (Stock Exclusion) Regulations 2020.</p>				
273.3	Sarah Gale	Table NATC-1	The 5m setback is a reasonable and practical setback for a medium density residential zone such that the Northbrook Stream reaches affect – however when the stream is listed as an open public drain on the Councils Urban Drainage Maps, freshwater setback provisions	Section 9.1	Reject	As discussed in Section 9.1	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			should not be applied. Exempt open public drains from the freshwater bodies provisions and setbacks.				
420.20	Dairy Holdings Limited	Table NATC-1	The NATC-SCHED1 overlay covers large areas of farmland, including areas that have been cultivated, contain important farming infrastructure and areas of exotic forest. The setback requirements would introduce inappropriate consenting requirements that are likely to restrict farming operations and necessary repair and maintenance works. Delete setback requirements in Table NATC-1 or amend requirement for SCHED1 to 5m.	Section 9.1	Reject	As discussed in section 9.1	No
<b>Schedules</b>							
408.19	Bellgrove Rangiora Limited	SCHED1	The Cam River Overlay extent into 52 Kippenberger Avenue (PT RS 267) exceeds that required as a site-specific ecological survey and assessment concluded that there is no permanent aquatic life other than the ornamental pond north of the Bellgrove Homestead, a buffer strip will not provide an ecological link to aquatic habitats, and the water temperature moderating effect does not have to be considered as no water is present. The Cam/Ruataniwha River within Bellgrove North is identified as requiring a 20m-wide setback as the land is currently zoned Rural, however this may create confusion following the certification process when this land is	Section 10.1	Reject	As discussed in section 10.1	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>confirmed for residential development the required setback will reduce to 10m.</p> <p>Modify the extent of the Cam/Ruataniwha River scheduled as a Natural Character Freshwater Body 20m so that it does not extend west of the Bellgrove homestead. Modify the overlay so that it does not specify the setback distance given this is zone dependent and could create confusion, especially in development areas, such as Bellgrove North, that are subject to a proposed certification process to facilitate urban development.</p>				
171.22 <sup>102</sup>	Rayonier Matariki Forests	SCHED1	Amend NATC-SCHED1 to clarify that the setbacks for the various plantation forestry activities as set out in the National Environmental Standards for Plantation Forestry setbacks prevail.	Section 10.1	Reject	As discussed in section 10.1	No
FS 77	Department of Conservation	SCHED1	Oppose Rayonier relief	Section 10.1	Accept	As discussed in section 10.1	No
192.73	Forest and Bird	SCHED1	Support the tables and schedules. However, it is difficult to determine whether there are setback requirements for wetlands other than Pines Beach wetland. The National	Section 10.1	Reject	As discussed in section 10.1	No

<sup>102</sup> Oppose – Department of Conservation [FS 77]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>Environmental Standard Freshwater Regulation 54, makes activities within or within 10 metres of wetland a non-complying activity. Is the intention of the plan to rely on the National Environmental Standard Freshwater for the protection of the margins of wetlands? If it is intended that wetlands are covered by NATC-SCHED 3 and unscheduled then it is inconsistent with the National Environmental Standard.</p> <p>Include a mechanism in the plan to protect the margins of wetlands.</p>				
273.4	Sarah Gale	SCHED1	Exempt open public drains from the fresh water bodies provisions and setbacks.	Section 10.1	Reject	As discussed in section 10.1	No
360.16	Christchurch City Council	SCHED1	<p>Support provisions relating to the Waimakariri River and its margins, being one of the best examples of braided rivers and associated indigenous flora and fauna habitats. Note the Waimakariri River is included in NATC-SCHED1.</p> <p>Support identification of Waimakariri River as an Outstanding Natural Feature and notes that rules for this and as a Scheduled Natural Character Freshwater Body align with the Christchurch City Council's treatment of the river in the Christchurch District Plan.</p>	Section 10.1	Accept	As discussed in sections 10.1	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>These provisions will provide the same level of protection for the river should it have been listed as a Significant Natural Area.</p> <p>Continuing to work with Waimakariri District Council on matters relating to the Waimakariri River to ensure its ongoing protection.</p>				
367.45	Waimakariri District Council	SCHED1	<p>Seeks to clarify Natural Character of Freshwater Bodies overlay name to include unscheduled water bodies.</p> <p>Amend UNSCHEDULED term in Table NATC-1 and NATC-SCHED - Scheduled freshwater bodies, from UNSCHEDULED to NATCSCHED4.</p>	Section 10.1	Accept	As discussed in section 10.1	No
414.139 <sup>103</sup>	Federated Farmers	SCHED1	<p>Delete NATC-SCHED1 in entirety. Setback requirements already exist in legislation, on the land cadastre, from national instruments, or elsewhere within this plan.</p> <p>Delete NATC-SCHED1.</p>	Section 10.1	Reject	As discussed in section 10.1	No
FS 78	Forest and Bird	SCHED1	Oppose Federated Farmers relief	Section 10.1	Accept	As discussed in section 10.1	No
<b>Advice notes</b>							
192.72 <sup>104</sup>	Forest and Bird	NATC-AN1	<p>Part of the advice note is over reaching and does not protect or preserve the natural character of rivers.</p> <p>Amend NATC-AN2:</p>	Section 11.1	Reject	As discussed in section 11.1	Yes

<sup>103</sup> Oppose – Forest and Bird [FS 78]

<sup>104</sup> Oppose – Federated Farmers [FS 83]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			"... or within any ephemeral flow path where there is no defined channel"				
FS 83	Federated Farmers	NATC-AN1	Oppose Forest and Bird relief	Section 11.1	Accept	As discussed in section 11.1	No
273.5	Sarah Gale	NATC-AN1	Clarify that Northbrook Stream, where it is a boxed drain or similar modified urban system, and where it is listed as an open public drain on the Council urban drainage maps, is exempt from natural waterbody setback and requirements. Clarify the status of urban drains/freshwater bodies so that Northbrook Stream and other similar urban systems are exempt from natural waterbody setback and requirements.	Section 11.1	Reject	As discussed in section 11.1	No
<b>Matters of discretion</b>							
414.31	Federated Farmers	General	All the freshwater setbacks in the Natural Character of Freshwater Bodies Matters of Discretion have subdivision, use, and development in mind, but will have perverse effects on existing rural land use. Amend all matters of discretion, objectives, policies, and rules in the Natural Character of Freshwater Bodies section to indicate that they apply to subdivision only, to avoid wrongly applying them to existing rural land uses.	Section 12.1	Reject	As discussed in section 12.1	No
326.302	Rolleston Industrial	NATC-MD1	Support NATC-MD1. Retain NATC-MD1 as notified.	Section 12.2	Accept	As discussed in section 12.2	No



Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
	Developments Limited						
414.32	Federated Farmers	NATC-MD1	NATC-MD1 could adversely affect the planting of vegetation associated with farming, horticulture, or rural land use. This is a particular issue if the submitter's other relief to delete or amend the freshwater setbacks is not accepted. Insert additional matter to NATC-MD: "... <u>5. "None of the above applies to traditional rural use of a private landholding".</u>	Section 12.2	Reject	As discussed in section 12.2	No
249.152	Mainpower NZ	NATC-MD2	Support NATC-MD2. Retain NATC-MD2 as notified.	Section 12.2	Accept	As discussed in section 12.2	No
326.303	Rolleston Industrial Developments Limited	NATC-MD2	Support NATC-MD2. Retain NATC-MD2 as notified.	Section 12.2	Accept	As discussed in section 12.2	No
414.33 <sup>105</sup>	Federated Farmers	NATC-MD2	NATC-MD2 fails to give effect to the public access policies and rules, which provide for exemptions to the public access provisions on various grounds. NATC-MD2 appears to go further than these policies and rules, introducing the power to manage the adverse effects of activities and developments where these might compromise the use or enjoyment of the areas. When read with the large	Section 12.2	Reject	As discussed in section 12.2	No

<sup>105</sup> Oppose – Forest and Bird [FS 78]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			freshwater setbacks, this is a substantial and unlawful imposition on private landholders. Delete NATC-MD2 in entirety and rely on policies, or underlying status of land.				
414.136	Federated Farmers	NATC-MD2	Oppose NATC-MD2. On the current numbers, most of these setbacks are on private land, and public access cannot be a consideration except upon subdivision and subsequent creation of an esplanade reserve or strip. Delete NATC-MD2.	Section 12.2	Reject	As discussed in section 12.2	No
FS 78	Forest and Bird	NATC-MD2	Oppose Federated Farmers submissions on NATC-MD2	Section 12.2	Accept	As discussed in section 12.2	No
326.304	Rolleston Industrial Developments Limited	NATC-MD3	Support NATC-MD3. Retain NATC-MD3 as notified.	Section 12.3	Accept	As discussed in section 12.3	No
414.34	Federated Farmers	NATC-MD3	NATC-MD3 does not address existing lawful lawful use within freshwater setbacks. Amend NATC-MD3 title:  "Specified structures <u>lawfully established, with landowner permission</u> , within freshwater setbacks"  Insert additional matter to NATC-MD3: "... <u>8. The extent to which the structure impedes or assists the existing use of the land.</u> "	Section 12.3	Reject	As discussed in section 12.3	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
249.153 <sup>106</sup>	Mainpower NZ	NATC-MD4	Support NATC-MD4 but seek to add a further matter of discretion around the functional need and operational need to locate in the setback and the ability to carry out maintenance, repair, upgrade and development of critical infrastructure. Amend NATC-MD4 by adding the following additional matter:  <u>"The functional and operational need of critical infrastructure to locate within setbacks or for a network utility to carry out maintenance, replacement, repair and upgrade."</u>	Section 12.4	Reject	As discussed in section 12.4	No
FS 99	Kiwirail	NATC-MD4	Support Mainpower submission	Section 12.4	Reject	As discussed in section 12.4	No
FS 83	Federated Farmers	NATC-MD4	Support Mainpower submission	Section 12.4	Reject	As discussed in section 12.4	No
FS 95	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NATC-MD4	Support Mainpower submission	Section 12.4	Reject	As discussed in section 12.4	No

<sup>106</sup> Support – Kiwirail Holdings Limited [FS 99], Support – Federated Farmers [FS 83], Support - Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [FS 95]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.305	Rolleston Industrial Developments Limited	NATC-MD4	Support NATC-MD4. Retain NATC-MD4 as notified.	Section 12.4	Accept	As discussed in section 12.4	No
414.35	Federated Farmers	NATC-MD4	NATC-MD4 needs to be limited to new buildings and structures. It should indicate that given the size of some of the freshwater setbacks, structures can only be established on them with lawful landowner permission. Amend the title of NATC-MD4:  "New buildings, structures, and impervious surfaces <u>established with landowner permission</u> within freshwater setbacks"	Section 12.4	Reject	As discussed in section 12.4	No
249.154 <sup>107</sup>	Mainpower NZ	NATC-MD5	Support NATC-MD5 but seek an additional clause to ensure consideration is given to the functional need and operational need of critical infrastructure to locate over freshwater bodies. Amend NATC-MD5 by adding additional clause:  "Structures within and over freshwater bodies ... <u>7. or critical infrastructure, any functional or operational need to locate over a freshwater body.</u> "	Section 12.5	Reject	As discussed in section 12.5	No

<sup>107</sup> Support – Kiwirail Holdings Limited [FS 99], Support – Federated Farmers [FS 83]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS 99	Kiwirail	NATC-MD5	Support Mainpower submission	Section 12.5	Reject	As discussed in section 12.5	No
FS 83	Federated Farmers	NATC-MD5	Support Mainpower submission	Section 12.5	Reject	As discussed in section 12.5	No
326.306	Rolleston Industrial Developments Limited	NATC-MD5	Support NATC-MD5. Retain NATC-MD5 as notified.	Section 12.5	Accept	As discussed in section 12.5	No
414.137 <sup>108</sup>	Federated Farmers	NATC-MD5	Amend NATC-MD5 as there are currently no matters of discretion around measures such as encouraging built stock crossings. Amend NATC-MD5: "... <u>7. Structures required to reduce stock access to freshwater where required by other policies.</u> "	Section 12.5	Reject	As discussed in section 12.5	No
FS 78	Forest and Bird	NATC-MD5	Oppose Federated Farmers submission	Section 12.5	Reject	As discussed in section 12.5	No
210.34 <sup>109</sup>	Waimakariri Irrigation Limited	NATC-MD6	Irrigation and stockwater networks are critical for the District's social and economic wellbeing and the associated infrastructure often has a functional and operational need to be located near freshwater bodies. It is vital that irrigation and stockwater infrastructure is explicitly recognised as a matter for consideration.	Section 12.6	Reject	As discussed in section 12.6	No

<sup>108</sup> Oppose – Forest and Bird [FS 78]

<sup>109</sup> Support – Kiwirail Holdings Limited [FS 99], Oppose – Department of Conservation [FS 77]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			Amend NATC-MD6: "... 3. <u>Where regionally significant infrastructure, including for irrigation and stockwater, has a functional and operational need to locate within the applicable setback width.</u> "				
FS 99	Kiwirail	NATC-MD6	Support Waimakariri Irrigation Limited	Section 12.6	Reject	As discussed in section 12.6	No
FS 77	Department of Conservation	NATC-MD6	Oppose Waimakariri Irrigation Limited	Section 12.6	Accept	As discussed in section 12.6	No
326.307	Rolleston Industrial Developments Limited	NATC-MD6	Support NATC-MD6. Retain NATC-MD6 as notified.	Section 12.6	Accept	As discussed in section 12.6	No
414.36	Federated Farmers	NATC-MD6	NATC-MD6 implies a land grab as a freshwater setback reduction can only occur under limited exceptions. The setbacks may have subdivision in mind, however they apply generally to all rural land, and will have perverse outcomes. Delete all matters of discretion in NATC-MD6, as relief elsewhere is requesting the removal of the freshwater setback approach in its entirety, and instead use existing setbacks within national instruments, the Canterbury Land and Water Regional Plan, and underlying landownership (including current and future esplanade reserves and strips, and marginal strips) as sufficient setbacks.	Section 12.6	Reject	As discussed in section 12.6	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
414.138 <sup>110</sup>	Federated Farmers	NATC-MD6	Oppose NATC-MD6 as there is no mention of legislation, national instruments, or existing legal setback (marginal strip or esplanade reserve) within this setback reduction policy. Delete NATC-MD6.	Section 12.6	Reject	As discussed in section 12.6	No
FS 78	Forest and Bird	NATC-MD6	Oppose Federated Farmers submission	Section 12.6	Accept	As discussed in section 12.6	No
420.21 <sup>111</sup>	Dairy Holdings Limited	NATC-MD6	It is important the Plan recognises and provides for existing land uses in areas adjacent to, or mapped as, waterbodies. Insert an additional matter into NATC-MD6: "... <u>3. Recognise where there is historic and ongoing land use that contributes to the social and economic wellbeing of the District.</u> "	Section 12.6	Reject	As discussed in section 12.6	No
FS 83	Federated Farmers	NATC-MD6	Support Dairy Holdings submission	Section 12.6	Reject	As discussed in section 12.6	No

<sup>110</sup> Oppose – Forest and Bird [FS 78]

<sup>111</sup> Support – Federated Farmers [FS 83]

## Appendix C. Section 32AA Evaluation

### C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives and policies for Natural Character of Freshwater Bodies (“NATC”) following the consideration of submissions received on the Proposed Plan.

This further evaluation should be read in conjunction with the Natural Character of Freshwater Bodies Section 32 Report prepared for the development of the Proposed Plan<sup>112</sup>.

### C2. Recommended amendments

A range of amendments are recommended to the NATC chapter as a result of submissions received on the Proposed Plan. The recommended amendments are shown in Appendix A, discussed in the main report, and summarised below:

- Amendments to objectives:
  - NATC-O1 – Preservation of natural character
  - NATC-O3 – Use of freshwater body margins
- Amendments to policies:
  - NATC-P1 Recognising natural character
  - NATC-P2 Identify, map and schedule significant freshwater bodies
  - NATC-P4 Preservation of natural character values
  - NATC-P6 New and existing structures within and over freshwater bodies

### C3. Statutory Tests

The District Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the District Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

#### *Objectives*

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.<sup>113</sup> For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;

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<sup>112</sup> [https://www.waimakariri.govt.nz/\\_\\_data/assets/pdf\\_file/0024/98223/12.-NATURAL-CHARACTER-FRESHWATER-BODIES-CHAPTER-S32-REPORT-DPR-2021.pdf](https://www.waimakariri.govt.nz/__data/assets/pdf_file/0024/98223/12.-NATURAL-CHARACTER-FRESHWATER-BODIES-CHAPTER-S32-REPORT-DPR-2021.pdf)

<sup>113</sup> RMA s32(1)(a)



- Usefulness;
- Reasonableness; and
- Achievability.

### Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.<sup>114</sup>

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

## Evaluation of Recommended Amendments to Objectives

Objectives NATC-O1 and NATC-O3 are recommended to be amended as set out in Appendix A and below. The following tables provide an evaluation of the recommended amendments to the objectives.

**Table C 1: Recommended amendments to Objective – NATC-O1**

NATC-O1: Preservation of natural character

The preservation of the natural character of ~~the surface freshwater~~ bodies environment, its including wetlands, and lakes and rivers and their margins

<b>Relevance</b>	<b>Addresses a relevant resource management issue</b> The amendment makes the objective consistent with other provisions in the Proposed Plan, which use the term “water bodies” rather than “freshwater environment”.
	<b>Assists the District Council to undertake its functions under s31</b> This change may slightly improve the efficiency of plan implementation by improving clarity.
	<b>Gives effect to higher level documents</b> The amendment better aligns with s2 RMA definitions, such as “water body”.
<b>Usefulness</b>	<b>Guides decision-making</b> The amendment better guides decision makers as both NATC-O1 and NATC-O2 use the same definition.
	<b>Meets best practice for objectives</b> The amendment ensures that NATC-O1 and NATC-O2 are consistent with each other.
<b>Reasonableness</b>	<b>Will not impose unjustifiably high costs on the community / parts of the community</b> There will be no additional costs to the community or parts of the community as a result of the amendment.
	<b>Acceptable level of uncertainty and risk</b> There is no additional uncertainty or risk associated with the recommended amendment.

<sup>114</sup> RMS s32(6)(a)

<b>Achievability</b>	<b>Consistent with identified tāngata whenua and community outcomes</b> The amendment does not affect the identified tāngata whenua and community outcome values within the proposed plan.
	<b>Realistically able to be achieved within the District Council's powers, skills and resources</b> The Council has the skill base and experience to implement the Proposed District Plan with the amendment.
<b>Conclusion</b>	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.

**Table C 2: Recommended amendments to Objective – NATC-03**

NATC-03 Use of freshwater bodies and their margins

The use of wetlands, and lakes, and rivers and their margins are managed to preserve their natural character.

<b>Relevance</b>	<b>Addresses a relevant resource management issue</b> The amendment is a minor grammar correction that does not alter the
	<b>Assists the District Council to undertake its functions under s31</b> This change may slightly improve the efficiency of plan implementation by improving clarity.
	<b>Gives effect to higher level documents</b> The proposed amendment does not alter the effect the objective gives to higher level documents.
<b>Usefulness</b>	<b>Guides decision-making</b> The amendment better guides decision makers as all objectives use the same definition of “water body” and have consistent grammar.
	<b>Meets best practice for objectives</b> The amendment ensures that NATC-01/O2 and NATC-03 are consistent with each other.
<b>Reasonableness</b>	<b>Will not impose unjustifiably high costs on the community / parts of the community</b> There will be no additional costs to the community or parts of the community as a result of the amendment.
	<b>Acceptable level of uncertainty and risk</b> There is no additional uncertainty or risk associated with the recommended amendment.
<b>Achievability</b>	<b>Consistent with identified tāngata whenua and community outcomes</b> The amendment does not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.
	<b>Realistically able to be achieved within the District Council's powers, skills and resources</b> The Council has the skill base and experience to implement the Proposed District Plan with the amendment.

<b>Conclusion</b>	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.
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## Evaluation of Recommended Amendments to Policies

**Table C 3: Recommended amendments to Policy NATC-P1**

NATC-P1 "Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of surface freshwater bodies and their margins:

1. ~~freshwater bodies and their margins~~ their natural state or close to their natural state;
2. ~~freshwater~~ landforms and landscapes, biophysical, geologic and morphological aspects;
- ...
6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and its continuing ability ~~of the freshwater body~~ to support taonga species and mahinga kai activities; and
7. the experience of the above elements, patterns and processes."

<b>Relevance</b>	<b>Addresses a relevant resource management issue</b> The amendment does not alter the intent of the policy, but improves its grammar.
	<b>Assists the District Council to undertake its functions under s31</b> The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for activities within natural character overlays and setbacks, by clarifying the intended outcome sought by the objective.
	<b>Gives effect to higher level documents</b> The amendment does not change the effect it gives to higher level policy.
<b>Usefulness</b>	<b>Guides decision-making</b> The amendment will better guide decision makers by being more concise.
	<b>Meets best practice for policies</b> The amendments make a tighter link between the policy and the objective
<b>Reasonableness</b>	<b>Will not impose unjustifiably high costs on the community / parts of the community</b> No additional costs on the community or parts of the community will be generated by the recommended amendment.
	<b>Acceptable level of uncertainty and risk</b> There is no additional uncertainty or risk associated with the recommended amendments.
<b>Achievability</b>	<b>Consistent with identified tāngata whenua and community outcomes</b> The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.

	<p><b>Realistically able to be achieved within the District Council's powers, skills and resources</b></p> <p>The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of activities within the freshwater natural character overlays and setbacks</p>
<b>Benefits and costs</b>	<p><b>Benefits and costs</b></p> <p>The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the Act and higher order documents as they likely improve plan readability.</p>
<b>Conclusion</b>	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

**Table C 4: Recommended amendments to Policy NATC-P2**

NATC-P2 "Identify, map and schedule significant freshwater bodies and their margins

Continue the identification, mapping, and scheduling of freshwater bodies and their margins with one or more recognised natural character attributes, where the following apply:

1. ~~they freshwater bodies and their margins~~ have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species;
2. the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process;
3. cultural, spiritual or heritage associations of Ngāi Tūāhuriri ~~to the freshwater body,~~ including the ability to undertake customary practices; ~~and~~
4. importance of the freshwater body to provide access and connections to areas of recreational use; and
5. recreational use associated with the experience of natural character elements, patterns and processes."

<b>Relevance</b>	<p><b>Addresses a relevant resource management issue</b></p> <p>The amendment does not alter the intent of the policy, but improves its grammar, and explicitly links natural character with recreational use.</p>
	<p><b>Assists the District Council to undertake its functions under s31</b></p> <p>The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for activities within natural character overlays and setbacks, by clarifying the intended outcome sought by the policy.</p>
	<p><b>Gives effect to higher level documents</b></p> <p>The amendment does not change the effect it gives to higher level policy.</p>
<b>Usefulness</b>	<p><b>Guides decision-making</b></p> <p>The amendment will better guide decision makers by being more concise.</p>
	<p><b>Meets best practice for policies</b></p> <p>The amendments make a tighter link between the policy and the objective</p>
<b>Reasonableness</b>	<p><b>Will not impose unjustifiably high costs on the community / parts of the community</b></p>

	No additional costs on the community or parts of the community will be generated by the recommended amendment.
	<b>Acceptable level of uncertainty and risk</b> There is no additional uncertainty or risk associated with the recommended amendments.
<b>Achievability</b>	<b>Consistent with identified tāngata whenua and community outcomes</b> The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.
	<b>Realistically able to be achieved within the District Council's powers, skills and resources</b> The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of activities within the freshwater natural character overlays and setbacks
<b>Benefits and costs</b>	<b>Benefits and costs</b> The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the Act, higher order documents, and the district-wide provisions of the Proposed Plan by linking to recreational values.
<b>Conclusion</b>	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.

**Table C 5: Recommended amendments to Policy NATC-P4**

NATC-P4 Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:

1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;
2. Avoid, ~~minimising~~ remedy or mitigate, in that order, indigenous vegetation clearance and modification which affects natural character, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;
3. requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and
4. promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values.

<b>Relevance</b>	<b>Addresses a relevant resource management issue</b> The amendment better aligns the policy with the objectives NATC-O1 to NATC-O3 by explicitly referring to natural character outcomes. Ecosystems and indigenous biodiversity is managed under district-wide provisions in the ECO chapter. It also incorporates the consequential amendment deleting P4(4) that occurs as a result of the recommendation to insert an additional policy NATC-P7 to handle restoration.
	<b>Assists the District Council to undertake its functions under s31</b>

	<p>The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for primary production, by clarifying the intended outcome sought by the policy</p> <p><b>Gives effect to higher level documents</b> The amendment does not change the effect it gives to higher level policy.</p>
<b>Usefulness</b>	<p><b>Guides decision-making</b> The amendment will better guide decision makers by being more concise.</p> <p><b>Meets best practice for policies</b> The amendments make a tighter link between the policy and the objective.</p>
	<p><b>Will not impose unjustifiably high costs on the community / parts of the community</b> No additional costs on the community or parts of the community will be generated by the recommended amendment.</p> <p><b>Acceptable level of uncertainty and risk</b> There is no additional uncertainty or risk associated with the recommended amendments.</p>
<b>Reasonableness</b>	<p><b>Consistent with identified tāngata whenua and community outcomes</b> The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.</p> <p><b>Realistically able to be achieved within the District Council's powers, skills and resources</b> The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of activities within the freshwater natural character overlays and setbacks.</p>
	<p><b>Benefits and costs</b> The amendments are minor and will likely improve plan efficiency and reduce cost compared with the Proposed Plan as the amendments apply the effects mitigation hierarchy with respect to indigenous vegetation clearance that affects natural character. The amendments also limit the scope of the policy to natural character values, which reduces duplication with district-wide indigenous biodiversity provisions.</p>
<b>Achievability</b>	<p><b>Benefits and costs</b> The amendments are minor and will likely improve plan efficiency and reduce cost compared with the Proposed Plan as the amendments apply the effects mitigation hierarchy with respect to indigenous vegetation clearance that affects natural character. The amendments also limit the scope of the policy to natural character values, which reduces duplication with district-wide indigenous biodiversity provisions.</p>
<b>Benefits and costs</b>	<p><b>Conclusion</b> The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>
<b>Conclusion</b>	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

**Table C 6: Recommended amendments to Policy NATC-P6**

NATC-P6

~~Provide for~~ Consider new structures, and upgrades to existing structures, on the surface of freshwater where:

1. public access to, and along, the freshwater body is maintained;
2. the structure has a functional need or operational need to be located on the surface of freshwater;
3. the structure does not compromise the use of the surface of freshwater for existing users;
4. the structure does not disturb the habitat of indigenous species or hinder passage of migratory fish species;
5. the structure ~~avoids~~ minimises creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and
6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values.

<b>Relevance</b>	<b>Addresses a relevant resource management issue</b> The amendment better describes how the policy is intended to function, and does not change its intent.
	<b>Assists the District Council to undertake its functions under s31</b> The amendments will better assist the Council in undertaking its functions, including decisions on resource consents for primary production, by clarifying the intended outcome sought by the objective.
	<b>Gives effect to higher level documents</b> The amendment does not change the effect of higher level documents.
<b>Usefulness</b>	<b>Guides decision-making</b> The amendment will better guide decision makers by being more concise.
	<b>Meets best practice for policies</b> The amendments to the policy clarify the wording and the outcome sought, and therefore will improve interpretation. The amendments therefore meet best practice.
<b>Reasonableness</b>	<b>Will not impose unjustifiably high costs on the community / parts of the community</b> No additional costs on the community or parts of the community will be generated by the recommended amendment.
	<b>Acceptable level of uncertainty and risk</b> There is no additional uncertainty or risk associated with the recommended amendments.
<b>Achievability</b>	<b>Consistent with identified tāngata whenua and community outcomes</b> The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.
	<b>Realistically able to be achieved within the District Council's powers, skills and resources</b> The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of activities within the freshwater natural character overlays and setbacks

<b>Benefits and costs</b>	<p><b>Benefits and costs</b></p> <p>The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the objectives by ensuring that Policy NATC-P6 reflects the objectives' requirements.</p>
<b>Conclusion</b>	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

Overall, I consider that the recommended amendments proposed to the objectives provide greater clarity of the outcomes sought to be achieved. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA.

*Adequacy of Information and Risk of Acting or Not Acting*

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions have raised a number of matters that need to be addressed to provide clarity to the freshwater natural character provisions of the Proposed Plan. If no action is taken and the Proposed Plan is retained as notified, it could cause confusion and may result in a lack of consistent interpretation of the Proposed Plan.

Submissions also seek to amend the Proposed Plan, so it better achieves the purpose of the RMA. The recommended amendments address this matter assist in making the provisions efficient and effective in achieving the objectives. The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives.

After reviewing the freshwater natural character provisions of the Proposed Plan and considering the submissions on these provisions and matters raised in mediation, I consider there is sufficient information on which to base the recommended revised objectives.

**C4. Conclusion**

I have evaluated the recommended amendments to objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where there is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objectives. I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.



## Appendix D. Report Author's Qualifications and Experience

### Peter Wilson

I hold the following qualifications:

- Master of Planning (MPlan) and Bachelor of Physical Geography (BSc) from the University of Otago.

I am an intermediate member of the New Zealand Planning Institute.

I am a certified hearings commissioner.

I have 17 years' experience in working as a planner for local, central government, private consultancy, and a range of non-government organisations.

My work experience includes:

- Principal advisor (water) for Federated Farmers of New Zealand.
- Extensive affected party, policy planning, Environment Court case management and litigation, central government liaison, and freshwater science experience with regional Fish and Game Councils and the New Zealand Fish and Game Council.
- Private consultancy, primarily on conservation and recreation planning issues to a range of non-government organisation and trust clients.
- Private aquaculture and geospatial businesses.
- Consent planning for the Waitaki District Council.
- Statutory, RMA, and recreation planning for the Department of Conservation.

I have worked on planning matters across all New Zealand.

I have been employed by the Waimakariri District Council since August 2022 as a senior planner.

### Conflict of interest statement

In my role at Federated Farmers of New Zealand, I was the primary author of its submission on the Proposed Plan. I understand that this is a potential conflict of interest that requires declaration. I have no direct interest or benefit or gain from the outcome of the submission, not being from a farming background or having farming interests, and also being a new resident to the district (and region).

Since employment by Council, I have undertaken to:

- a) Not report on the Rural chapter
- b) Ensuring that any of my work that handles the Federated Farmers submission is checked and reviewed.
- c) Not participating in consultation and engagement with Federated Farmers, except with another staff member present.

My previous work at the Department of Conservation and Fish and Game Councils has not involved any Waimakariri district matter.