

OFFICER'S REPORT FOR:

Hearings Panel

SUBJECT:

Proposed Waimakariri District Plan:
Āhuatanga o te whenua - Natural Features and
Landscapes

PREPARED BY:

Shelley Milosavljevic – Senior Policy Planner

REPORT DATED:

15 June 2023 Updated report with errors
corrected in track changes 24 July 2023

DATE OF HEARING:

Hearing Stream 4 (17-21 July 2023)

Executive Summary

1. This report considers submissions received by the Waimakariri District Council in relation to the relevant objectives, policies, rules, standards, definitions, appendix, and planning map overlay of the Proposed Waimakariri District Plan as they apply to the Natural Features and Landscapes Chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. A number of submissions and further submissions were received on the Natural Features and Landscapes chapter. I consider the key issues in contention to be:
 - i. Provision for energy and infrastructure activities within an Outstanding Natural Landscape, Outstanding Natural Feature, and Significant Amenity Landscape;
 - ii. Alignment with higher order documents;
 - iii. Provision for quarrying within an Outstanding Natural Landscape, Outstanding Natural Feature, and Significant Amenity Landscape;
 - iv. Clarity regarding whether provisions apply to existing activities;
 - v. Inclusion of the Lees Valley floor within the Puketeraki Range & Oxford Foothills Outstanding Natural Landscape, and exclusion of specific properties from the Waimakariri River Outstanding Natural Feature; and
 - vi. Addition of restrictions on vegetation clearance and pastoral intensification within the Puketeraki Range & Oxford Foothills Outstanding Natural Landscape.
3. This report addresses these key issues, as well as any other issues raised by submissions.
4. I have recommended some amendments to the Proposed District Plan provisions to address matters raised in submissions and the key ones are summarised below:
 - i. Removal of the absolute protection required by the notified NFL-O1, NFL-O2, NFL-P1, and NFL-P3 by limiting this protection to be from 'inappropriate' land use or development, thereby improving alignment with s6(b) of the RMA.
 - ii. Removal of the application of the Natural Features and Landscapes chapter's rules (with the exception of rules NFL-R8 and NFL-R9 which will still apply) to energy and infrastructure activities within an ONF, ONF, or SAL as these are provided for within the Energy and Infrastructure chapter rules; while the Natural Features and Landscapes chapter's objectives, policies, standards, matters of discretion, appendix, and planning map overlay will still apply to these activities;
 - iii. Removing parts of the Waimakariri River Outstanding Natural Feature within parts of specific properties where a more detailed reassessment determined landscape values do not warrant Outstanding Natural Feature status; and
 - iv. Amendment of 'plantation forestry' definition to align with National Environmental Standard for Plantation Forestry.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in section **Appendix A** of this report.

6. 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 relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

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Interpretation

7. This s42A Officer's report utilises a number of abbreviations for brevity as set out in **Table 1** and **2** below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
District Council	Waimakariri District Council
ECan	Environment Canterbury/Canterbury Regional Council
ECO chapter	Ecosystems and Indigenous Biodiversity Chapter of the Proposed District Plan
EI chapter	Energy and Infrastructure Chapter of the Proposed District Plan
PDP	Proposed Waimakariri District Plan
NESPF	National Environmental Standards for Plantation Forestry 2017
NFL chapter	Natural Features and Landscapes Chapter of the proposed District Plan
NPSET	National Policy Statement on Electricity Transmission
NPSGEN	National Policy Statement on Renewable Energy Generation
NZCPS	New Zealand Coastal Policy Statement 2010
ONF	Outstanding Natural Feature
ONL	Puketeraki Range & Oxford Foothills Outstanding Natural Landscape
SAL	Ashley River / Rakahuri Significant Amenity Landscape
RPS	Operative Canterbury Regional Policy Statement

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CCC	Christchurch City Council
CIAL	Christchurch International Airport Limited
Clampett	Clampett Investments Limited
DHL	Dairy Holdings Limited
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury/Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society Inc.
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
Rayonier	Rayonier Matariki Forests
RIDL	Rolleston Industrial Developments Ltd
Chorus, Spark and Vodafone	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency
WIL	Waimakariri Irrigation Limited

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearings Panel with a summary and analysis of the submissions received on the Natural Features and Landscapes chapter (NFL chapter) and to recommend possible amendments to the Proposed District Plan (PDP) in response to those submissions.
9. This report is prepared under section 42A of the Resource Management Act 1991 (RMA). It considers submissions received by the Waimakariri District Council (District Council) in relation to the objectives, policies, rules, standards, definitions, matters of discretion, appendix, and planning map overlay as they apply to the Natural Features and Landscapes Chapter in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues or topics arising, the original and further submissions received following notification of the PDP, makes recommendations as to whether those submissions should be accepted (in full or part) or rejected, and concludes with a recommendation for changes to the PDP provisions or map overlay based on the discussion in the report.
11. The recommendations are informed by both the technical evidence provided by Boffa Miskell Ltd (Waimakariri River Outstanding Natural Feature (ONF) Overlay Reassessment - provided in **Appendix D**), and the original landscape assessment prepared by Boffa Miskell Ltd that identified the Outstanding Natural Landscape (ONL), Outstanding Natural Features (ONFs), and Significant Amenity Landscapes (SAL), which is provided on the Council webpage¹. In preparing this report I have had regard to recommendations made in other related (yet preliminary) s42A reports, including those for Natural Character of Freshwater Bodies, Coastal Environment, Public Access, and Activities on the Surface of Water, and Energy and Infrastructure.
12. I have also had regard to recommendations made on Objective SD-O1(3) in the Strategic Directions s42A report. I understand from discussions with the Strategic Directions chapter author in relation to their preliminary response to written questions on Strategic Directions² that SD-O1(3) is being recommended to be amended to better align with s6(b) of the RMA by limiting its protection of ONL/ONFs to '*...from inappropriate subdivision, use, and development*'. I address this recommendation in section 3.3 below with regards to its relevancy for objectives and provisions within the ONF/ONL chapter.
13. This report is provided to assist the Hearings Panel in their role as Independent 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 <https://www.waimakariri.govt.nz/planning/district-plan/district-plan-review/proposed-district-plan-hearings>

² https://www.waimakariri.govt.nz/_data/assets/pdf_file/0018/132714/STRATEGIC-DIRECTIONS-COUNCIL-PRELIMINARY-QUESTIONS.pdf

1.2 Author

14. My name is Shelley Catherine Milosavljevic. My qualifications and experience are set out in **Appendix C** of this report.
15. My role in preparing this report is that of an expert planner.
16. I was involved in the preparation of the PDP.
17. Although this is a District Council Hearing, I have read the Code of Conduct for expert witnesses within the Environment Court Practice Note 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.
18. The scope of my evidence relates to recommendations on submissions to provisions within the Natural Features and Landscapes chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner. For submissions that relate to the relationship of the NFL chapter with Energy and Infrastructure, I have sought advice from the District Council's s42A Officer for the Energy and Infrastructure chapter (EI chapter).
19. 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.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

21. The expert evidence and publications I have used or relied upon in support of the opinions expressed in this report include the following:
 - i. Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri Districts Council - 26 September 2019);³
 - ii. Boffa Miskell Ltd advice regarding submissions on the extent of Waimakariri River overlay within specific properties (provided in **Appendix D**);
 - iii. Biosecurity New Zealand Official New Zealand Pest Register⁴; and
 - iv. Ministry of Business, Innovation & Employment - New Zealand Cycle Trail Design Guide (August 2019 – 5th edition)⁵.

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

⁴ <https://pierpestregister.mpi.govt.nz/>

⁵ <https://www.mbie.govt.nz/assets/new-zealand-cycle-trail-design-guide.pdf>

1.4 Key Issues in Contention

22. A number of submissions (126 submission points from 22 submitters) and further submissions (94 further submission points from nine further submitters) were received on the provisions relating to Natural Features and Landscapes.
23. I consider the following to be the key issues raised in submissions:
- i. Better provision for energy and infrastructure activities within ONL, ONFs, SAL to recognise their functional and operational need to locate within these areas. Also, clarification on the relationship of the NFL provisions for energy and infrastructure activities given the EI chapter also provides for these activities within these areas;
 - ii. Better alignment of objectives and policies with section 6(b) of the RMA regarding the protection of ONF/ONLs from 'inappropriate' use and development;
 - iii. Addition of practicability limits to provide greater flexibility;
 - iv. Specification of willow pest species restricted by Rule NFL-R11(1);
 - v. Amendments to refer to 'primary production' instead of 'rural production' to provide for quarrying;
 - vi. Amendments to the Natural Features and Landscapes overlay on the planning map to include the Lees Valley floor within the ONL;
 - vii. Amendments to the Natural Features and Landscapes overlay on the planning map to remove specific properties from the Waimakariri River ONF;
 - viii. Addition of rules restricting vegetation clearance and pasture conversion/intensification within the ONL;
 - ix. Alignment with New Zealand Coastal Policy Statement (NZCPS);
 - x. Alignment with National Environmental Standard for Plantation Forestry (NESP); and
 - xi. Greater clarity regarding whether the provisions apply to existing activities as well as new activities.
24. I address each of these key issues in this report via a subtopic approach, while other issues outside of these subtopics are addressed via a provision-based approach.

1.5 Procedural Matters

25. At the time of writing this report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on the NFL chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

26. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- i. section 74 Matters to be considered by territorial authority, and
 - ii. 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 PDP. These documents are discussed in detail within the Section 32 Evaluation Report: Natural Features and Landscapes chapter.

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 amendments proposed as a result of consideration of submissions with respect to the NFL chapter is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii). I have taken this approach due to what I consider to be the relatively limited scale and significance of the recommended amendments.

2.3 Trade Competition

30. Trade competition is not considered relevant to the NFL provisions of the PDP.
31. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

32. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in the most relevant hearings report. Four defined terms are relevant to this chapter, with two of these terms subject to submissions – these are 'Gravel extraction' and 'Plantation forestry'. With respect to the other definitions, where relevant I have considered these as defined by the notified version of the PDP.
33. The NFL chapter provisions, along with the 'Gravel extraction' and 'Plantation forestry' defined terms, received 126 submission points (hereafter referred to as 'submissions') from 22 submitters. Subsequently nine further submitters lodged further submissions on these, covering 94 further submission points. There were also four general submissions received on the PDP in its entirety, these are addressed in section 3.2 of this report.
34. There is one submission seeking amendment to the definition of 'plantation forestry'; which is opposed by one further submission. There is one submission seeking deletion of the defined term 'gravel extraction'; with no further submissions on it.
35. There are nine general submissions relating to the NFL chapter. Two support the chapter in general, two oppose and seek amendments, and five seek amendments (one of which is supported by a further submission). There are two submissions relating to the NFL Introduction, both seek amendments. There are three further submissions on these – all in support.
36. There are seven submissions relating to NFL-O1. Three are in support and are supported by two further submissions. Four request amendments and are supported by three further submissions. There are six submissions relating to NFL-O2. Three are in support and are supported by two further submissions. Three request amendments and are supported by two further submissions. There are three submissions relating to NFL-O3, all are in support, and one is supported by a further submission.
37. There are two submissions seeking a new policy. One of these submissions is supported by a further submission.
38. There are eight submissions on NFL-P1. Three are in support and two of these are supported by a further submission. Two are in opposition and seek amendments, one of which is supported by a further submission. Five seek amendments and have a total of three further submissions in support and three further submissions in opposition to them. There are two submissions on NFL-P2, with one further submission in support of one of them.
39. There are 13 submissions on NFL-P3. Four are in support and are supported by two further submissions. Four are in opposition and seek amendments, which are supported by two further submissions and opposed by one. Five seek amendments, which are supported by two further submissions and opposed by two.
40. There are 10 submissions on NFL-P4. Four are in support, and one of these is supported by a further submission. Three are in opposition and seek amendments, one of which is supported by two further submissions. Three seek amendments, one of these is supported by a further

submission, and another is both supported by a further submission and opposed by a further submission.

41. There is one submission each on NFL-R1, NFL-R2, NFL-R3, NFL-R7, and NFL-R9 - all in support; and there are no further submissions on these. There are two submissions on NFL-R4, one in support and one seeking amendments. The one seeking amendments is opposed by a further submission. There are five submissions on NFL-R5; two are in support, one of which is supported by a further submission, three seek amendments, one of which is opposed by a further submission.
42. There are four submissions on NFL-R6. Two are in support, one of which is supported by a further submission. Two seek amendments, one of which is opposed by a further submission. There are four submissions on NFL-R8. Two are in support, one of which is opposed by a further submission. One is in opposition and seeks amendments and is opposed by one further submission. Another seeks amendments.
43. There are three submissions on NFL-R10; two are in support, one of which is opposed by a further submission, one seeks amendments and is opposed by a further submission.
44. There are six submissions on NFL-R11. Four submissions are in support, two of which are supported by one further submission each and one of which is opposed by one further submission. Two submissions seek amendments, one of which is opposed by a further submission and the other is supported by a further submission.
45. There are four submissions on NFL-R12. Two are in support, one of which is opposed by a further submission. Two seek amendments, one of which is supported by a further submission. There are six submissions on NFL-R13. Two are in support, one of which is supported by a further submission. Two are in opposition and seek amendments, one of which is supported by a further submission. Two seek amendments, one of which is opposed by a further submission.
46. There are three submissions on NFL-S1; one in support and one in opposition seeking amendments. Another seeks amendments and this is opposed by a further submission. There are two submissions on NFL-S2; one in support and one in opposition seeking amendments.
47. There are four submissions on NFL-MD1, all in support; one is supported by a further submission, and one is opposed. There are two submissions on NFL-MD2, both in support. One is supported by a further submission.
48. There are six submissions relating to NFL-APP1. Three are in support; one of which is opposed by two further submissions and supported by one further submission, while another is supported by one further submission. Three are in opposition and seek amendments, one of which is opposed by a further submission. There is one submission on the planning map relating to the NFL overlay; it is in opposition and seeks amendment.

3.1.1 Report Structure

49. Submissions on the NFL chapter raised a range of issues which have been grouped into subtopics within this report. In accordance with Clause 10(3) of the Schedule 1 of the RMA, I have undertaken the evaluation on both a subtopics and provisions-based approach. Specific recommendations on each submission and further submission are contained in **Appendix B. I**

have considered commentary in further submissions as part of my consideration of the submission(s) to which they relate.

50. The following evaluation should be read in conjunction with the summaries of submissions and the original submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report.
51. I have provided a 'marked-up' version of the entire NFL chapter and the allocated defined term 'Plantation forestry' with recommended amendments in response to submissions as **Appendix A**. Recommended additions are shown as underlined text and recommended deletions are shown as struck through text. I have also provided either a summary of the amendment recommended, or 'marked-up' amendments recommended within the 'Summary of recommendations' subsection of each section.

3.1.2 Format for Consideration of Submissions

52. For each identified subtopic and provision (where the submission is not relevant to a subtopic), I have considered the submissions seeking amendments to the PDP in the following format:
 - i. Matters raised by submitters;
 - ii. Assessment;
 - iii. Summary of recommendations to submissions; and
 - iv. Section 32AA evaluation (where amendments are recommended).
53. **Appendix A** shows the recommended amendments to the NFL chapter and the applicable allocated definition. **Appendix B** shows my recommendations on all submissions and further submissions, along with reasoning, and whether changes to the provisions are required.

3.2 General Submissions

3.2.1 Matters raised by submitters

54. Clampett Investments Ltd (Clampett) [284.1] and Rolleston Industrial Developments Ltd (RIDL) [326.2 and 326.3] seek that all controlled and discretionary activities are amended to preclude them from limited or public notification. Royal Forest and Bird Protection Society Inc. (Forest and Bird) [FS78] oppose this relief via further submission on the basis that there may be instances where notification is appropriate. Andrea Marsden [FS199] and Christopher Marsden [FS120] both oppose RIDL [326.2] via further submission as all applications should be open for community consultation to give communities a voice and removing this could risk the system being exploited. The Ohoka Residents Association [~~FS84~~ and ¹FS137] oppose RIDL [326.2] and [326.3] via further submission on the basis that it is inconsistent with national policy direction and contrary to the Operative Plan and PDP and oppose the "inappropriate satellite town" proposed in Ohoka.
55. RIDL [326.1] seeks that all provisions in the PDP are amended to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'. There are four further submissions on RIDL [326.1],

¹ Error correction

all opposed, from the Ohoka Residents Association [FS84 and FS137], Andrea Marsden [FS119], and Christopher Marsden [FS120], and Forest & Bird [FS78]. Andrea Marsden [FS119] and Christopher Marsden [FS120] state that these absolutes have the purpose of ensuring compliance and removing them would open the system up for potential abuse. The Ohoka Residents Association [FS84 and FS137] reiterate their opposition to the “inappropriate satellite town” proposed in Ohoka and state that the RIDL submission is inconsistent with national policy direction. Forest & Bird’s [FS78] reasoning did not relate to this submission point, rather it stated that there may be instances where it is appropriate to notify consents.

3.2.2 Assessment

56. These submissions seek amendments to the entire PDP, however I have considered them in the context of the NFL chapter. There are no controlled activities within the notified version of the NFL chapter. NFL-R7 is a restricted discretionary activity, and NFL-R1 to NFL-R6 are permitted activities which lead to a restricted discretionary activity status if there is a non-compliance with the activity standards. The RMA contains a specific process for determining notification on a case-by-case basis and in my opinion that statutory process should appropriately apply.
57. No non-notification clauses are proposed as ONL/ONFs are a public good and are within generally public spaces so effects on them are typically external. Furthermore, it is not always possible to identify all the affected parties from a proposal. The public should not be prevented from providing input to effects on a public good where it may be appropriate, thus I do not agree with this request for a blanket clause preventing notification for these activities.
58. Regarding RIDL [326.1], the NFL chapter uses the term ‘avoid’, but does not use the terms ‘maximise’ or ‘minimise’. Section 6(b) of the RMA requires protection of ONL/ONFs therefore I consider the use of ‘avoid’ is appropriate and would be consistent with direction within the RMA.

3.2.3 Summary of recommendations

59. For the reasons outlined in the assessment above, I recommend that the following submissions in terms of their application to the NFL chapter be **rejected**:
 - i. RIDL [326.1, 326.2, and 326.3]; and
 - ii. Clampett [284.1].
60. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
61. I recommend that no change be made to the Proposed District Plan.

3.3 Inappropriate activities or effects related submissions

3.3.1 Matters raised by submitters

62. Six submissions seek amendments relating to inclusion of the word ‘inappropriate’ in relation to land use and development, or adverse effects.
63. Transpower New Zealand Ltd (Transpower) [195.85, 195.86, 195.88, and 196.89] seek amendment of NFL-O1, NFL-O2, NFL-P1, and NFL-P2 respectively to add ‘inappropriate’ in reference to land use/activities and development to align with s6(b) of the RMA. These are

supported by further submissions from KiwiRail Holdings Limited (KiwiRail) [FS99] as it improves RMA alignment and links to infrastructure related sections. Further submissions from Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited (Chorus, Spark, Vodafone) [FS95] also support 195.85 and 195.86 as they consider the proposed wording amendment better reflects s6(b) of the RMA.

64. Waka Kotahi NZ Transport Agency (Waka Kotahi) [275.24 and 275.25] seek amendment of NFL-O1 and NFL-O2 respectively to add 'inappropriate' in reference to adverse effects, to align with s6(b) of the RMA and limit the scope for consideration of effects⁶.

3.3.2 Assessment

Objectives

65. I consider the protection required by NFL-O1 and NFL-O2 to be an absolute and therefore more restrictive than s6(b) of the RMA. I therefore consider the request by Transpower [195.85, 195.86,] to amend NFL-O1 and NFL-O2 to add reference to 'inappropriate' land use or development would better align these objectives with s6(b) of the RMA. It provides for activities such as infrastructure that have a functional or operational need to locate within an ONF/ONL. My understanding is that this view aligns with that to be provided by the chapter author of Strategic Directions in their [Right of Reply Preliminary Response to written questions on Strategic Directions²](#) in relation to whether SD-O1(3) should be amended to better reflect s6(b) of the RMA by limiting this protection to '*inappropriate subdivision, use, and development*'.
66. Similarly, I also agree with Waka Kotahi's [275.24 and 275.25] request to add 'inappropriate' to NFL-O1 and NFL-O2 however consider it better aligns with s6(b) of the RMA if it relates to the 'land use or development' instead of the 'adverse effects'.
67. I consider the recommended amendment to NFL-O1 and NFL-O2 of adding 'inappropriate' in reference to land use or development would better link the submissions (outlined in section 3.4 of this report) seeking provision for energy and infrastructure that has a functional need or operational need to locate within ONL/ONF as it provides a pathway for such appropriate activities.

Policies

68. Regarding Transpower's [195.88 and 195.89] request to add 'inappropriate' in reference to 'activities and development' to NFL-P1 and NFL-P3, I agree with this approach as it would improve alignment with s6(b) of the RMA by removing the absolute protection of the notified versions of NFL-P1 and NFL-P3, would better achieve the amended objectives, and provide a pathway for consideration through the resource consent process of the adverse effects and suitability of appropriate activities to occur within ONF/ONL. This is particularly relevant with respect to Policy EI-P5 that sets out the hierarchy for managing adverse effects of energy and infrastructure.

Inappropriate subdivision

⁶ One further submission supports this however the reasoning relates to other relief sought in this submission point and not in relation to adding 'inappropriate' thus is discussed in Section 3.5.

² Error corrected

69. I note that the notified version of NFL-O1, NFL-O2, NFL-P1, and NFL-P3 do not refer to subdivision, only land use/activities and development. Subdivision within a ONF/ONL is a discretionary activity under Rule SUB-R9. The submissions mentioned above sought alignment with s6(b) of the RMA, however none of their relief sought requested reference to subdivision be added. While I consider there is scope within these submissions to amend these provisions to also add in reference to subdivision when referring to 'inappropriate land use/activities and development', I do not consider it necessary as subdivision can be considered a form of development.
70. I note that the objectives and policies of the Subdivision chapter are primarily directed to matters of subdivision design, density, Outline Development Plans, esplanade reserves and other "technical" aspects related to subdivision. The objectives and policies relevant to subdivision in silent with respect to subdivision within "District Wide Matters" and "Area Specific Matters", as the relevant objectives and policies are contained within each chapter. However, if the Hearings Panel considers there is, this would also improve alignment with s6(b) of the RMA and provide a clearer pathway for SUB-R9.

3.3.3 Summary of recommendations

71. I recommend that the submissions from the following submitter be **accepted**:

i. Transpower [195.85 and 195.86].

72. I recommend that the submissions from the following submitters be **accepted in part**:

i. Transpower [195.88 and 195.89] as they relate to the addition of the word 'inappropriate' to NFL-P1 and NFL-P3; and

ii. Waka Kotahi [275.24 and 275.25].

73. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

74. I recommend the following amendment to NFL-O1, in response to submission 195.85 and 275.24 (as it relates to the reference to 'inappropriate'), as shown below and in **Appendix A**:

"NFL-O1 - Outstanding natural landscapes are protected from inappropriate land use or development that would adversely affect the values of these landscapes."

75. I recommend the following amendment to NFL-O2, in response to submission 195.86 and 275.25 (as it relates to the reference to 'inappropriate'), as shown below and in **Appendix A**:

"Outstanding natural landscapes are protected from inappropriate land use or development that would adversely affect the values of these landscapes."

76. I recommend the following amendment to NFL-P1, in response to submission 195.88 (as it relates to the reference to 'inappropriate'), as shown below and in **Appendix A**:

"Protect Outstanding Natural Features

Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of inappropriate activities and development by:..."

77. I recommend the following amendment to NFL-P3, in response to submission 195.89 (as it relates to the reference to 'inappropriate'), as shown below and in **Appendix A**:

“Protect Outstanding Natural Landscapes

Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of inappropriate activities and development by:....”

3.3.4 Section 32AA evaluation**3.3.4.1 Section 32AA evaluation - Amendment to objectives**

78. In my opinion, the recommended amendments to the NFL-O1 and NFL-O2 are the most appropriate way to achieve the purpose of the RMA as they improve alignment with s6(b). This also improves alignment with the following relevant higher-level documents - Objective 12.2.1 and Policy 12.3.2 of the RPS, Policy 3⁷ and Policy 4⁸ of the NPSET, and Policy C1⁹ of the NPSGEN.
79. I consider NFL-O1 and NFL-O2 (as amended) are implemented by the following policies:
- a. NFL-P1 (Protect Outstanding Natural Features) and NFL-P3 (Protect Outstanding Natural Landscapes) both seek to protect landscape values; while
 - b. NFL-P2 (Ngāi Tūāhuriri customary harvesting); EI-P5 (Manage adverse effects of energy and infrastructure), NH-P9 (Community scale natural hazard mitigation works), EW-P1 (Enabling earthworks), and SIGN-P5 (Signs in sensitive areas) seek to enable certain appropriate activities within ONL/ONFs.
80. I consider the recommended amendments to NFL-O1 and NFL-O2 better align with these above policies by providing a clearer pathway for appropriate activities to occur.
81. I do not consider the recommended amendments to the objectives would conflict with any other relevant objectives of the PDP; provided SD-O1(3) is amended as recommended by the

⁷ NPSET Policy 3 – “When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.”

⁸ NPSET Policy 4 – “When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.”

⁹ NPSGEN POLICY C1 “Decision-makers shall have particular regard to the following matters:

- a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;
- d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) adaptive management measures.”

Strategic Directions author (refer to section 3.3.2 above). I consider the recommended amendments to the objectives would improve alignment with SD-O3(2)¹⁰.

82. The recommended amendments provide a pathway for appropriate activities that may adversely affect values to be considered as to their suitability to locate within ONF/ONLs, such as energy and infrastructure activities with a functional need or operational need to locate there.
83. In my opinion, the risk of not acting is that NFL-O1 and NFL-O2 will be interpreted to requiring absolute protection, which does not align with s6(b) of the RMA. I therefore consider the recommended amendments improve efficiency and effectiveness of the PDP provisions.
84. I consider the recommended amendments will guide decision-making and will not result an unacceptable level of uncertainty or risk as the policies and rules provide clarity on what is considered 'inappropriate', nor will they impose unjustifiably high costs on the community.
85. Therefore, in my opinion, the recommended amendments to NFL-O1 and NFL-O2 are the most appropriate way of achieving the purpose of the RMA.

3.3.4.2 Section 32AA evaluation - Amendment to policies

86. I consider the recommended amendments to NFL-P1 and NFL-P3 are the most appropriate way to achieve the objectives (versions of NFL-O1 and NFL-O2 as recommended to be amended above) as they provide a pathway for appropriate activities that may adversely affect values to be considered as to their suitability to locate within ONF/ONLs, such as energy and infrastructure activities with a functional need or operational need to locate there.
87. In my opinion, the risk of not acting is that NFL-P1 and NFL-P3 will be interpreted to requiring absolute protection, which does not align with s6(b) of the RMA and conflicts with EI-P5. I therefore consider the recommended amendments improve efficiency and effectiveness of the PDP provisions.
88. I consider the recommended amendments will guide decision-making and will not result an unacceptable level of uncertainty or risk as the applicable rules and standards provide clarity on what is considered 'inappropriate', nor will they impose unjustifiably high costs on the community. The recommended amendments to NFL-P1 and NFL-P3 better implement the recommended amendments to NFL-O1 and NFL-O2 than the notified versions of NFL-P1 and NFL-P3 as they provide a clearer pathway for appropriate activities to occur within a ONF/ONL.
89. Therefore, in my opinion, the recommended amendments to NFL-P1 and NFL-P3 are the most appropriate way of achieving the objectives.

¹⁰ SD-O3(2) "infrastructure, including strategic infrastructure, critical infrastructure and regionally significant infrastructure: (a) is able to operate efficiently and effectively; and (b) is enabled, while: (i) managing adverse effects on the surrounding environment, having regard to the social, cultural and economic benefit, functional need and operational need of the infrastructure; and...."

3.4 Energy, infrastructure, and transport related submissions

3.4.1 Energy, infrastructure, and transport - General approach

90. Twenty submissions relate to the relationship between the NFL chapter and Energy and Infrastructure chapter. Primarily, submitters are seeking exemptions for infrastructure within the ONL, ONFs, or SAL to recognise instances where it has a functional need and operational need to locate within these areas.
91. Due to the extent of submissions relating to this subtopic, submissions have been separated into the following two subcategories in the analysis below:
 - i. Policies; and
 - ii. Introduction, rules, and standards
92. In terms of overall context, the notified version of SD-O3(2)(b)(i) requires enablement of infrastructure while managing adverse effects on the surrounding environment, having regard to the social, cultural and economic benefit, functional need and operational need of the infrastructure.
93. The notified version of SD-O1(3) requires '*outstanding natural features and outstanding natural landscapes are identified and their values recognised and protected*'. The chapter author of Strategic Directions noted in their preliminary response to written questions on Strategic Directions¹¹ that SD-O1(3) is being recommended to be amended to better align with s6(b) of the RMA by limiting its protection of ONL/ONFs to from 'inappropriate subdivision, use, and development'.
94. Discussions with the EI chapter author, along with chapter authors for other natural environment values section chapters and historic and cultural values section chapters, has resulted in an agreed recommended approach for amending the PDP to address matters raised in submissions relating to the application of the provisions in these chapters (including the NFL chapter) to energy, infrastructure, and transport activities.
95. It is recommended that the rules and standards of the NFL chapter shall not apply to energy and infrastructure activities where these activities within sensitive environments are already covered in the EI chapter. However, the objectives, policies, associated planning map overlay, and appendix in the NFL chapter would still apply. This would remove duplication and provide simplified plan implementation for energy, infrastructure, and transport providers.
96. I note that in most cases, the activity status for activities in the EI chapter is restricted discretionary if within an ONL, ONF, SAL. Within the NFL chapter the other activities provided range from permitted, to restricted discretionary, discretionary, or non-complying. I consider that these activities fit with the restricted discretionary status in the EI chapter and the applicable matters of discretion, typically EI-MD1, cover the key matters relating to effects on the values of these areas.

¹¹ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0018/132714/STRATEGIC-DIRECTIONS-COUNCIL-PRELIMINARY-QUESTIONS.pdf

97. A gap analysis identified the following two gaps between the coverage of NFL rules relating to energy, infrastructure, and transport within the EI chapter rules and Transport (TRAN) chapter rules:
- i. Rule NFL-R8 (discretionary activity) restricts centre pivot and traveling irrigators within ONL/ONF/SAL, and this activity is not controlled within the EI rules. Rule EI-R50 is for 'new, or extension or expansion of existing, community scale irrigation/stockwater networks'. However, the activity standard (1) specifically excludes 'mobile irrigation equipment for the agricultural and horticultural activities'; and
 - ii. Rule NFL-R9 (discretionary activity) restricts the formation of new roads within ONL/ONF/SAL, and this activity, in terms of it occurring within a ONL/ONF/SAL, is not controlled within the TRAN rules. The EI chapter contains rule EI-R23 which controls the construction of new vehicle access tracks ancillary to infrastructure located in ONL/ONF/SAL as a restricted discretionary activity; however, it would exclude new roads that are not access tracks ancillary to infrastructure.
98. Therefore, as the activities covered by NFL-R8 and NFL-R9 are not addressed in the EI chapter and TRAN chapter, I consider these should still apply to energy, infrastructure and transport activities and the rules should be retained.
99. A gap analysis of the NFL standards (NFL-S1 – Building and structures reflectivity, and NFL-S2 – Building coverage) identified that both standards are not provided for in the EI chapter. Therefore, I consider these standards would still need to apply to energy and infrastructure activities and should be retained.
100. Regarding the relationship between the provisions (notified versions) of the NFL chapter, EI chapter, and TRAN chapter – I consider that:
- i. The NFL chapter contains provisions to:
 - protect the values of ONL/ONF as required by s6(b) of the RMA; and
 - maintain the values of SAL as required by s7(c) (maintenance and enhancement of amenity values), and 7(f) (maintenance and enhancement of the quality of the environment) of the RMA;
 - ii. The EI chapter contains provisions to provide a pathway, via policy EI-P5, to enable consideration of energy and infrastructure within ONL/ONF/SAL where there is a functional need or operational need to locate there and effects are managed via the effects hierarchy; and
 - iii. Roads are included within the definition of 'infrastructure'¹², thus the provisions of the EI chapter apply to roads. However, the TRAN chapter contains more specific provisions for roads. The TRAN chapter does not include policies or rules relating to transport activities within ONL/ONF/SAL.

¹² PDP and RMA definition of infrastructure includes "... (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:..."

101. Regarding the best location for the rules and standards that still apply to these energy and infrastructure activities, the National Planning Standards¹³ state provisions protecting an ONF/ONL must be in NFL chapter, while provisions relating to energy, infrastructure and transport must be in the EI or TRAN chapters. The National Planning Standards do not clarify which chapter has primacy when these provisions relate to both ONL/ONFs and energy, infrastructure, and transport.

3.4.2 Energy, infrastructure, and transport - Policies

3.4.2.1 Matters raised by submitters – Policies

3.4.2.1.1 New policy request - recognition of existing and future activities

102. Waimakariri Irrigation Limited (WIL) [210.40] and Dairy Holdings Limited (DHL) [420.24] request (respectively) the addition of a new policy that recognises existing activities. WIL [210.40] seeks a new policy that recognises existing and future irrigation and stockwater activities within ONL/ONF/SAL that have a reasonable need to operate there. Federated Farmers of New Zealand Inc. (Federated Farmers) supports this via further submission [FS83] on the basis that it is essential to recognise this at the policy level. DHL [420.24] seeks a new policy that recognises there may be working farmland and rural production within ONL/ONF/SAL.

3.4.2.1.2 Location of infrastructure

103. Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited (Chorus, Spark and Vodafone) [62.47, 62.48, 62.49] considers EI-P5 (which recognises infrastructure may need to locate in sensitive environments and provides the framework for considering appropriateness) could be overridden by NFL-P1, NFL-P3, and NFL-P4. They thus seek amendments to NFL-P1, NFL-P3, and NFL-P4 to require consideration of EI-P5 in regard to infrastructure. A further submission [FS99] from KiwiRail supports these submissions. Waka Kotahi also supports 62.49 via further submission [FS110].
104. Transpower [195.88, 195.89, 195.90] seek amendment to NFL-P1, NFL-P3 and NFL-P4 respectively to add an exemption for when EI-P5 applies. A further submission from KiwiRail [FS99] supports these submissions as they will improve alignment with the RMA. A further submission from Department of Conservation (DoC) [FS77] opposes [195.90] and seeks application of an effects management hierarchy.
105. Mainpower New Zealand Ltd (Mainpower) [249.156, 249.157, 249.158] seek amendment to NFL-P1, NFL-P3, and NFL-P4 respectively to recognise that, due to locational, operational, and technical requirements, infrastructure may need to be located within areas with natural environment values.
106. Waka Kotahi [275.26 and 275.27] is concerned with the absolute nature of NFL-P1 and NFL-P3 respectively, noting there may be residual effects following all practicable efforts to avoid, remedy and mitigate effects of activities that have a functional or operational need to occur in these areas. It seeks amendments to NFL-P1 and NFL-P3 to provide a more nuanced approach, like that in NATC-P5 and NATC-P6. A further submission from KiwiRail [FS99] supports the

¹³ 7. District-wide Matters Standard – Mandatory directions

recognition of the functional and operational need of the location of infrastructure requested in 275.26 as it is not always possible to avoid effects of critical infrastructure.

3.4.2.2 Assessment - Policies

107. I consider DHL's request [420.24] for a new policy that recognises working farmland and rural production within ONF, ONL, and SAL is unnecessary as this matter is already covered by NFL-P1(6), NFL-P3(5), and NFL-P4(7) and s10 of the RMA provides for activities with existing use rights to continue to occur.
108. **Figure 1** and **2** below show the extent of the SAL and Waimakariri River ONF that are within the coastal environment, and coastal marine area.



Figure 1: Extent of SAL (yellow dotted overlay) and Rakahuri ONF (green dotted overlay) within Coastal Environment (blue lined overlay) and Coastal Marine Area (blue dotted line)



Figure 2: Extent of Waimakariri River ONF (green dotted overlay) within Coastal Environment (blue lined overlay) and Coastal Marine Area (blue dotted line)

109. I understand from discussions with the EI chapter author that EI-P5 may be subject to a recommended range of amendments, including ensuring that it aligns with Policy 15¹⁴ of the NZCPS in terms of provision for energy and infrastructure within an ONL and ONFs and protecting those outside the coastal environment from significant adverse effects, in order to give effect to the requirement in NZCPS Policy 15(a) to avoid adverse effects on these areas within the coastal environment. These recommended amended EI-P5 clauses would therefore not apply to the Rakahuri ONF as it is fully located within the coastal environment, and the sections of the Waimakariri River ONF and SAL within the coastal environment; and NFL-P1 and NFL-P4 would therefore apply on their own.
110. **Figure 3** below shows the how relatively geographically confined the Transpower assets are within the District; intersecting the Waimakariri River ONF and SAL only.

¹⁴ NZCPS Policy 15 - Natural features and natural landscapes - To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:....."

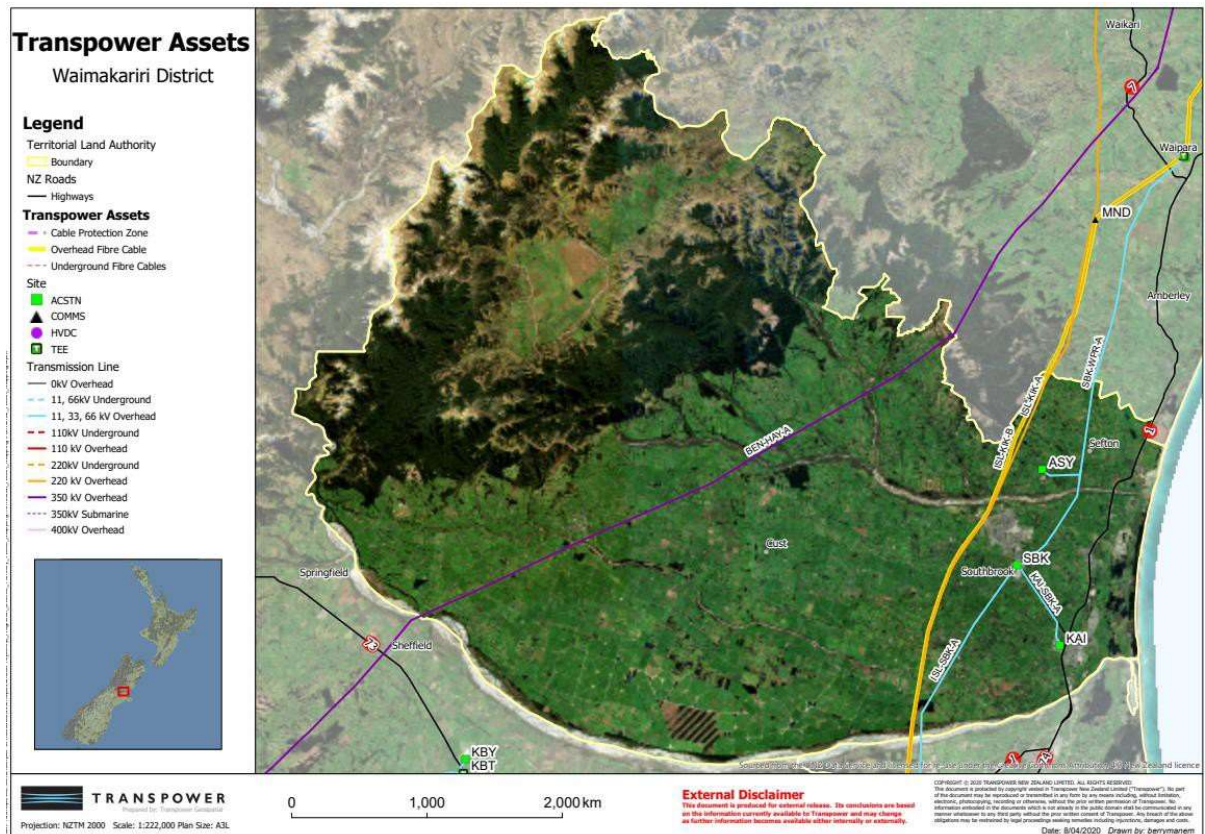


Figure 3: Transpower assets within the Waimakariri District (provided by Transpower as evidence for Hearing Stream 1 & 2).

111. I note that the Waka Kotahi and KiwiRail assets that intersect a ONF/ONF/SAL are limited to State Highway 1 and the South Island Main Trunk Line which cross the Waimakariri River ONF and SAL. At the time of writing this report, no evidence has been provided by other energy and infrastructure providers regarding their existing assets or plans for new major infrastructure within ONL/ONF/SAL.
112. Regarding the issue identified within submissions of the 'avoid' policies in NFL chapter precluding energy and infrastructure activities with functional or operational needs and conflicting with EI-P5, I consider these policies are more appropriately balanced during a resource consent decision making process.
113. I do not consider that it is necessary for a policy and its related rule(s) to be contained within the same chapter. In my opinion, the most relevant objectives and policies should be looked at regardless of which chapter they are located, in relation to the applicable rules. Policies NFL- P1, NFL-P3 and NFL-P4 apply to specific values or features. While EI-P5 provides a pathway for considering energy and infrastructure activities to locate within ONF/ONF/SAL where there is functional need or operational need. I do not consider it necessary that a policy encompass all aspects relating to it (e.g., protecting ONFs while enabling functional or operational need of infrastructure), I think it is reasonable for all relevant provisions of the PDP to apply to an activity.

3.4.3 Summary of recommendations – Policies

114. I recommend that the submissions from the following submitters be **rejected**:

- i. WIL [210.40];
- ii. Mainpower [249.156, 249.157, 249.158];
- iii. Chorus, Spark and Vodafone [62.47, 62.48, 62.49];
- iv. Waka Kotahi [275.26 and 275.27];
- v. Transpower [195.88, 195.89, 195.90], as they relate to cross-referencing to EI-P5; and
- vi. DHL [420.24].

3.4.4 Energy, infrastructure, and transport – Introduction, rules and standards

3.4.4.1 Matters raised by submitters – Introduction, rules and standards

115. WIL [210.41] seek amendment of the default activity status from non-complying to discretionary for NFL-R5 within the Waimakariri River ONF to enable the irrigation and stockwater scheme's smooth functioning. Mainpower [249.159] seek the amendment of NFL- R5 to provide for the replacement, maintenance and repair, and realignment of existing poles as a permitted activity. Mainpower [249.160] also seek clarification that NFL-R6 (access tracks and parking areas) is not applicable to infrastructure as the matter is covered by EI-R2.
116. Chorus, Spark and Vodafone [62.50] seeks amendment of NFL-S1 to add an exemption for utility poles in road corridors that will weather to a non-reflective colour without a specific reflectivity standard. Chorus, Spark and Vodafone [62.51] also seeks amendment of NFL-S2 to add an exemption for infrastructure with a footprint of less than 10m².
117. Mainpower New Zealand Ltd (Mainpower) [249.155] seeks hyperlinks from the Energy and Infrastructure (EI) Chapter to the relevant NFL rules so plan users can navigate with ease.
118. Transpower New Zealand Ltd (Transpower) [195.84] seeks amendments to the Introduction's 'Other potentially relevant District Plan provisions' section to clarify that the EI chapter contains rules relating to infrastructure activities within ONL/ONFs and the NFL rules do not apply. Waka Kotahi NZ Transport Agency (Waka Kotahi) [FS110] also supports this via further submission as it would assist plan interpretation and implementation.

3.4.4.2 Assessment – Introduction, rules and standards

119. Subject to the Hearings Panel agreeing with my assessment above, the amendments sought by submitters to NFL-R5 and NFL-R6, [210.41, 249.159, and 249.160] seeking exemptions for energy and infrastructure activities are not required as these rules would no longer apply to these activities.
120. Regarding Chorus, Spark and Vodafone's request [62.50] to amend NFL-S1 to add an exemption for utility poles in road corridors that will weather to a non-reflective colour without a specific reflectivity standard, I consider this is a reasonable request as it removes this calculation requirement for utility poles that weather to dull finish and are therefore unlikely to breach it.
121. Regarding Chorus, Spark and Vodafone's request [62.51] to amend NFL-S2 to add an exemption for infrastructure with a footprint of less than 10m², I also consider this is a

reasonable request as I agree that calculating compliance would be unnecessary given the scale of effects.

122. Regarding Mainpower's [249.155] request for hyperlinks from the EI chapter to the applicable NFL rules; I understand from discussions with the EI chapter author that hyperlinks from the EI chapter to the applicable NFL rules (NFL-R8 and NFL-R9) will be addressed in the EI s42A report and TRAN s42A report respectively. Thus, while related, the relief sought in this submission is not applicable to this chapter.
123. Regarding Transpower's request [195.84] to clearly state that the rules and standards of this chapter do not apply to energy and infrastructure activities as they are managed within the EI chapter; I agree in principle that the applicability of rules and standards should be clarified. However, as noted in the discussion above, I consider that NFL-R8, NFL-R9, NFL-S1, and NFL-S2 should still apply to energy and infrastructure activities, thus the recommended amendments would need to reflect this. I consider this matter should be covered in both the Introduction 'Other potentially relevant District Plan provisions' section, along with the Rules section via the addition of a 'How to interpret and apply the rules' section.
124. As noted in section 3.4.1 of this report, the National Planning Standards do not clarify which chapter should have primacy when provisions relate to both ONL/ONFs and energy, infrastructure, and transport.
125. The rules NFL-R8 (centre pivot or travelling irrigators) and NFL-R9 (formation of a new road) both relate to activities that could be undertaken by either an infrastructure provider or non-infrastructure provider (e.g., a farmer) so I consider the best location for them to be the NFL chapter. The standards NFL-S1 (Building and structures reflectivity) and NFL-S2 (Building coverage) relate to activities that could be undertaken by either an infrastructure provider or non-infrastructure provider thus these standards would need to be retained within the NFL chapter to provide for other non-infrastructure related activities that relate to them. This approach is marginally more user friendly and logical as the plan user would see the ONL/ONF overlay then refer to the NFL chapter for the associated provisions.
126. However, I consider an alternative to the above approach would be moving rule NFL-R8 to the EI chapter, and NFL-R9 to the TRAN chapter, and duplicating standards NFL-S1 and NFL-S2 in the EI chapter while retaining them in the NFL chapter (given they would apply to both infrastructure and non-infrastructure activities). This would result in the same outcome as these rules and standards will still apply. An advantage of this approach is it would enable more of a 'one-stop-shop' structure for the EI chapter from an infrastructure provider perspective. However, a disadvantage of this approach is that it would result in duplication of standards NFL-S1 and NFL-S2 in both chapters; and in relation to NFL-R8 and NFL-R9, it may also be marginally less user friendly and logical for non-infrastructure providers where the plan user may be more likely to see the ONL/ONF overlay then refer to the NFL chapter for the associated provisions.

3.4.4.3 Summary of recommendations – Introduction, rules and standards

127. I recommend that the submissions from the following submitters be **accepted**:

- i. Chorus, Spark and Vodafone [62.50 and 62.51].

128. I recommend that the submissions from the following submitters be **accepted in part**:

- ii. Transpower [195.84].

129. I recommend that the submissions from the following submitters be **rejected**:

- i. WIL [210.41]; and
- ii. Mainpower [249.155, 249.159, 249.160].

130. I recommend the following amendments to the 'Other potentially relevant District Plan provisions' section, in response to submissions 195.84 as shown below and in **Appendix A**:

"Other potentially relevant District Plan provisions"

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

".....

- Energy and Infrastructure: this chapter includes provisions to manage energy and infrastructure activities within ONL, ONFs, and SAL; as such the rules within the NFL Chapter do not apply to energy and infrastructure activities (except for NFL-R8 and NFL-R9 which do apply)³. The objectives, policies, standards, matters of discretion, appendix, and planning map overlay relating to the NFL chapter do apply to energy and infrastructure activities within ONL, ONFs, or SAL.
...."

131. I recommend the following amendment to the Rules section in response to submission 195.84 as shown below and in **Appendix A**:

"Rules"

How to interpret and apply the rules

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

132. I recommend the following amendment to NFL-S1 in response to submission 62.50 as shown below and in **Appendix A**:

"Exemptions"

- NFL-S1 (1) does not apply to:
 - natural timber as exterior building materials; or
 - windows, window frames, bargeboards, stormwater guttering, downpipes or doors which may be of any colour; or
 - infrastructure poles and attached equipment within road reserve finished in materials that will naturally weather to a non-reflective colour."

133. I recommend the following amendment to NFL-S2 in response to submission 62.51 as shown below and in **Appendix A**:

"Exemptions"

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

³ Error corrected

3.4.4.4 Section 32AA evaluation – Introduction, rules and standards

134. In my opinion, the recommended amendments to the NFL Introduction and Activity Rules section, are a more appropriate, efficient, and effective way in achieving the objectives of the PDP than the notified provisions as it aids plan implementation by clarifying which provisions of the NFL chapter apply to energy and infrastructure and removes the current duplication with rules between the NFL and EI chapters.
135. I consider that the recommended amendments to NFL-S1 and NFL-S2 to exempt specific infrastructure will remove unnecessary calculations and compliance requirements for infrastructure that would be unlikely to adversely affect landscape values. This improves the efficiency of the provisions by limiting the compliance assessments to activities that would be more likely to affect landscape values.
136. In my opinion, the recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.5 Practicability limits related submissions

3.5.1 Matters raised by submitters

137. Five submissions seek amendments relating to the addition of limits relating to practicability.
138. WIL [210.35 & 210.36] seeks amendment of NFL-O1 and NFL-O2 respectively to add reference to “*where reasonably practicable*” in relation to protection of ONF/ONLs.
139. Similarly, Waka Kotahi [275.24 and 275.25] seeks amendment of NFL-O1 and NFL-O2 respectively to add reference to “*as far as practicable*” in relation to protection of ONF/ONLs. KiwiRail support these via further submission [FS99] as it recognises instances where ONFs cannot be absolutely protected.
140. WIL [210.37] seeks amendment of NFL-P1(1) and (2) to add “where practicable, or otherwise remedying, mitigating or offsetting” after ‘avoiding’ it considers ‘avoiding’ inappropriately restrictive given the significance of the Waimakariri River for the District. Federated Farmers support this via further submission [FS83] noting that the practicality test is appropriate.

3.5.2 Assessment

141. I do not agree with these submissions as s6(b) of the RMA requires protection of ONL/ONFs from inappropriate activities so adding a practicability qualifier for this protection would not align with this. EI-P5 provides for functional need and operational need and includes the words “*...to the extent considered practicable...*” (noting that the EI chapter author has given a preliminary indication that the word ‘considered’ will be recommended to be removed).
142. While the recommended amendments to objectives NFL-O1 and NFL-O2 seek to provide for some activities via the addition of ‘inappropriate’; overall these objectives still require protection of ONF/ONLs, rather than just doing this ‘where practicable’, which is a subjective term. I do not consider the addition of a practicability limit is appropriate for NFL-O1, NFL-O2, and NFL-P1.

3.5.3 Summary of recommendations

143. I recommend the submissions from the following submitters be **rejected**:
- i. WIL [210.35, 210.36, and 210.37]; and
 - ii. Waka Kotahi [275.24 and 275.25 – as they relate to the requested addition of ‘as far as practicable’].
144. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
145. I recommend no amendments be made to the PDP.

3.6 Rural production vs primary production related submissions

3.6.1 Matters raised by submitters

146. Two submissions, both by Fulton Hogan Ltd [41.25 and 41.26], seek amendment to NFL- P3(5) and NFL-P4(7) respectively to refer to ‘primary production’¹⁵ instead of ‘rural production’¹⁶ in order to include quarrying. Fulton Hogan [41.26] also seeks reference to ‘quarrying’ be deleted from NFL-P4(4) to align with this request.

3.6.2 Assessment

147. I do not agree with the request to amend references to ‘rural production’ to ‘primary production’ as use of the term ‘rural production’ ensures that quarrying, which is an identified threat to ONL/ONF/SAL values, is not provided for. Similarly, I do not agree with the aligning request to delete ‘quarrying’ from NFL-P4(4), which details incompatible activities that should be avoided within a SAL. I consider that given the potential threat quarrying poses to these areas, a resource consent pathway is appropriate to adequately manage these activities.
148. While consistency with the National Planning Standards definitions is optimal, the inclusion of quarrying activities within ‘primary production’ means it is inappropriate in relation to the ONFs, ONL, and SAL. The narrower application of ‘rural production’ compared to ‘primary production’ aligns with the National Planning Standards’ mandatory directions relating to definitions¹⁷ provision for terms that are a subcategory or have a narrower application.

¹⁵ ‘Primary production’ means any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but excludes further processing of those commodities into a different product. (National Planning Standard definition)

¹⁶ ‘Rural production’ means agricultural, pastoral, horticultural, forestry and woodlot activity; and includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a); includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but excludes further processing of those commodities into a different product. Rural production excludes outdoor intensive primary production activities or indoor intensive primary production activities.

¹⁷ Section 14.1 of the National Planning Standards (page 53).

149. The policy approach here is to leave existing mining and quarrying activities with existing use rights and require assessment of any new activity, or activity without existing use rights, to be assessed. The s32 report (page 22) supports this approach where it notes *"It is important to recognise the existing activities occurring on privately owned sites and target the provisions to manage only those new activities that create adverse effects on the identified values. Provisions that are overly restrictive could undermine the ability to continue to utilise privately owned areas for existing activities."*

150. I therefore consider it is appropriate to retain the use of 'rural production' within the NFL chapter in order to not enable quarrying and mining as a permitted activity.

3.6.3 Summary of recommendations

151. I recommend that the submissions from the following submitters be **rejected**:

- i. Fulton Hogan Ltd [41.25, and 41.26 as it relates to the ~~addition~~-deletion⁴ of 'and quarrying' to NLF-P4(4)].

152. I recommend no amendments be made to the PDP.

3.7 Inclusion of Lees Valley floor within ONL related submissions

3.7.1 Matters raised by submitters

153. Two submissions relate to the exclusion of the Lees Valley floor within the ONL.

154. Emily Arthur-Moore [130.3] opposes the exclusion of the Lees Valley from the ONL and seeks it be included.

155. North Canterbury Fish and Game Council (Fish and Game) [362.5] opposes NFL-P3 on the basis that the ONL excludes Lees Valley and seeks its inclusion until the full Significant Natural Area (SNA) mapping process is completed. Forest and Bird support this request via further submission [FS78], while Federated Farmers oppose it [FS83] on the basis that it would be premature to include Lees Valley as an ONL.

3.7.2 Assessment

156. Regarding the request by Emily Arthur-Moore [130.3] and Fish and Game [362.5] to include Lees Valley in the Puketeraki and Oxford ONL, the basis for the boundary of this ONL is outlined in the Boffa Miskell Ltd report¹⁸, and is in accordance with Policy 12.3.4(1) of the Operative Canterbury Regional Policy Statement (RPS). It concludes that the Lees Valley floor does not reach the threshold of outstanding because *"modifications through farming has substantially modified the majority of the valley floor and toe slopes with improved pastures, roads, farm tracks, buildings, shelterbelts, woodlots, and fenced paddocks that extend some way up the lower slopes. While the valley floor and toe slopes add visual context and 'complete' the Lees Valley landform they are not of themselves natural enough to be included in the proposed ONL"*.

¹⁸ Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

⁴ Error corrected

157. I agree with this assessment's reasoning for excluding the Lees Valley floor from the ONL. I agree with this assessment's reasoning for excluding the Lees Valley floor from the ONL. I analysed the aerial imagery (sourced from the PDP ePlan¹⁹ map which is dated 2022) in relation to the Lees Valley floor and toe slopes which were excluded from ONL and concur that this involves pasture, roads and tracks, buildings, shelterbelts, woodlots, and fenced paddocks. I therefore do not consider this requires a reassessment by an expert. The submitters have not provided an alternative assessment to support their requests.
158. Fish and Game [362.5] note that the Lees Valley should be included in the ONL until the full SNA mapping process is complete. While identification of mapped SNAs is not complete for this area, many of the areas of indigenous vegetation would be covered by the unmapped SNA provisions (via ECO-SCHED2) and the non-SNA indigenous vegetation clearance rule (via ECO-R2). I consider protection via the ONL provisions is only appropriate for areas that meet the criteria for an ONL.

3.7.3 Summary of recommendations

159. I recommend that the submissions from the following submitters be **rejected**:
- i. Emily Arthur-Moore and Fish [130.3]; and
 - ii. Fish and Game [362.5].
160. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
161. I recommend no amendments be made to the PDP.

3.8 Waimakariri River ONF overlay extent related submissions

3.8.1 Matters raised by submitters

162. DHL [420.40 & 420.43] raised concerns with the mapped extent of the Waimakariri River ONF, noting that it includes areas with tracks, shelterbelts, farmland, scrub, and weeds on 1453, 1047 and 1135A Thongcaster Road and 369 Waimakariri Gorge Rd. DHL requests that the overlay is removed from 1453, 1047 and 1135A Thongcaster Road [420.40]; and the overlay is amended to exclude the developed pasture, tracks, and shelterbelts on 369 Waimakariri Gorge Rd [420.43].
163. WIL [210.68] requests that the overlay is amended to reflect the RMA's definition of 'riverbed' (the area covered by water when the river is at its fullest flow in 'usual' conditions²⁰) and exclude the Browns Rock intake infrastructure.

3.8.2 Assessment

164. The process of identifying the ONF involved evaluation of its landscape values (biophysical values, sensory values, and associative values) and confirmation of its geographic extent, along

¹⁹ <https://waimakariri.isoplan.co.nz/draft/property/1578675/1512617/5243973/5172172/0/226>

²⁰ As confirmed by the Court of Appeal in *Canterbury Regional Council v Dewhirst Land Company* [2019] NZCA 486

with consideration of threats to these landscape values²¹. These threats subsequently helped inform the activity rules that apply to the ONF.

165. **Figures 4 to 7** below show the extent of the Waimakariri River ONF on the properties identified by the submitters. The green dotted overlay shows the extent of the Waimakariri River ONF in relation to the selected properties. The selected properties are demarcated by a black and white dotted line.



Figure 4: 1453 Thongcaster Road - Waimakariri River ONF

²¹ Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

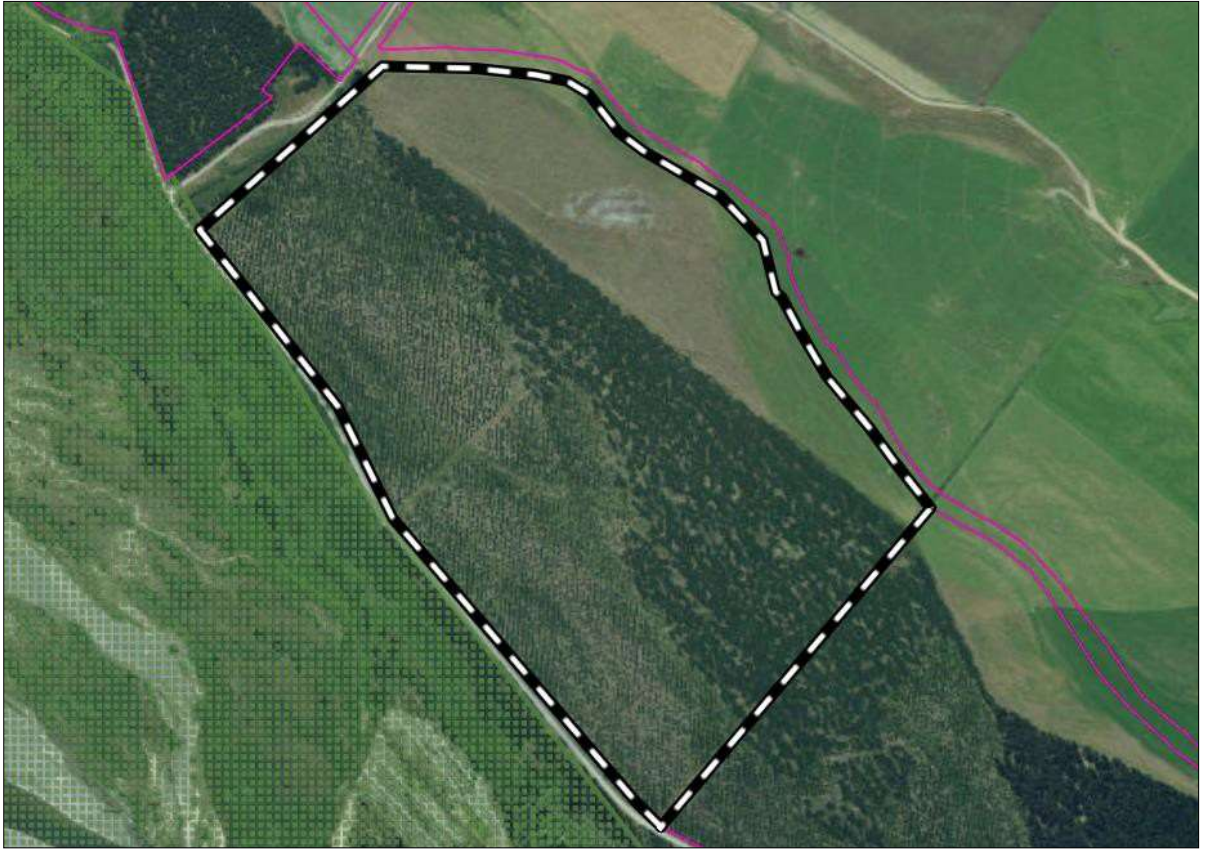


Figure 5: 1047 Thongcaster Road - Waimakariri River ONF



Figure 6: 1135A Thongcaster Road - Waimakariri River ONF



Figure 7: 369 Waimakariri Gorge Road - Waimakariri River ONF

166. Regarding the mapped extent of the Waimakariri River ONF, the Boffa Miskell Ltd report²² states that this feature:

- i. *“Includes the braided riverbed, the immediately adjacent flood plain/banks, vegetation growing on the edge of the active gravel bed, some access roads, and recreational tracks.*
- ii. *Excludes productive agricultural land, and wide areas of exotic vegetation or forestry, such as willow and pine plantation, that extend across the wider abandoned riverbanks.”*

167. I analysed aerial imagery (sourced from the PDP ePlan²³ map which is dated 2022) of the parts of these properties within the ONF overlay and considered this in the context of these inclusions and exclusions above. I identified there are some areas within the overlay that contain productive agricultural land and forestry.

168. Given the above discrepancies, I sought technical advice from Bron Faulkner, the author of the Boffa Miskell Ltd report, via a reassessment of the boundary of the Waimakariri River ONF within these properties at a finer scale to better align with its geographic extent (physical

²² Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

²³ <https://waimakariri.isoplan.co.nz/draft/property/1578675/1512617/5243973/5172172/0/226>

features that comprise the edge of the river margin such as vegetation, terrace landforms, water courses, roads, irrigation intakes, and fences).

169. This reassessment in response to the subject submissions is provided in **Appendix D** and concludes the following:

- a. 1047 Thongcaster Rd [420.40]:
 - i. A fine scale review shows the ONF does not overlay any part of this property.
- b. 1135A Thongcaster Rd [420.40]:
 - i. Reassessment of the ONF at a finer scale recommends excluding a small sliver of developed land located on the river side of the road.
- c. 1453 Thongcaster Rd [420.40]:
 - i. Reassessment of the ONF at a finer scale recommends the boundary be amended to exclude the Browns Rock irrigation intake infrastructure and align more closely with the top of the river terrace. The steep terrace face and vegetated flood plain at its base comprise the river margin and are integral to the ONF.
- d. 369 Waimakariri Gorge Rd [420.43]:
 - i. Reassessment of the ONF at a finer scale recommends the boundary be amended to exclude a strip of developed land and align more closely with the edge of the river margin where it adjoins developed farmland (using a combination of physical features - vegetation, fence lines and recently active riverbed margins).
- e. Amend overlay to exclude Browns Rock intake infrastructure and reflect definition of 'riverbed' [210.68]:
 - i. Reassessment of the ONF recommends removal of the Browns Rock intake infrastructure.
 - ii. Regarding the request to amend the ONF to limit it to parts of the river that meet the RMA's definition of 'riverbed'²⁴ – the RPS requires identification of ONFs that encompass the attributes and corresponding values that make it an ONF. The delineation of this ONF includes the riverbed and its margins as single element within the wider Canterbury Plains landscape.

170. I concur with the reassessment above. In the absence of information provided by the submitters as to why the areas of the Waimakariri River ONF within the subject properties that

²⁴ I note that the RMA does not include a definition of the 'riverbed' however does include the following definition of 'bed': "*means, - (a) in relation to any river (i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks: (ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and...*"

the reassessment above recommends remain within the ONF, then in my opinion, the extent of the ONF should be amended to align with this reassessment.

3.8.3 Summary of recommendations

171. I recommend that the submissions from the following submitters be **accepted in part**:

- i. DHL [420.40 and 420.43]; and
- ii. WIL [210.68].

172. Based on the conclusions of Bron Faulkner (author of reassessment in **Appendix D**) I recommend the Natural Features and Landscapes Overlay relating to the Waimakariri River ONF boundary within 1135A Thongcaster Rd, 1453 Thongcaster Rd, 369 Waimakariri Gorge Road, and as it relates to the Browns Rock intake structure, be amended as outlined above and shown in **Appendix A**.

3.8.4 Section 32AA evaluation

173. In my opinion, the amendments to the Natural Features and Landscapes planning map overlay as it relates to the Waimakariri River ONF is more appropriate in achieving the objectives of the PDP than the notified provisions. The site-specific reassessment of the Waimakariri River ONF overlay at 1047, 1135A, 1453 Thongcaster Rd and 369 Waimakariri Gorge Road means that areas that do not meet the ONF values no longer have the associated restrictions on them, and the areas that do meet the values do. This is more efficient and effective than the notified provisions in achieving the objectives of the PDP.

174. I consider the recommended amendments will have greater economic benefits than the notified provisions as it removes the NFL restrictions from the areas that do not meet the ONF values. The recommended amendments will have no greater environmental, social, and cultural effects than the notified provisions.

3.9 Vegetation clearance and pastoral intensification related submissions

3.9.1 Matters raised by submitters

175. Three submissions [Emily Arthur-Moore 130.1, Fish and Game 362.7 & 362.8] seek the addition of rules requiring resource consent for pastoral intensification and vegetation clearance within the ONL. Fish and Game [362.7] seeks this apply to indigenous vegetation clearance, while Fish and Game [362.8] and Emily Arthur-Moore [130.1] seek this apply to any vegetation clearance.

176. Fish and Game [362.8] considers pastoral intensification, agricultural conversion, and vegetation clearance within the ONL is the biggest threat to landscape values. It requests converted pasture be mapped and rules introduced that require resource consent for vegetation clearance outside converted pasture areas, in order to consider landscape values.

177. Forest and Bird [FS78] support Fish and Game's submissions [362.7 & 362.8] via further submission. A Federated Farmers further submission [FS83] opposes Fish and Game's submission [362.7] because vegetation clearance is covered elsewhere in the PDP.

3.9.2 Assessment

178. The Boffa Miskell Ltd report²⁵ states that *"the presence of indigenous vegetation contributes to biophysical and often sensory landscape values"* and the removal of indigenous vegetation could adversely affect the ONL's natural science values, overall natural character, associative values, sensory and aesthetic values. I therefore agree with the submitters that vegetation clearance could adversely affect landscape values.
179. The Boffa Miskell Ltd report²⁶ states 'native vegetation clearance' is a threat for the ONL and notes that *"the extensive areas of indigenous forest, shrub and tussocklands are a key feature of the ONL. The removal of any of this native vegetation will adversely impact on the visual and landscape values of the hills and ranges, as well as the intrinsic values of the ecosystems. Indigenous vegetation in the ONL should be retained and protected, and opportunities be sought for enhancement and restoration."*
180. The NFL chapter does not contain rules relating to clearance of indigenous vegetation as this is covered in the Ecosystems and Indigenous Biodiversity chapter (ECO chapter) under rule ECO-R1 (indigenous vegetation clearance within a mapped or unmapped SNA) and rule ECO-R2 (indigenous vegetation clearance outside a mapped or unmapped SNA). **Figure 88** below shows a large proportion of the ONL is not within a mapped SNA; therefore, both ECO-R1 and ECO-R2 apply to this area. There are no rules in the PDP restricting clearance of non-indigenous vegetation, except for notable trees. ECO-R2 is the more permissive of the indigenous vegetation clearance rules. However, ECO-R2(6) precludes clearance of indigenous vegetation on land above 900m in altitude, which would account for a large proportion of the vegetation within the ONL, as shown in **Appendix E**.
181. ECO-MD1(6) includes consideration of effects on ONL values arising from indigenous vegetation clearance. NFL-MD1(9) includes consideration of the extent to which the proposal will result in significant loss of indigenous vegetation and biodiversity.
182. Therefore, there is minimal indigenous vegetation clearance permitted by ECO-R1 and ECO-R2 that would adversely affect landscape values. I consider that the addition of rules restricting the clearance of indigenous vegetation within the ONL would result in significant duplication with ECO-R1 and ECO-R2.

²⁵ Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

²⁶ Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

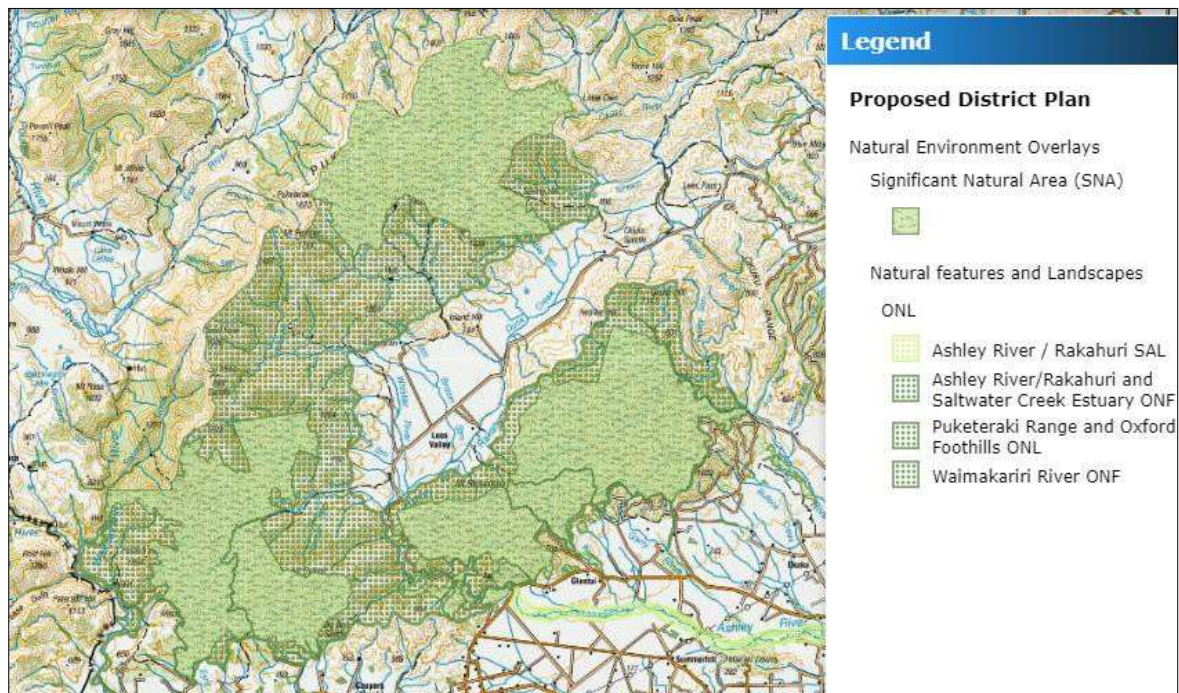


Figure 8: Planning map showing extent of mapped SNAs within ONL

183. Fish and Game [362.8] seek the mapping of converted pasture and the restriction of indigenous vegetation clearance outside these areas. ECO-R2(8)(b) provides for the clearance of indigenous vegetation for the purpose of maintaining improved pasture (within the Oxford, Torlesse or Ashley Ecological Districts). I note that for the purpose of this assessment I do not consider there is a notable difference between 'converted pasture' and 'improved pasture'. Fish and Game did not specify a definition for 'converted pasture', while 'improved pasture' is defined in the PDP. While mapping would provide for a clearer application of the rules, this would quickly become outdated as land use changes and would therefore need frequent planning map overlay updates. I therefore consider that the indigenous vegetation clearance rules-provisions (in reference to NFL-P3(3) and NFL-MD1(9) which both refer to the loss of indigenous vegetation in relation to effects on landscape values)⁵ in the NFL chapter in conjunction with rules ECO-R1 and ECO-R2 are sufficient to protect the landscape values of the ONL that relate to indigenous vegetation.

184. Regarding the pastoral conversion/intensification aspect, Boffa Miskell Ltd report²⁷ states that: *"Stock grazing of hill country and other agricultural land within identified ONLs/ONFs and SALs has been part of the established farming systems for decades and could continue at similar stocking rates. Intensification of grazing systems and any commensurate need for cultivation/cropping/fencing should be discouraged, particularly on elevated locations and in areas with high ecological value. This type of change in land use has the potential to reduce the ecological and aesthetic values of the ONL/ONF/SAL."*

185. I consider that intensification in this context could involve the following range of activities - vegetation clearance, cultivation, cropping, plantation forestry, fencing, grazing, irrigation, or the erection of buildings and structures. As discussed above, I consider that indigenous vegetation clearance is adequately managed by ECO-R1 and ECO-R2. Plantation forestry is

⁵ Error corrected

²⁷ Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

managed by NFL-R13. Centre pivot or travelling irrigators are managed by NFL-R8. Buildings and structures within ONL, including fencing is managed by NFL-R5.

186. Therefore, the potential gaps are effects on the ONL from other methods of irrigation clearance of non-indigenous vegetation, cultivation, cropping, and grazing. I do not consider the potential effects of these activities would warrant restrictions on them. Indigenous vegetation clearance would be a necessary first step to initiate any of these activities within an un-intensified area, and existing areas would be covered by existing use rights under s10 of the RMA. I therefore do not consider it appropriate to add a rule restricting intensification within the ONL.

3.9.3 Summary of recommendations

187. I recommend that the submissions from the following submitters be **rejected**.

- i. Emily Arthur-Moore [130.1]; and
- ii. Fish and Game [362.7 & 362.8].

188. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

189. I recommend no amendments be made to the PDP.

3.10 New Zealand Coastal Policy Statement alignment related submission

3.10.1 Matters raised by submitters

190. One submission seeks an amendment relating to alignment with the NZCPS. Forest and Bird [192.74] seek amendment of NFL-P1 to add the additional clause '*avoiding any loss of indigenous biodiversity identified in policy ECO-P7*;' to align NFL-P1, as it relates to the Rakahuri ONF and is within the coastal environment, with Policy 11 and Policy 15 of the NZCPS.

191. The submission notes that NFL-P1(4) ('*avoiding any significant loss of indigenous vegetation*') contradicts NZCPS Policy 11 as it requires avoidance of significant loss of indigenous vegetation, regardless of the vegetation's type. NZCPS Policy 11 has three tiers regarding indigenous biodiversity in the coastal environment as follows:

- i. for areas or taxa that are threatened, protected, nationally significant, naturally rare, or at the limit of their natural range - avoid adverse effects, then;
- ii. for other areas or taxa – avoid significant adverse effects; and
- iii. for other areas or taxa - avoid, remedy, or mitigate other (i.e., non-significant) adverse effects.

192. Forest and Bird state that NZCPS Policy 15(a) requires avoidance of adverse effects of activities on ONF/ONLs, while NZCPS Policy 15(b) requires avoidance of significant adverse effects and avoid, remedy, or mitigate adverse effects on other natural features or landscapes (i.e., SAL) in the coastal environment.

193. This is opposed via a further submission from Federated Farmers [FS83] as it is duplication. A further submission from Waka Kotahi [FS110] also opposes it due to its absolute nature and lack of acknowledgement that complete avoidance may not always be possible and therefore a more nuanced approach is required.

3.10.2 Assessment

194. The Rakahuri ONF is entirely within the coastal environment, while a relatively short section of the Waimakariri River ONF is in the coastal environment.
195. ECO-P7 relates to protecting indigenous biodiversity in coastal environment and aligns with NZCPS Policy 11. NFL-P1 relates to protecting landscape values of ONF. I do not consider NFL-P1 needs to be amended to align with NZCPS Policy 11 as this is covered by ECO-P7. In my opinion, the most relevant provision(s) for an activity apply, regardless of whether they are contained in a different chapter.
196. NZCPS Policy 15(a) requires avoidance of adverse effects of activities on outstanding natural features in the coastal environment. I consider NFL-P1(4) aligns with this as it is an 'avoid' clause. While it limits this avoidance of indigenous vegetation loss to 'significant' loss, I consider this is in relation to the degree that indigenous vegetation contributes to landscape values, in that a significant loss of indigenous vegetation would adversely affect landscape values so should be avoided. As noted above, ECO-P7 still applies.
197. Regarding Waka Kotahi's (FS110) concerns about the absolute nature of the protection required by NFL-P1, I consider that the recommended amendment to NFL-O1 (outlined in section 3.3 of this report) that limits the protection of ONFs from 'inappropriate' land use or development will address these concerns of as it provides a clearer pathway for appropriate activities and the policies that implement it, namely EI-P5 in the infrastructure context.

3.10.3 Summary of recommendations

198. I recommend that the submission from the following submitter be **rejected**:
- i. Forest and Bird [192.74].
199. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
200. I recommend the no amendment be made to the PDP.

3.11 Plantation forestry related submissions

3.11.1 Matters raised by submitters

201. Thirteen submissions seek amendments relating to plantation forestry. Eight submissions seek amending various references to 'plantation forestry' to 'afforestation' to clarify that existing plantation forestry may continue and the restrictions are limited to afforestation. This matter also relates to the 'new' vs 'existing' activity's subtopic (refer to section 3.12 of this report).

3.11.1.1 Definition of plantation forestry

202. Federated Farmers [414.14] request that the plantation forestry definition is amended to solely refer to the meaning in the NESPF and remove '*including forestry*'. A further submission from Forest and Bird [FS78] opposes this as it is not in accordance with the RMA and other higher order documents.

3.11.1.2 Policies

203. Rayonier Matariki Forests (Rayonier) [171.14 & 171.15] seeks NFL-P1(5) and NFL-P3(4) is amended to replace 'plantation forestry' with 'afforestation'.

204. Federated Farmers [414.140] request NFL-P1(5) is amended to replace 'plantation forestry, woodlots, shelterbelts' with 'afforestation', and NFL-P3(4) and NFL-P4(4) [414.141 & 414.142] are amended to replace 'plantation forestry, shelterbelts' with 'afforestation'; also noting that it is unclear where carbon forestry fits within these provisions. A further submission from Forest and Bird [FS78] opposes these submissions on the basis that they are not in accordance with the RMA and other higher order documents.
205. Rayonier [171.16] seek NFL-P4 to be amended to remove reference to 'plantation forestry' as afforestation cannot be limited within other amenity areas, only within ONF/ONLs.

3.11.1.3 Rules

206. Federated Farmers [414.146] seek NFL-R10 is amended to change the title to 'Afforestation' instead of 'Woodlot or shelterbelts' in order to clarify whether it applies to carbon forests. A further submission from Forest and Bird [FS78] opposes this on the basis that it is not in accordance with the RMA and other higher order documents.
207. Rayonier [171.17] seek the title of NFL-R13 is amended from 'Plantation forestry' to 'Afforestation' to clarify it does not relate to existing plantation forestry. Federated Farmers [414.148] also seek the NFL-R13 title be amended to 'Afforestation' to clarify whether it applies to carbon forestry.
208. Ngai Tahu Forestry [219.5] request the non-complying activity status of NFL-R13 be amended to discretionary for better alignment with NESPF; this is supported by DoC via further submission [FS77].
209. DHL [420.26] seek the activity status of NFL-R13 be amended from non-complying to permitted for replanting of areas of previous plantation forestry, and discretionary for new areas of plantation forestry.

3.11.2 Assessment

3.11.2.1 Definition of plantation forestry

210. After having reviewed the relevant s32 evaluations, I consider it is unclear what the purpose of the 'plantation forestry' definition's '*and includes forestry*' is. I agree with the request [414.14] to amend the definition by removing the words '*and includes forestry*' as this will fully align it with the NESPF; and improve usability and interpretation.

3.11.2.2 Policies

211. Regarding the requests to amend NFL-P1, NFL-P3, and NFL-P4 by replacing 'plantation forestry' with 'afforestation', I disagree with these submissions as the 'plantation forestry' definition references the NESPF definition for 'plantation forestry'²⁸. As it includes 'a forest

²⁸ NESPF definition of plantation forestry: plantation forest or plantation forestry means a forest deliberately established for commercial purposes, being—

(a) at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and
 (b) includes all associated forestry infrastructure; but
 (c) does not include—

deliberately established for commercial purpose' this encompasses all associated activities such as afforestation, harvesting, replanting, etc. The definition also includes 'forestry infrastructure'²⁹. If the references to 'plantation forestry' were amended to 'afforestation' then these other activities would not be controlled within an ONL, ONF, SAL, and I consider they should be as they could affect landscape values. Existing plantation forestry would be allowed to continue provided it has existing use rights under s10 of the RMA.

212. I do not agree with the Federated Farmers [414.140, 414.141, 414.142] request to remove reference to 'woodlots' and 'shelterbelts' from NFL-P1(5) and remove reference to 'shelterbelts' from NFL-P3(4) and NFL-P4(4), as it would result in these activities not being controlled within ONF/ONF/SAL. The PDP's definition of 'woodlot' excludes plantation forestry and includes a stand of trees for a range of purposes including a carbon sink (which addresses Federated Farmers query about carbon forests)³⁰. Therefore, I do not consider it appropriate to remove these terms as it would result in gaps in controlling activities that could adversely affect the landscape values of a ONF, ONL, SAL.
213. Regarding Rayonier's request [171.16] to remove reference to plantation forestry in NFL-P4 as it cannot be restricted in amenity areas (i.e., SAL); Clause 13 of the NESPF states that '*afforestation must not occur within a visual amenity landscape if rules restrict plantation forestry activities within that landscape*'. This indicates that plantation forestry can be restricted within a visual amenity landscape/SAL. The NESPF does not limit how plantation forestry is controlled within a visual amenity landscape/SAL. I therefore consider the inclusion of 'plantation forestry' within NFL-P4 is appropriate as it aligns with the NESPF.

3.11.2.3 Rules

214. I do not agree with Federated Farmers request [414.146] to amend the NFL-R10 title from 'Woodlot and shelterbelts' to 'Afforestation' in order to clarify that it applies to carbon forestry. The PDP's definition of 'woodlot' excludes plantation forestry and includes a stand of trees with the purpose of a carbon sink. Therefore, retaining the title of this NFL-R10 ensures these activities, including carbon forestry, are controlled within the ONL, ONFs, and SAL.
215. I do not agree with the Rayonier [171.17] and Federated Farmers [414.148] requests to amend the title of NFL-R13 from 'Plantation forestry' to 'Afforestation'. Rayonier [171.17] consider this would clarify it does not relate to existing plantation forestry; however existing plantation forestry would be allowed to continue provided it has existing use rights under s10 of the RMA. The term 'Plantation forestry' includes associated forestry infrastructure. Federated Farmers [414.148] consider this amendment would clarify whether NFL-R13 applies to carbon forestry.

- (i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or
- (ii) forest species in urban areas; or
- (iii) nurseries and seed orchards; or
- (iv) trees grown for fruit or nuts; or
- (v) long-term ecological restoration planting of forest species; or
- (vi) willows and poplars space planted for soil conservation purposes

²⁹ NESPF definition of forestry infrastructure: structures and facilities that are required for the operation of the forest, including forestry roads, forestry tracks, river crossings, landings, fire breaks, stormwater and sediment control structures, and water run-off controls.

³⁰ I note that the matter of carbon forestry will be addressed in the Rural chapter hearing.

Carbon forestry is included within the definition of 'woodlot'. I consider the recommended amendment to the definition of 'plantation forestry' to fully align with the NESPF will also address this.

216. The NESPF does not provide an activity status for plantation forestry within ONF, ONL, or SAL; it only directs on afforestation (Clause 12 of the NESPF states that afforestation must not occur within an outstanding natural landscape or feature. Clause 13 of the NESPF states that *'afforestation must not occur within a visual amenity landscape if rules restrict plantation forestry activities within that landscape'*). I therefore consider non-complying activity status aligns with the NESPF. I consider non-complying activity status is appropriate as plantation forestry is a potential threat to landscape value.
217. I do not agree with the request from DHL [420.26] to amend the activity status of NFL-R13 to permitted for replanting and discretionary for new plantation forestry as the definition of plantation forestry includes *"forest cover of forest species that has been planted and has or will be harvested or replanted"* therefore replanting is included and existing plantation forestry would be allowed to continue provided it has existing use rights under s10 of the RMA.

3.11.3 Summary of recommendations

218. I recommend that the submission from the following submitter be **accepted**:
- i. Federated Farmers [414.14].
219. I recommend that the submission from the following submitters be **rejected**:
- ii. Rayonier [171.14, 171.15, and 171.17].
 - i. Federated Farmers [414.140, 414.141, 414.142, 414.146, and 414.148];
 - ii. Rayonier [171.16];
 - iii. Ngai Tahu Forestry [219.5]; and
 - iv. DHL [420.26].
220. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
221. I recommend the following amendment to the definition of 'plantation forestry' (in response to 414.14) as shown below and in **Appendix A**:

"Plantation forestry - has the same meaning as in the NESPF ~~and includes forestry.~~"

3.11.4 Section 32AA evaluation

222. In my opinion, the amendments to the definition of 'Plantation forestry', is a more appropriate in achieving the objectives of the PDP than the notified provisions. I consider the amendment will improve alignment with the NESPF and are therefore improve plan clarity and usability, and thus more efficient and effective than the notified provisions in achieving the PDP's objectives.

3.12 New vs existing activities related submissions

3.12.1 Matters raised by submitters

223. Four submissions relate to whether certain provisions apply to new and or existing activities (outside of those covered in section 3.11 of this report relating to plantation forestry).
224. DHL [420.22] seeks amendment to NFL-O1 to distinguish that it applies to 'new' land use. DHL also seeks [420.23] amendment to NFL-P1(5) to distinguish that the 'avoiding' is in relation to 'new areas of' the various activities listed. DHL [420.23] also seeks NFL-P1(6) is amended to remove the qualification about providing for existing rural production 'where it does not detract from the identified values'. DHL [420.25] requests that NFL-R8 be amended to provide for areas with existing irrigation, including changing the irrigation method (e.g., converting from gun irrigation to pivot).
225. Fulton Hogan Ltd [41.26] also seeks deletion of 'existing' from NFL-P4(7) to provide for both new and existing primary production³¹.
226. Federated Farmers [414.145] seek deletion of NFL-R8 on the basis that it can only apply to new irrigators and note that a critical factor is access to water which is an Environment Canterbury (ECan) matter. Forest and Bird oppose this via further submission [FS78].

3.12.2 Assessment

3.12.2.1 Objectives and policies

227. I consider DHL's requests [420.22 and 420.23] to add 'new' and 'new areas of' to NFL-O1 and NFL-P1(5) respectively are unnecessary as it is inherent in District Plan provisions that they apply to new activities where existing activities have existing use rights under s10 of the RMA.
228. In terms of the amendment to NFL-P4(7) that Fulton Hogan Ltd [41.26] are seeking, to remove 'existing' to enable it to apply to both new and existing rural production, I do not agree with this request as the purpose of this clause is to outline that existing rural production is provided for in terms of additions to buildings, and farm buildings and other ancillary buildings (NFL-R1 and NFL-R3 which are both permitted activities subject to activity standards, and restricted discretionary where compliance is not achieved).
229. Regarding the requested amendment to NFL-P1(6) by DHL [420.23], as I have noted in the paragraph above, the purpose of this clause is to outline that existing rural production is provided for in terms of additions to buildings, and farm buildings and other ancillary buildings. I therefore do not agree with the requested amendment as NFL-P1(6)'s 'where this does not detract from the identified values' is implemented by the activity standards of NFL-R1 and NFL-R3.

3.12.2.2 Rules

230. I disagree with the Federated Farmers [414.145] request to delete NFL-R8 as whether centre pivot and travelling irrigators have access to water via ECan is irrelevant. Regarding the 'new'

³¹ NFL-P4(7) as notified refers to 'rural production', not 'primary production', however Fulton Hogan Ltd have sought to have this amendment via submission 41.26, which is addressed in section 3.6 of this report.

vs 'existing' matter, I consider that while NFL-R8 does not specify 'new' or 'existing', s10 of the RMA provides a pathway for existing legally established uses to continue.

231. I do not agree with DHL's request [420.25] to amend NFL-R8 to permit centre pivot and travelling irrigators within areas that have existing irrigation via another irrigation method, as centre pivot and travelling irrigators can impact on the values of a ONL/ONF/SAL due to their large scale.

3.12.3 Summary of recommendations

232. I recommend that the submissions from the following submitters be **rejected**:

- i. Fulton Hogan Ltd [41.26];
- ii. Federated Farmers [414.145]; and
- iii. DHL [420.22, 420.23, 420.25].

233. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

3.13 Willow pest species specification related submissions

3.13.1 Matters raised by submitters

234. Two submissions relate to the specification of willow species in NFL-R11.
235. ECan [316.118] seek amendment of NFL-R11(2)(i) to restrict the use of the two known invasive willow species (Crack willow/*Salix fragilis*, and Grey willow/*Salix cinerea*) as non-pest willows are essential for flood and erosion protection. A further submission from CIAL [FS80] supports this.
236. Federated Farmers [414.147] seek amendment of NFL-R11 to specify that it applies to non-pest *Salix* species; Forest and Bird [FS78] oppose this submission on the basis that it is not in accordance with RMA and other higher order documents.

3.13.2 Assessment

237. I agree with the request from ECan [316.118] to specify the known pest species³² of willow and therefore not restrict non-pest willow species given their flood and erosion benefits. Crack willow/*Salix fragilis* and Grey willow/*Salix cinerea* are the only willow species listed as pests of concern on the Biosecurity New Zealand Official New Zealand Pest Register. I therefore concur that NFL-R11(2)(i) be amended to only restrict pest/invasive willow species in order to not restrict non-invasive willow species.
238. I note that this submission summary only refers to NFL-R11(2) which relates to the Rakahuri Estuary ONF, while NFL-R11(1) relates to the Waimakariri River ONF, Puketeraki Range and Oxford Foothills ONL, and Ashley River / Rakahuri SAL. The original submission refers to clause (i) which applies to both clause (1) and (2), therefore the submission summary incorrectly specifies clause (2)(i). ~~Similarly, I consider there is no scope within [316.118] to amend NFL-R11(1)(i). However, if the Hearings Panel are minded to align NFL-R11(1) accordingly this would improve plan alignment and outcomes sought by the submitter.⁶~~

³² Pest management is included as a method for territorial authorities to implement RPS Policy 12.3.2 'Management methods for outstanding natural features and landscapes'.

⁶ Error corrected

239. Federated Farmers [414.147] seek NFL-R11 is amended to limit it to non-pest Salix species. I consider this submitter has possibly misinterpreted the purpose of this rule, which is to restrict the planting of certain species that could threaten ONL/ONF & SAL values, not specifying the only plants that can be planted within these areas. The submitter's relief sought would be problematic as it would result in restrictions on planting non-pest willow species, not pest species.

3.13.3 Summary of recommendations

240. I recommend that the submission from the following submitter be **accepted**:

- i. ECan [316.118].

241. I recommend that the submission from the following submitter be **rejected**:

- i. Federated Farmers [414.147].

242. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

243. I recommend the following amendments to NFL-R11(1)(i) and ⁷NFL-R11(3)(i), in response to submission 316.118, as shown below and in **Appendix A**:

“~~3~~(i) Crack Willow (*Salix fragilis* spp) and Grey Willow (*Salix cinerea* spp.) Willows adjacent to rivers — *Salix* spp.”

3.13.4 Section 32AA evaluation

244. In my opinion, the amendment to NFL-R11 is a more appropriate, efficient, and effective way of achieving the objectives of the PDP than the notified provisions as they limit the planting restrictions to pest willow species only, thereby still providing for the planting of non-pest willow species, which have flood and erosion control benefits.

245. The recommended amendments will have greater environmental, economic, social, and cultural effects than the notified provisions as they enable planting of non-pest willow species, which have flood and erosion control benefits, and remove the unintended requirement for resource consent to plant these non-pest willows within the Rakahuri ONF.

3.14 Submissions on Introduction not related to a subtopic

The section assesses submissions relating to an objective that do not fit into a subtopic grouping above.

3.14.1 NFL Introduction

3.14.1.1 Matters raised by submitter

246. Judith Roper-Lindsay [120.15] seeks reference to Ashley/Rakahuri estuary be amended to 'Te Aka Aka' to align with Zone Implementation Programme Addendum and Plan Change 7 of the Canterbury Regional Land and Water Regional Plan.

3.14.1.2 Assessment

247. I acknowledge that 'Te Aka Aka' is the name used for the Ashley Estuary in the Zone Implementation Programme Addendum and Plan Change 7 to the Canterbury Land and Water Plan, however it is not a widely known name for this area. Legibility is an important factor for

⁷ Error corrected

ensuring compliance therefore I consider that the name 'Ashley River / Rakahuri Saltwater Creek Estuary ONF' should be retained for this chapter. I suggest that to add a degree of alignment with these ECan documents, a reference be made to 'Te Aka Aka' being another name for this estuary be added into the Introduction of this chapter.

3.14.1.3 Summary of recommendation

248. I recommend that the submission from the following submitter be **accepted in part**:

- ii. Judith Roper-Lindsay [120.15].

249. I recommend the following amendment to the NFL chapter Introduction, in response to submission 120.15, as shown below and in **Appendix A**:

- "the Ashley River/Rakahuri Saltwater Creek estuary ONF (also known as Te Aka Aka)."

3.14.1.4 Section 32AA evaluation

250. I consider this recommended amendment to be very minor however it will provide a degree of alignment with ECan's Zone Implementation Programme Addendum and Plan Change 7 to the Canterbury Land and Water Plan, and thereby marginally improve plan usability.

3.15 Submissions on objectives not related to a subtopic

The section assesses submissions relating to an objective that do not fit into a subtopic grouping above.

3.15.1 Objective NFL-O1

3.15.1.1 Matters raised by submitter

251. DHL [420.22] seeks addition of the qualifier 'significant' to NFL-O1 in relation to protecting ONFs from 'significant' development.

3.15.1.2 Assessment

252. I do not agree with DHL's request as s6(b) of the RMA does not specify this. I consider it is also unnecessary as minor developments are less likely to create adverse effects anyway.

3.15.1.3 Summary of recommendation

253. I recommend that the submission from the following submitter be **rejected**:

- i. DHL [420.22].

254. I recommend no amendments be made to the PDP.

3.16 Submissions on policies not related to a subtopic

The section assesses submissions relating to policies that do not fit into a subtopic grouping above.

3.16.1 Policy NFL-P1

3.16.1.1 Matters raised by submitters

255. DHL [420.23] seek amendments to clause (1), (5) and (6) of NFL-P1. It seeks NFL-P1(1) is amended to refer to 'managing' instead of 'avoiding' and the addition of 'has the potential to' in relation to detracting from values.

3.16.1.2 Assessment

256. I do not agree with DHL's request to replace NFL-P1(1) with 'managing' instead of 'avoiding' as protecting ONFs are a matter of national importance under s6(b) of the RMA therefore 'avoiding' is appropriate.

257. I consider the original wording of NFL-P1(1) provides sufficient clarity and would not benefit from the addition of 'has the potential to' however I note that in my view the addition of this wording would also be of minimal consequence.

258. The requested amendments to NFL-P1(5) and NFL-P1(6), are covered in section 3.12 of this report as it relates to the 'new' vs 'existing' activities matter.

3.16.1.3 Summary of recommendations

259. I recommend that the submission, as it relates to NFL-P1(1), from the following submitter be **rejected**:

- i. DHL [420.23].

260. I recommend no amendments be made to the PDP.

3.16.2 Policy NFL-P4

3.16.2.1 Matters raised by submitters

261. Fulton Hogan Ltd [41.26] seeks NFL-P4(4) be amended to replace 'which create' with 'where these activities result in'.

3.16.2.2 Assessment

262. I do not consider this amendment is necessary as 'which create' and 'where activities result in' mean the same thing in this context. Retaining 'which create' also aligns with the use of 'which create' in NFL-P1(5) and NFL-P3(4). If the Hearings Panel does not agree with this assessment, in my opinion, accepting the requested amendment would be of marginal consequence to the intent of the NFL-P4(4).

3.16.2.3 Summary of recommendations

263. I recommend that the submission, as it relates to replacing 'which create' with 'where these activities result in' within NFL-P4(4), from the following submitter be **rejected**:

- i. Fulton Hogan Ltd [41.26].

264. I recommend no amendments be made to the PDP.

3.17 Submissions on rules not related to a subtopic

The section assesses submissions relating to rules that do not fit into a subtopic grouping above.

3.17.1 Rule NFL-R4

3.17.1.1 Matters raised by submitters

265. Forest and Bird [192.77] seek amendment of NFL-R4 to exclude public amenities that are not subject to the activity standards,³³ such as walkways and cycleways, as these are included within the definition of 'public amenities' however can be quite large and cause effects.
266. Waka Kotahi opposes this submission via further submission [FS110] as it would result in resource consent requirements for walkways/cycleways and suggests that additional conditions be added to manage the effects of larger scale cycleways/walkways instead.

3.17.1.2 Assessment

267. I agree with the issue raised by Forest and Bird as a particularly wide walkway/cycleway could have an impact on the landscape values of the ONL, ONF, or SAL. NFL-R6 provides for access tracks up to 3m wide.
268. The New Zealand Cycle Trail Design Guide³⁴ recommends a width of 2.5m-4.0m for a double cycle trail on the easiest grade. The Waimakariri District Council Engineering Code of Practice section 10.5.3.2 recommends a minimum of 2.5m width for shared paths within reserves and open spaces. My understanding from discussing with Council subdivision officers is that 2.5 metres is a standard width.
269. I therefore consider that an activity standard be added to NFL-R4 that limits the width of cycleways and walkways to 2.5m as this provides sufficient width for the easiest grade double cycle trail, and sufficient width for any walkway given the required width of a walkway would typically be less than that of a cycleway.
270. I consider that this is a better way of addressing the issue than amending the definition of 'public amenities' to exclude walkways/cycleways as this would not address the issue of wider walkways potentially creating adverse effects.

3.17.1.3 Summary of recommendations

271. I recommend that the submission from the following submitter be **accepted in part**:
- i. Forest and Bird [192.77].
272. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
273. I recommend the following amendment to NFL-R4 as shown below, and in **Appendix A**:
- “(2) ...;and
- (3) there shall be only one public amenities building per site within the ONF, ONL or SAL area; and
- (4) any cycleway or walkway shall have a maximum formed width of 2.5m.”

³³ The submitter refers to 'conditions' however I interpret this to be in reference to 'activity standards'.

³⁴ Ministry of Business, Innovation & Employment - New Zealand Cycle Trail Design Guide (August 2019 – 5th edition)

3.17.1.4 Section 32AA evaluation

274. In my opinion, the amendments to NFL-R5 to require a width limit for cycleways and walkways is more appropriate in achieving the objectives of the PDP than the notified provisions. This is therefore more efficient and effective than the notified provisions in achieving the objectives of the PDP.

275. I consider this recommended amendment will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, it ensures that overly wide cycleways/walkways cannot be constructed as a permitted activity, thereby removing a potential gap that could affect landscape values.

3.17.2 Rule NFL-R5

3.17.2.1 Matters raised by submitter

276. Federated Farmers [414.143] seeks that NFL-R5 is amended to clarify whether a fence is considered a building. A further submission from Forest and Bird [FS78] opposes this.

3.17.2.2 Assessment

277. NFL-R5 relates to both buildings and structures. A fence would meet the definition of a structure as it is 'made by people and fixed to land'. NFL-R5(1) also specifies that it does not apply to post and rail or wires fences, which conversely signals that it does apply to other types of fences. I therefore consider it is clear that NFL-R5 applies to fences.

3.17.2.3 Summary of recommendation

278. I recommend that the submission from the following submitter be **rejected**:

- i. Federated Farmers [414.143].

279. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

280. I recommend that no amendment be made to the PDP.

3.17.3 Rule NFL-R6

3.17.3.1 Matters raised by submitters

281. Federated Farmers [414.144] seeks an amendment to clarify how NFL-R6 applies to maintenance of existing tracks wider than 3m and are permitted by other rules via the addition of "or where permitted under other rules". A further submission from Forest and Bird [FS78] opposes this.

3.17.3.2 Assessment

282. The 'How the plan works - General approach' section of the PDP states that if there are no overlay rules applicable to an activity, then it can be assessed under area-specific chapters and/or district wide chapters. Thus, as there is no NFL rule for the maintenance of existing tracks (regardless of the width), then the NFL chapter rules do not apply. I therefore do not consider the relief sought is necessary.

3.17.3.3 *Summary of recommendation*

283. I recommend that the submission from the following submitter be **rejected**:

- i. Federated Farmers [414.144].

284. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

285. I recommend no amendment be made to the PDP.

3.17.4 *Rule NFL-R11*

3.17.4.1 *Matters raised by submitter*

286. DoC [419.106] seek amendment to NFL-R11(1) to change the activity status for planting Scots Pine, Lodgepole Pine, Corsican Pine, European Larch, and Mountain Pine within the Waimakariri River ONF, Puketeraki and Oxford ONL, and Ashley River / Rakahuri SAL from discretionary to non-complying on the basis that these species are identified as 'Species included under progressive containment programme' in the Canterbury Regional Pest Management Plan 2018-2038. Forest & Bird support this via further submission [FS78].

3.17.4.2 *Assessment*

287. I agree that non-complying activity status is more appropriate for the planting of these species given they are included in the progressive containment programme in the Canterbury Regional Pest Management Plan 2018-2038.

3.17.4.3 *Summary of recommendation*

288. I recommend that the submission from the following submitter be **accepted**:

- i. DoC [419.106].

289. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

290. I recommend the activity status of NFL-R11(1) for planting Lodgepole Pine – *Pinus contorta*, Scots Pine – *Pinus sylvestris*, Corsican Pine – *Pinus nigra*, Larch – *Larix spp*, and Mountain Pine – *Pinus uncinata*, within the Waimakariri River ONF, Puketeraki Range & Oxford Foothills ONL, and Ashley River / Rakahuri SAL be amended from discretionary to non-complying. This is also shown in **Appendix A**.

3.17.4.4 *Section 32AA evaluation*

291. In my opinion, the recommended amendment to NFL-R11 is more appropriate in achieving the objectives of the PDP than the notified provisions. The recommended non-complying activity status restricting the planting of these species is more appropriate given these species are included in a progressive pest containment programme.

292. It is therefore more efficient and effective than the notified provisions in achieving the objectives of the PDP. I consider that the recommended amendment will help to deter the planting of these pest species which will benefit the environment.

3.17.5 Rule NFL-R12

3.17.5.1 Matters raised by submitters

293. ECan [316.119] seek that the addition of an advice note stating that activities in, on, under or over the beds of lakes and rivers are managed by ECan so the NFL rules do not apply. A further submission from CIAL [FS80] supports this.
294. Fulton Hogan Ltd [41.27] seek amendment of the activity status of NFL-R12 from non-complying to discretionary for new quarrying activities within SAL as NFL-P4(7) requires primary production in a SAL to not detract from values thus non-complying activity status is unnecessary as it creates two effects-based gateways via NFL-P4(7) and the RMA's section 104D policy limb. It also seeks discretionary activity status for existing quarrying activities within ONF/ONL.

3.17.5.2 Assessment

295. Regarding ECan's request [316.119] for the advice note, this submitter also seeks this relief via its submission on the NFL chapter introduction [316.114], which I recommend be accepted. I do however recommend the addition of clarification that the District Plan still manages activities on the surface of water to avoid any potential confusion.
296. I do not agree with Fulton Hogan Ltd's [41.27] request to amend NFL-R12 activity status to discretionary as NFL-P4(7) refers to providing for 'rural production' (which excludes quarrying), not 'primary production' (which includes quarrying). NFL-P4(4) refers to avoiding quarrying and mining. Quarrying is identified as a threat to the values of the SAL, ONL, and ONFs. I therefore consider non-complying activity status is appropriate for quarrying and mining. I note that this submission interrelates to the submitters' submission on NFL-P4 [41.26] which is discussed in Section 3.6 of this report.

3.17.5.3 Summary of recommendation

297. I recommend that the submission from the following submitter be **accepted**:
- i. ECan [316.119].
298. I recommend the submission from the following submitter be **rejected**:
- i. Fulton Hogan Ltd [41.27].
299. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.
300. I recommend the following amendment via the addition of an advice note in the NFL chapter, as shown below and in **Appendix A**:

"Advice Notes

NFL-AN1 - Activities in, on, under or over the beds of lakes and rivers are managed by the Regional Council and as such the rules in this chapter do not apply to these areas. However, activities on the surface of water are managed within the ASW – Ngā momo tākaro ki runga i tew ai – Activities on the surface of water chapter of the District Plan."

3.17.5.4 *Section 32AA evaluation*

301. In my opinion, the amendment to add an advice note is of minor consequence and is more appropriate in achieving the objectives of the PDP than the notified provisions as it improves plan interpretation. I consider the recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.18 Submissions on standards not related to a subtopic

The section assesses submissions relating to standards that do not fit into a subtopic grouping above.

3.18.1 *Standard NFL-S1*

3.18.1.1 *Matters raised by submitters*

302. Federated Farmers [414.149] seek amendment of NFL-S1 to clarify that it does not apply to fences via the addition to the exemption list "NFL-S1(1) does not apply to fences". A further submission [FS78] from Forest and Bird opposes this.

3.18.1.2 *Assessment*

303. NFL-S1 relates to the reflectivity of buildings and structures. As noted in Section 3.16 of this report, I consider that fences meet the definition of a structure and therefore this standard applies to fences. I consider it is appropriate for this reflectivity standard to apply to fences as a large-scale fence with high reflectivity could adversely affect landscape values.

304. I note that NFL-S1 already includes an exemption for natural timber, therefore this standard would not apply to post and rail fences comprising natural timber. There is however a marginal potential that this standard could apply to wire fences as they comprise building materials that are not specifically excluded. I do not consider it would be appropriate for this standard to apply to wire fences given their visual transparency.

305. I therefore consider it appropriate to amend NFL-S1 to add to the exemption for post and rail or wire fences which are more than 75% visually transparent as this would exempt fences that would be unlikely to create adverse reflectivity effects given their transparency and aligns with the types of fences excluded from NFL-R5 (buildings and structures - in relation to the maximum footprint limit).

306. I consider there is sufficient scope within the submission to achieve this as the submission seeks clarity around whether the standard is applicable to fences or not, and the recommended amendment would add clarity regarding this.

3.18.1.3 *Summary of recommendations*

307. I recommend that the submission from the following submitter be **accepted in part**:

- i. Federated Farmers [414.149].

308. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

309. I recommend the following amendments to NFL-S1 as shown below and in **Appendix A**:

"

Exemptions

- NFL-S1 (1) does not apply to:
 - post and rail or wire fences which are more than 75% visually transparent;
 - natural timber as exterior building materials; or
 - windows, window frames, bargeboards, stormwater guttering, downpipes or doors which may be of any colour.”

3.18.1.4 Section 32AA evaluation

310. I consider the recommended amendment would improve the efficiency and effectiveness of the PDP by ensuring NFL-S1 does not apply to highly visually transparent fences which would be unlikely to create adverse effects relating to reflectivity.

3.19 Submissions on appendix not related to a subtopic

The section assesses submissions relating to the appendix that do not fit into a subtopic grouping above.

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

3.19.1.1 Matters raised by submitters

311. In reference to the Ashley River/Rakahuri Saltwater Creek Estuary ONF 'Likely threats' section of NFL-APP1, Forest and Bird [192.78] consider the listed threat of “*damage to margins and associated vegetation from vehicles*” is unclear and seek it be clarified that vehicles including 4x4s, quadbikes, motorbikes, and side-by-sides on the spit's sand dunes are a threat to the dunes, dune vegetation, and inland lakes. It considers that this would give better effect to NZCPS Policy 20 (Vehicle access).

312. WIL [210.42] and DHL [420.27] seek clarification that many of the 'likely threats' are existing activities within the Waimakariri River ONF.

313. Federated Farmers [414.151] oppose NFL-APP1 unless it introduces columns indicating the current risk, existing management history, and reversibility of negative effects; Forest and Bird oppose this via further submission [FS78].

3.19.1.2 Assessment

314. Regarding Forest and Bird [192.78], I agree that it is clearer to add further detail regarding what is meant by 'vehicles'. I agree it is clearer to state that an activity is a threat, as opposed to the damage caused by the activity; the other threats listed are activities, not the damage caused by an activity. I do not agree with the request to include “*on the associated sand dune*” as this activity could affect other parts of the ONF (e.g., vehicles near the river mouth). I note

this 'Likely Threats' section was informed by the Boffa Miskell Ltd report³⁵ and uses the same wording.

315. I disagree with WIL [210.42] and DHL's [420.27] requests to acknowledge that many of the 'Likely threats' are existing activities as District Plan provisions inherently only apply to new activities and do not apply retrospectively to existing activities with existing use rights (refer to section 3.12 of this report for further discussion on this).
316. I do not agree with Federated Farmers' request [414.151] to amend NFL-APP1 to include current risk, existing management history, and reversibility of negative effects as no reasoning or evidence has been provided to support this. Furthermore, the District Council holds no information on management history.

3.19.1.3 *Summary of recommendations*

317. I recommend that the submission from the following submitter be **accepted in part**:

- i. Forest and Bird [192.78].

318. I recommend that the submission from the following submitters be **rejected**:

- i. WIL [210.42], DHL [420.27]; and
- ii. Federated Farmers [414.151].

319. My recommendations in relation to further submissions are outlined in **Appendix B** and reflect my recommendations on submissions.

320. I recommend the following amendments to the 'Likely Threats' section of NFL-APP1 relating to Rakahuri ONF as shown below and in **Appendix A**:

"Earthworks in the estuary margin;

Flood management structures;

~~Damage to the estuary, its margins and associated vegetation from Motorised vehicles, including 4x4s; quad bikes; side by sides; and motorbikes; or~~

~~E~~farming practices;

Quarrying activities;

Buildings and structures on estuary margins;

Utilities (such as powerlines stormwater pipes/channels);

Forestry and shelterbelts;

Native vegetation clearance."

³⁵ Boffa Miskell Ltd - Waimakariri District Landscape Evaluation - Outstanding Natural Features, Natural Landscapes & Significant Amenity Landscapes (Prepared for Waimakariri District Council - 26 September 2019)

3.19.1.4 Section 32AA evaluation

321. In my opinion, the recommended minor amendment to NFL-APP1 will not change its outcomes, and instead offers a minor clarification thereby improving plan interpretation. It is therefore more appropriate in achieving the objectives of the PDP than the notified provisions. I consider the recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions.

3.20 Submissions on definitions not related to a subtopic

The section assesses submissions relating to a definition that do not fit into a subtopic grouping above.

3.20.1 Definition of Gravel extraction

3.20.1.1 Matters raised by submitters

322. Fulton Hogan Ltd [41.4] seeks deletion of the definition of 'gravel extraction' as it does not encompass all activities associated with river-based gravel extraction and is used minimally. It considers the term is very similar to the 'quarrying activities' definition, which is suitable and would avoid duplication and confusion.

3.20.1.2 Assessment

323. The term 'gravel extraction' does have minimal use in the PDP. It is used within NFL-APP1 where it lists 'gravel extraction' as a 'Likely Threat' to both the Waimakariri River ONF and Ashley River / Rakahuri SAL. The only other provision it is used is within Table EW-1, which limits earthworks volumes; it limits earthworks within Waimakariri River ONF and Ashley River / Rakahuri SAL to '10m³ except for gravel extraction in the river bed'.

324. I do not agree with this request as the PDP's definition of 'quarrying activities' encompasses a much broader range of activities³⁶ than 'gravel extraction'³⁷ and therefore opens the earthworks 'exemption' in Table EW-1 up to a broader range of activities, most notably cleanfilling in the context of earthworks, which may not be appropriate within the Waimakariri River ONF and SAL.

325. I therefore consider the references to 'gravel extraction' within the 'Likely threats' section of NFL-APP1 to be appropriate.

3.20.1.3 Summary of recommendations

326. I recommend that the submissions from the following submitters be **rejected**:

³⁶ "Quarrying activities - means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry. (National Planning Standard definition)"

³⁷ "Gravel extraction means the removal and stockpiling of topsoil and overburden on site; excavation, processing (including crushing, screening and washing) and stockpiling of gravel on site; movement of material on site; dust suppression; removal of material from the site including by truck; and the rehabilitation of the site."

- i. Fulton Hogan Ltd [41.4].

327. I recommend that no amendment be made to the PDP.

4 Conclusions

328. Submissions have been received in support, opposition, and seeking amendments to the PDP in relation to the NFL chapter. I have considered all the submissions and reviewed all relevant statutory and non-statutory documents and recommend that the PDP be amended as set out in **Appendix A** of this report.


329. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed provisions with the recommended amendments are the most appropriate means to achieve the relevant objectives of the PDP.

Recommendations:

330. I recommend that:

- i. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
- ii. The PDP is amended in accordance with the changes recommended in **Appendix A** of this report.

Signed:

Name and Title		Signature
Report Author	Shelley Milosavljevic <i>Senior Policy Planner – Waimakariri District Council</i>	

Appendix A. Recommended Amendments to Natural Features and Landscapes Chapter

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

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

NFL - Āhuatanga o te whenua - Natural Features and Landscapes

Introduction

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

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

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

- the Puketeraki Mountains and the front ranges including Mt Oxford and Mt Thomas ONL,
- the Waimakariri River ONF, and
- the Ashley River/Rakahuri Saltwater Creek estuary ONF (also known as Te Aka Aka)³⁸.

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

~~Activities in, on, under or over the beds of lakes and rivers are managed by the Regional Council and as such the rules in this chapter do not apply to these areas.~~³⁹

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

Other potentially relevant District Plan provisions

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

- Energy and Infrastructure: this chapter includes provisions to manage energy and infrastructure activities within ONL, ONFs, and SAL; as such the rules within the NFL Chapter do not apply to energy and infrastructure activities (except for NFL-R8 and NFL-R9 which do apply)⁸. The objectives, policies, standards, matters of discretion, appendix, and planning map overlay relating to the NFL chapter do apply to energy and infrastructure activities within ONL, ONFs, or SAL.⁴⁰
- Earthworks: this chapter contains provisions to manage earthworks within the identified ONL, ONF and SAL areas.
- Natural Hazards: this chapter is relevant as natural hazard mitigation measures can occur within ONL, ONF and SAL areas.
- Natural Character of Freshwater Bodies: this chapter is relevant as some natural character of

³⁸ Judith Roper-Lindsay [120.15]

⁸ Error corrected

³⁹ Canterbury Regional Council [316.11]

⁴⁰ Transpower New Zealand Ltd [195.84]

scheduled freshwater bodies setbacks provisions are also within a natural feature or landscape.

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

Objectives	
NFL-O1	Outstanding Natural Features Outstanding natural features are protected from <u>inappropriate</u> ⁴¹ land use or development that would adversely affect the values of these features.
NFL-O2	Outstanding Natural Landscapes Outstanding natural landscapes are protected from <u>inappropriate</u> ⁴² land use or development that would adversely affect the values of these landscapes.
NFL-O3	Significant Amenity Landscapes The values of significant amenity landscapes are maintained.
Policies	
NFL-P1	Protect Outstanding Natural Features Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of <u>inappropriate</u> ⁴³ activities and development by: <ol style="list-style-type: none"> 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River; 2. avoiding use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on: <ol style="list-style-type: none"> a. coastal physical processes; b. ecological habitat and indigenous biodiversity; and c. the experience of the elements and processes of (a) and (b); 3. enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated; 4. avoiding any significant loss of indigenous vegetation; 5. avoiding activities such as plantation forestry, woodlots, shelterbelts, mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; 6. providing for existing rural production where this does not detract from the identified values; and 7. enabling conservation activities and non motorised recreation activities.

⁴¹ Transpower New Zealand Limited [195.85]

⁴² Transpower New Zealand Limited [195.86]

⁴³ Transpower New Zealand Limited [195.88]

NFL-P2	<p>Ngāi Tūāhuriri customary harvesting</p> <p>Recognise and provide for Ngāi Tūāhuriri customary harvesting of natural resources in identified natural features and landscapes, as an integral part of these areas.</p>
NFL-P3	<p>Protect Outstanding Natural Landscapes</p> <p>Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of <u>inappropriate</u>⁴⁴ activities and development by:</p> <ol style="list-style-type: none"> 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values of the Puketeraki Range and Oxford Foothills identified in NFL-APP1, in particular on the: <ol style="list-style-type: none"> a. exposed alpine environments; b. sheltered densely forested slopes and gullies of the Oxford Hills; c. indigenous vegetation; and d. recreational values; 2. avoiding use and development in areas which have no capacity to absorb change, including near ridgelines, and mitigating adverse effects through bulk, location and design controls in other areas; 3. avoiding any significant loss of indigenous vegetation; 4. avoiding activities such as plantation forestry, shelterbelts, mining and quarrying activities which create adverse effects on the identified values; 5. providing for existing rural production where this does not detract from the identified values; and 6. enabling conservation activities and non motorised recreation activities.
NFL-P4	<p>Maintain Significant Amenity Landscapes</p> <p>Recognise the values of the significant amenity landscapes identified in NFL-APP1 and maintain them by:</p> <ol style="list-style-type: none"> 1. managing adverse effects of use and development on the moderate-high biophysical values and high sensory and associative values of the Ashley River/Rakahuri identified in NFL-APP1, in particular on the: <ol style="list-style-type: none"> a. braided river system; b. indigenous fauna and vegetation; c. the wilderness and natural environment; and d. recreational values; 2. enabling community scale erosion and flood control structures where adverse impacts on the values are mitigated; 3. avoiding any significant loss of indigenous vegetation; 4. avoiding incompatible activities, including plantation forestry, shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures which create unacceptable adverse effects on the identified values; 5. mitigating through bulk, location and design controls the adverse effects of other uses and development in areas which have no capacity to absorb change; 6. providing for non motorised recreation activities and conservation activities; and 7. providing for existing rural production where this does not detract from the identified values.

Activity Rules

⁴⁴ Transpower New Zealand Limited [195.89]

Rules

How to interpret and apply the rules

(1) The rules within the NFL Chapter do not apply to energy and infrastructure activities, except for NFL-R8 and NFL-R9 which do apply.⁴⁵

NFL-R1	Addition to an existing building	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: 1. the addition to the building footprint is a maximum of 100m ² in any 10 year period;	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings and access tracks
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: DIS Where: 2. the addition to the building footprint is a maximum of 100m ² in any 10 year period.	Activity status when compliance not achieved: NC
NFL-R2	Building for park management activities or conservation activities	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: 1. any individual building shall have a maximum building footprint of 100m ² .	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings and access tracks
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R3	Farm building, residential unit and ancillary buildings to residential activity or primary production	

⁴⁵ Transpower New Zealand Ltd [195.84]

Puketeraki Range & Oxford Foothills ONL	Activity status: PER Where: <ol style="list-style-type: none"> any individual building shall have a maximum building footprint of: <ol style="list-style-type: none"> 75m² in the Natural Open Space Zone; and 150m² in any Rural Zones. 	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings and access tracks
NFL-R4	Public amenities	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: <ol style="list-style-type: none"> any individual building shall have a maximum building footprint of 75m²; the maximum height of any building shall be 5m; and there shall be only one public amenities building per site within the ONF, ONL or SAL area; <u>and</u> <u>any cycleway or walkway shall have a maximum formed width of 2.5m.</u>⁴⁶ 	Activity status when compliance not achieved in the Ashley River / Rakahuri SAL: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings and access tracks Activity status when compliance not achieved in the Waimakariri River ONF and Puketeraki Range and Oxford Foothills ONL: DIS
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R5	Structures and buildings	
	<i>This rule does not apply to structures and buildings provided for under NFL-R1 to NFL-R4, NFL-R8, or natural hazards mitigation structures for flooding.</i>	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: PER Where: <ol style="list-style-type: none"> each individual structure or building shall have a maximum footprint of 10m², except that this shall not apply to post and rail or wire fences which are more than 75% visually transparent. 	Activity status when compliance not achieved in the Puketeraki Range and Oxford Foothills ONL: RDIS Matters of discretion are restricted to: NFL-MD1 - New buildings and structures, additions to buildings and access tracks Activity status when compliance not achieved in the Waimakariri River ONF and Ashley River / Rakahuri SAL: NC
Ashley River /	Activity status: NC	Activity status when compliance not achieved: N/A

⁴⁶ Royal Forest and Bird Protection Society of New Zealand Inc. [192.77]

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

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

NFL-R11	Planting restricted tree species	
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: DIS Where: 1. planting of any of the following tree species: a. Lodgepole Pine – <i>Pinus contorta</i> ; b. Scots Pine – <i>Pinus sylvestris</i> ; ⁴⁷ c. Douglas Fir – <i>Psuedotsuga menziesii</i> ; d. Corsican Pine – <i>Pinus nigra</i> ; e. Larch – <i>Larix spp</i> ; f. Mountain Pine – <i>Pinus uncinata</i> ⁴⁸ g. Sycamore – <i>Acer pseudoplatanus</i> ; h. Alder – <i>Alnus spp</i> ; i. <u>Crack Willow (<i>Salix fragilis spp</i>) and Grey Willow (<i>Salix cinerea spp.</i>)</u> Willows adjacent to rivers – <u><i>Salix spp.</i></u> ⁹	Activity status when compliance not achieved: N/A
Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL ⁴⁹	Activity status: NC Where: 2. <u>planting of any of the following tree species:</u> a. <u>Lodgepole Pine – <i>Pinus contorta</i></u> ; b. <u>Scots Pine – <i>Pinus sylvestris</i></u> ; c. <u>Corsican Pine – <i>Pinus nigra</i></u> ; d. <u>Larch – <i>Larix spp</i></u> ; e. <u>Mountain Pine – <i>Pinus uncinata</i></u> ⁵⁰	Activity status when compliance not achieved: N/A⁵¹
Ashley River / Rakahuri Saltwater Creek Estuary ONF	Activity status: NC Where: 3. planting of any of the following tree species: a. Lodgepole Pine – <i>Pinus contorta</i> ; b. Scots Pine – <i>Pinus sylvestris</i> ; c. Douglas Fir – <i>Psuedotsuga menziesii</i> ; d. Corsican Pine – <i>Pinus nigra</i> ; e. Larch – <i>Larix spp</i> ; 	Activity status when compliance not achieved: N/A

⁴⁷ Department of Conservation [419.106]

⁴⁸ Department of Conservation [419.106]

⁹ Error corrected

⁴⁹ Department of Conservation [419.106]

⁵⁰ Department of Conservation [419.106]

⁵¹ Department of Conservation [419.106]

	<p>f. Mountain Pine – <i>Pinus uncinata</i>;</p> <p>g. Sycamore – <i>Acer pseudoplatanus</i>;</p> <p>h. Alder – <i>Alnus spp</i>;</p> <p>i. <u>Crack Willow (<i>Salix fragilis spp</i>) and Grey Willow (<i>Salix cinerea spp.</i>)</u> Willows adjacent to rivers – <i>Salix spp.</i>⁵²</p>	
NFL-R12	Mining activity and quarrying activities	
Ashley River / Rakahuri Saltwater Creek Estuary ONF Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri SAL	Activity status: NC	Activity status when compliance not achieved: N/A
NFL-R13	Plantation forestry	
Ashley River / Rakahuri Saltwater Creek Estuary ONF Waimakariri River ONF Puketeraki Range & Oxford Foothills ONL Ashley River / Rakahuri	Activity status: NC	Activity status when compliance not achieved: N/A

⁵² Canterbury Regional Council [316.118]

SAL		
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Natural Features and Landscapes Standards

NFL-S1 Building and structures reflectivity	
<p>1. Exterior building materials which, when graded using the British Standard BS5252:1976 Framework for Colour Co-ordination for Building Purposes, meet the following standards:</p> <ul style="list-style-type: none">a. where the materials are not used for a roof cladding, they are of a colour which has a reflectivity value of a maximum of:<ul style="list-style-type: none">i. 60% for greyness groups A or B;ii. 40% for greyness group C;b. where the materials are used for a roof cladding, they are of a colour which has a reflectivity value of a maximum of 40% for greyness groups A, B or C.	<p>Activity status when compliance not achieved: DIS</p>
<p>Exemptions</p> <ul style="list-style-type: none">• NFL-S1 (1) does not apply to:<ul style="list-style-type: none">○ <u>post and rail or wire fences which are more than 75% visually transparent</u>.⁵³○ natural timber as exterior building materials; or○ windows, window frames, bargeboards, stormwater guttering, downpipes or doors which may be of any colour; <u>or</u>○ <u>infrastructure poles and attached equipment within road reserve finished in materials that will naturally weather to a non-reflective colour</u>.⁵⁴	
NFL-S2 Building coverage	
<p>1. Building coverage shall be a maximum of 5% of the site area within the ONL, ONF or SAL overlay.</p>	<p>Activity status when compliance not achieved: DIS</p>
<p>Exemptions</p> <ul style="list-style-type: none">• NFL-S2 (1) does not apply to infrastructure with a footprint of less than 10m².⁵⁵	

Advice Notes⁵⁶

NFL-AN1⁵⁷	<u>Activities in, on, under or over the beds of lakes and rivers are managed by the Regional Council and as such the rules in this chapter</u>
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⁵³ Federated Farmers [414.149]

⁵⁴ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.50]

⁵⁵ Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited [62.51]

⁵⁶ Canterbury Regional Council [316.11 & 316.119]

⁵⁷ Canterbury Regional Council [316.11 & 316.119]

do not apply to these areas. However, activities on the surface of water are managed within the District Plan⁵⁸

Matters of Discretion

NFL-MD1	<p>New buildings and structures, additions to buildings and access tracks</p> <ol style="list-style-type: none"> 1. The extent to which the proposal is consistent with maintaining, protecting or enhancing the qualities of the outstanding or significant natural feature and/or landscape, including natural character qualities, as identified in NFL-APP1. 2. The extent to which the proposal will detract from the naturalness and openness of the landscape. 3. The extent to which the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu. 4. The extent to which the proposal integrates into the landscape and the appropriateness of the scale, form, design and finish (materials and colours) proposed and mitigation measures such as planting. This shall include consideration of any adverse effects of reflectivity, glare and light spill. 5. The proximity and extent to which the proposal is visible from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point. 6. The extent to which natural elements such as landforms and vegetation within the site mitigate the visibility of the proposal. 7. The extent to which the proposal has any adverse effects on important ridgelines. 8. The extent to which the proposal will result in adverse cumulative effects. 9. The extent to which the proposal will result in significant loss of indigenous vegetation and biodiversity. 10. The extent to which the proposal supports the continuation of farming activities in the rural area. 11. Whether the proposal is connected to reticulated water and the need to provide water supply (for firefighting), and the ability to integrate water tanks into the landscape and mitigate any adverse visual effects. 12. For new access tracks, whether the track supports conservation activities, farming, recreation activities or rural tourism activities and the ability to integrate with the landscape, follow natural contours and mitigate any adverse effects. 13. The extent to which the proposal has functional need or operational need for its location.
NFL-MD2	<p>Motorised activities</p> <ol style="list-style-type: none"> 1. The extent of any adverse effects on the identified feature and/or landscape, including natural character qualities as identified in NFL-APP1, and natural character values in the coastal environment, including the extent to which the proposal is consistent with maintaining their qualities. 2. Any adverse effects on adjoining outstanding or significant natural features or landscapes or natural character in the coastal environment, and whether there is a sufficient separation to avoid detracting from the qualities of those areas. 3. The extent to which the nature, scale, intensity and location of the proposed activity will adversely affect indigenous biodiversity and ecosystems taking into account: <ol style="list-style-type: none"> a. any loss of, or effects on, indigenous vegetation or habitats of indigenous

⁵⁸ Canterbury Regional Council [316.11 & 316.119]

	<p>fauna, including wetlands, ecological corridors and linkages;</p> <p>b. indigenous ecosystem integrity and function;</p> <p>c. where relevant, any effects on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in identified SNAs; and</p> <p>d. where relevant, any effects on indigenous vegetation and habitats of indigenous fauna in the coastal environment.</p> <p>4. The extent to which the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu.</p> <p>5. The proximity and extent to which the activity is visible from or causes nuisance on public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point.</p> <p>6. The extent to which the proposal will result in adverse cumulative effects.</p>
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Appendix

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

Waimakariri River - Outstanding Natural Features

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

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

Puketeraki Range and Oxford Foothills - Outstanding Natural Landscape

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

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

Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Feature

	Landscape Values	Rating
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Biophysical	<p>Landscape values include the combined estuaries of Saltwater Creek and Ashley River/Rakahuri and their associated mud banks, mud flats and open brackish water. The coastal side of the estuary, adjoining Pegasus Bay is made up of a sandy beach and dunes which forms Ashworth Spit and ponds behind the spit.</p> <p>The estuary is a Regionally Significant barrier-enclosed estuary system. It is identified as a geo-preservation site which comprises of one of the most complex river mouths on the Canterbury coast, indicating lateral channel instability.</p> <p>The estuary system has very high biophysical values and remains one of the least modified estuary systems in Canterbury. It includes a relatively extensive, intact and diverse sequence of estuarine vegetation communities in its lower reaches.</p> <p>The estuary has been identified as an ecological hotspot with extensive areas of salt marsh with a variety of specialised native plant species occurring along the upper and lower zones. The estuary mudflats and Ashworth Spit and ponds provide internationally significant habitat for migratory wading birds (like the bar-tailed godwit/kūaka), and provides high value wetland habitat for a variety of fish species (īnanga/whitebait, eels, kōaro, flounder/pātiki, common smelt/paraki, torrentfish/piripiripōhatu and bullies/kōkopu). The estuary is also a feeding and resting zone for the riverbed nesting birds, and host to over 90 recorded species, including the bar-tailed godwit/kūaka.</p> <p>The RPS lists the overall ecological significance ranking of High.</p> <p>The Ashley River/ Rakahuri and Saltwater Creek Estuarine areas are recognised by the International Union for Conservation of Nature (IUCN) as a wetland of 'international significance'.</p>	Very High
Sensory	<p>The estuary mudflats, channels and saltmarshes and the sandspit, foredunes beach and ponds and coastal edge are unmodified and retain a very high level of legibility, as to their formation by coastal processes and the movement of sediments and gravels down the river/stream.</p> <p>The natural forms and patterns of the landforms, vegetation and tidal movements give the area a high degree of naturalness that is apparent, a sense of remoteness and tranquillity through the lack of modification is apparent.</p> <p>The visual coherence of the estuary, sandspit, beach and vegetation is high due the lack of modification.</p> <p>Experienced within its boundaries the estuary can have a high degree of memorability depending on the tides and seasonal colour contrast of the vegetation, with low angle light of sunrise and sunset reflecting off the mudflats and tidal waters the most intense.</p> <p>Transient values of the estuary are very high reflecting the dynamic coast environment with its constant changes of tide, river flow, wind, light reflection on the water, presence of migratory birds and fish.</p>	Very High
Associative	<p>The Ashley River/Rakahuri, its tributaries and estuary, and the coastline are areas identified as part of Ngā Wai and Tūranga Tūpuna by Te Ngāi Tūāhuriri Rūnanga in the District Plan.</p> <p>The estuary is an important area to mana whenua for mahinga kai particularly for īnanga/whitebait, flounder/pātiki and eel.</p> <p>Some evidence of pre-1769 occupation is recorded at an archaeological site on the northern edge of the Ashley River/ Rakahuri Saltwater Lagoon confluence, which contains moa bones, adzes and post holes.</p> <p>The estuary, spit and beach are popular recreational destinations for</p>	High

	swimming, fishing, whitebaiting, bird watching and kayaking. Several road ends provide a variety of locations to access the area and walking, cycling extend the access around the margins.	
Likely Threats	<p>Earthworks in the estuary margin; Flood management structures; Damage to the estuary, its margins and associated vegetation from Motorised vehicles, including 4x4s; quad bikes; side by sides; and motorbikes; or⁵⁹ Farming practices⁶⁰; Quarrying activities; Buildings and structures on estuary margins; Utilities (such as powerlines stormwater pipes/channels); Forestry and shelterbelts; Native vegetation clearance.</p>	

Ashley River/Rakahuri - Significant Amenity Landscape

	Landscape Values	Rating
Biophysical	<p>Holocene loose gravel river deposits formed from sand, silt and clay. The Ashley River/ Rakahuri is a rare braided river system unique to New Zealand and the Canterbury Plains. Braided rivers are 'naturally uncommon ecosystems' and have a threat status of 'endangered'. The river is also one of the steepest braided rivers in New Zealand which transports large volumes of sediment during flooding events.</p> <p>The braided river bed is highly managed and is constrained along both banks for most of its length by plantings and stop banks to contain flood waters.</p> <p>Vegetation predominantly consists of willow/poplar species along with gorse and broom. Patches of non-indigenous forest are also scattered along the river bank between the Cones Road bridge north of Rangiora to the Ashley Gorge. Rare pockets of native vegetation are also present including species such as common broom (<i>Carmichaelia robusta</i>), korokio (<i>Corokia cotoneaster</i>), mingimingi (<i>Coprosma propinqua</i>), kōwhai (<i>Sophora microphylla</i>) in drier areas, and pūkio (<i>Carex secta</i>), harakeke (<i>Phormium tenax</i>), and karamū (<i>Coprosma robusta</i>).</p> <p>Highly valued for the native endangered and threatened bird species which nest in the river shingle. Species include the nationally vulnerable wrybill/ngutu pare (<i>Anarhynchus frontalis</i>), and banded dotterel/pohowera (<i>Charadrius bicinctus</i>), the nationally endangered black fronted tern/tarapirohe (<i>Chlidonias albostratus</i>), the declining white fronted tern/tara (<i>Sterna striata</i>), pied stilt (<i>Himantopus himantopus</i>), and the nationally critical black billed gull/tarāpunga (<i>Larus bulleri</i>).</p> <p>In the lower reaches of the park wet areas inside the stopbank host established populations of native wetland species including sedges and wetland grasses. Raupo Berm in Lower Ashley is a good example of historic backwaters containing remnant sedges.</p> <p>Important habitat for native and exotic fish species. Pockets of remnant vegetation in the Lower Ashley provide important Inanga/whitebait</p>	Moderate-High

⁵⁹ Royal Forest and Bird Protection Society of New Zealand Inc [192.78]

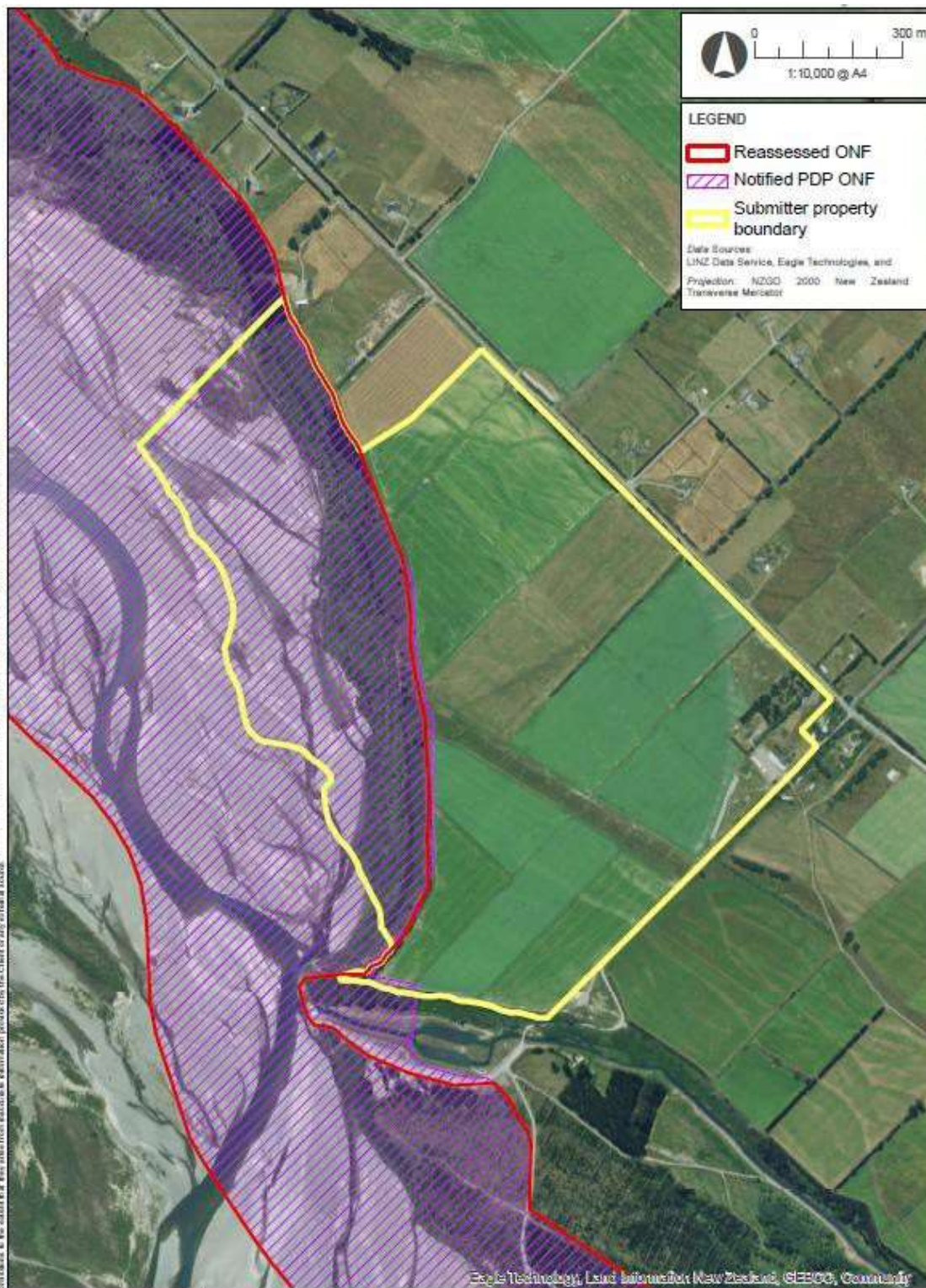
⁶⁰ Royal Forest and Bird Protection Society of New Zealand Inc [192.78]

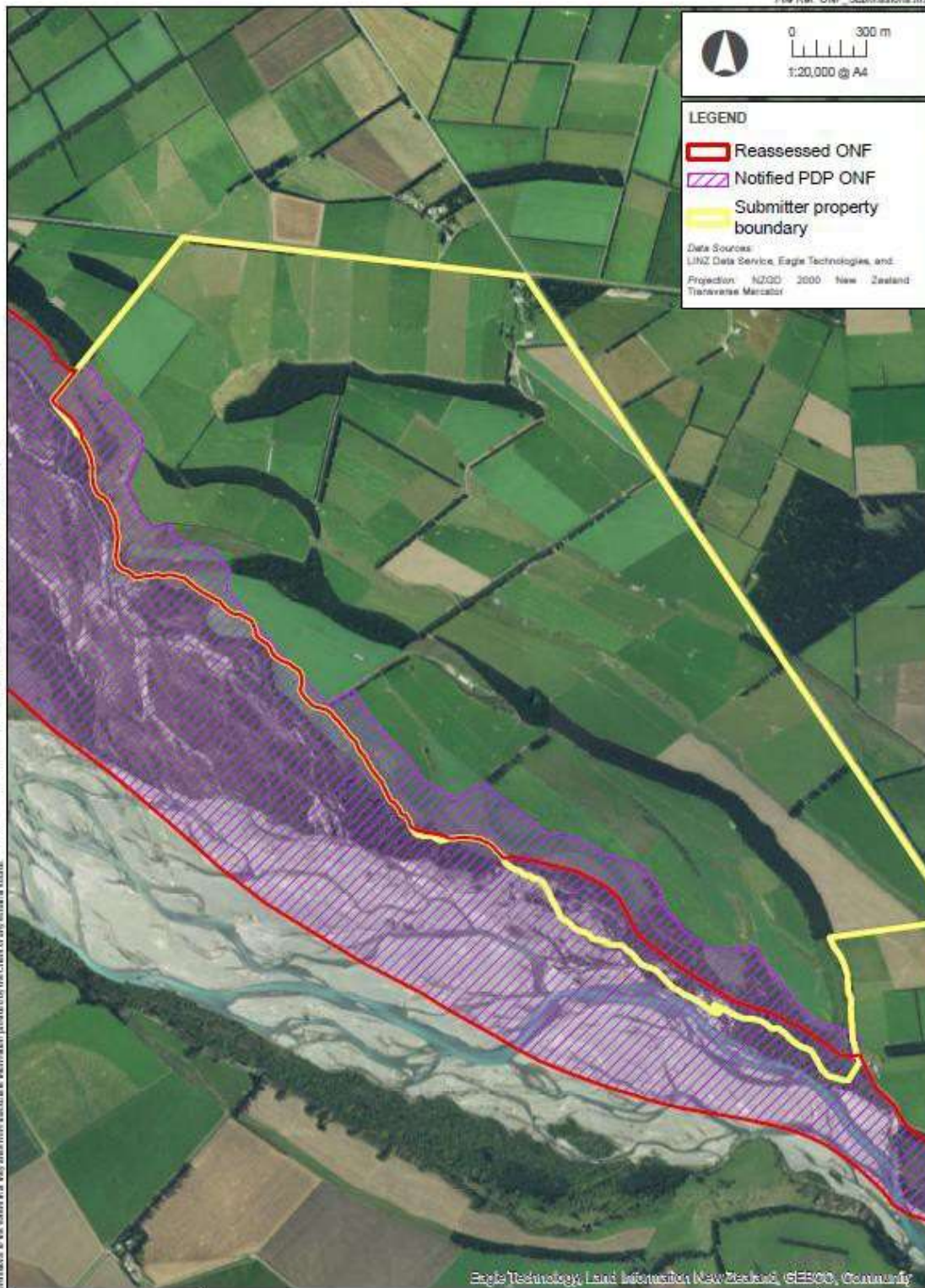
	spawning sites.	
Sensory	<p>Highly legible braided river which is expressive of its alluvial formative processes, changing form with each flood, and movement of gravel loads from the mountains to the sea.</p> <p>Memorable landscape feature and landmark for the local communities of Rangiora, Ashley, Oxford, and Glentui, as forms a physical barrier across this part of the plains. The river's presence is marked by river itself and the continuous bands of tall poplar along its banks.</p> <p>Valued by the community for its wilderness and natural environment and sounds, sights and smells of the river environment.</p> <p>Distinctive braided pattern of gravel beds and river channels unique to New Zealand and the Canterbury Plains.</p> <p>The Ashley River forms a clear connection between the foothills of the Southern Alps and the Pegasus Bay.</p> <p>Transient values include flooding or a "fresh" when the water floods the river bed bank to bank changing the channel structure.</p> <p>Other values include the dry river bed during the summer months, seasonal bird habitat, seasonal change of willows and change in the braid patterns following each flood.</p>	High
Associative	<p>The river corridor is highly valued by the community for its recreational, open space and biodiversity values and is recognised as such by its status as the Ashley Rakahuri Regional Park extending from the Okuku River confluence downstream to the Ashley Estuary.</p> <p>Activities include walking, cycling, and fishing and picnic and camping facilities are also available. Popular trails include the Taranaki Walkway near the mouth of the river and the Mike Kean walkway. Game bird shooting is also popular and permitted mostly to the west of the Cones Road bridge.</p> <p>Organisations such as Riding for the Disabled, and the North Canterbury BMX Club are present on the south of the Ashley River/Rakahuri near the Cones Road bridge.</p> <p>The Ashley Rakahuri Rivercare group is a community led organisation which aims to protect the ecological state of the Ashley River/ Rakahuri.</p> <p>The group traps pests in the river and works with other commercial and recreational users of the river to ensure the protection of the river's health.</p> <p>Ngāi Tūāhuriri have a significant association to the Rakahuri and wider Waimakariri area based on historical occupation and Mahinga Kai.</p> <p>Rakahuri translates to 'sky turned around' and was added as a dual name for the Nga Wai in 1998 under the Ngai Tahu Claims Act.</p> <p>Mahinga Kai for Ngāi Tūāhuriri. The Nga Wai was a valuable source for cabbage tree root, bracken fernroot, tuna, matamoe, and panako. Prior to the Nga Wai's development the lower tributaries of the Ashley River/ Rakahuri were an important habitat for inanga (whitebait), waikōura (freshwater crayfish), and tuna (eels). Exotic fish species such as chinook salmon, rainbow trout, and brown trout can still be caught between October and April each year. Because of its significance, the Ashley River/Rakahuri is considered a Ngā Wai and Tūrangā Tūpuna under the District Plan.</p> <p>Kaiapoi Pa was accessed by waka from the Ashley River/ Rakahuri.</p> <p>Historical flood events are part of the local history with some of the river's worst floods occurring during the early to mid-20th century.</p>	High
Likely Threats	Impact of gravel extraction within the river bed, on bird habitat; Further encroachment into the river corridor and margins by activities on	

	adjacent land e.g. agriculture; Flood management structures; Spreading of weed across the river bed; Buildings and other forms of infrastructure; Four-wheel drive access and damage; Water extraction.	
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Planning map - Natural Features and Landscapes overlay amendments to Waimakariri River ONF boundary on 1453, 1135A, 1047 Thongcaster Road and 369 Waimakariri Gorge Road

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Associated definition with recommended amendments

Plantation forestry - has the same meaning as in the NESPF ~~and includes forestry~~⁶¹.

⁶¹ Federated Farmers of New Zealand Inc. [414.14]

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 to B34 below.

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

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
414.14	Federated Farmers of New Zealand Inc..	Definition of plantation forestry	Replace the definition of 'plantation forestry' with: "has the same meaning as the NESPF, including forestry"	3.11	Accept	See body of report.	Yes

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
210.69	Waimakariri Irrigation Limited	General	Ensure provisions enable the submitter to continue its efforts to improve water quality through Managed Aquifer Recharge and Targeted Stream Augmentation initiatives.	Not applicable – only addressed here	Reject	Managed Aquifer Recharge and Targeted Stream Augmentation ⁶² are activities that relate to the use of water, which is an ECan function, and beyond the scope of the District Plan.	No
284.1	Clampett Investments Limited	General	Amend all controlled and restricted discretionary activity rules: "Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."	3.2	Reject	See body of report	No
326.1	Rolleston Industrial Developments Limited	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.2	Reject	See body of report	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose - there may be instances where it is appropriate to notify consents.	3.2	Accept	See body of report.	No

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

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

FS84	Ohoka Residents Association		Oppose & disallow – inconsistent with national policy direction, contrary to objectives and policies of Proposed District Plan and Operative District Plan. Opposed to inappropriate satellite town proposed in Ohoka.	3.2	Accept	See body of report. I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No ¹⁰
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¹⁰ Error corrected

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	3.2	Reject		No
326.3	Rolleston Industrial Developments Limited	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.2	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose - There may be instances where it is appropriate to notify consents.	3.2	Accept	See body of report.	No
FS84	Ohoka Residents Association		Oppose & disallow — inconsistent with national policy direction, contrary to objectives and policies of Proposed District Plan and Operative District Plan. Opposed to inappropriate satellite town proposed in Ohoka.	3.2	Accept	See body of report. I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No¹¹
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	3.2	Reject		No

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

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

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

¹¹ Error corrected

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.84	Transpower New Zealand Limited	General	Amend 'Other potentially relevant District Plan provisions': "As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to natural features and landscapes include: ... - Energy and Infrastructure: the Energy and Infrastructure chapter contains the provisions that manage existing infrastructure, and ancillary vehicle access tracks, and new infrastructure on natural features or within natural landscapes and the rules in this chapter do not apply. ..."	3.4	Accept in part	See body of report.	Yes
FS110	Waka Kotahi		Support – Allow. It would assist interpretation and implementation of the PDP.	3.4	Accept	See body of report.	No

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
210.40	Waimakariri Irrigation Limited	General	Insert new policy: "Recognise that there may be irrigation and stockwater activities in areas identified as outstanding natural features and landscapes, or significant amenity landscapes, and that those activities have a functional and operational need to locate in that landscape."	3.4	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Support – Allow. Recognition of this at policy level is essential.	3.4	Accept	See body of report.	No
420.24	Dairy Holdings Limited	General	Insert new policy: "Recognise that there may be working farmland and other rural production activities occurring in areas identified as outstanding natural features and landscapes, or visual amenity landscapes."	3.4	Reject	See body of report.	No

Table B 7: Recommended responses to submissions and further submissions - NFL – General – General

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
120.15	Judith Roper-Lindsay	General	Amend reference to Ashley/Rakahuri estuary to 'Te Aka Aka' to align with Zone Implementation Programme Addendum and Plan Change 7 of the Canterbury Regional Land and Water Regional Plan.	3.14	Accept in part	See body of report.	Yes
147.14	Kaiapoi-Tuahiwi Community Board	General	Retain Natural Features and Landscape section as notified.	Not applicable – only addressed here	Accept in part	Subject to amendments made in response to other submissions.	No
148.23	Rangiora-Ashley Community Board	General	Supportive of the protection of ecosystems and indigenous biodiversity as it is important to identify outstanding natural landscape and features within the district.	Not applicable – only addressed here	Accept in part	Protection of ecosystems and indigenous biodiversity is addressed in the Ecosystems and Indigenous Biodiversity Chapter. No changes recommended on the basis of this submission.	No
249.155	Mainpower New Zealand Limited	General	Insert appropriate hyperlinks from the EI Chapter to the relevant natural features and landscapes rules contained in the Natural Features and Landscapes Chapter.	3.4	Reject	See body of report.	No
362.8	North Canterbury Fish and Game Council	General	Request rules be included in the Natural Features and Landscape Chapter that restrict vegetation clearance in Outstanding Natural Landscapes (ONLs). This should be tied in with the mapping of 'converted pasture' described elsewhere in this submission, wherein all vegetation clearance outside of mapped 'converted pasture' areas in the ONLs trigger the need for a discretionary resource consent, so that landscape values can be properly considered.	3.9	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support.	3.9	Reject	See body of report.	No
420.40	Dairy Holdings Limited	General	Remove Waimakariri River Outstanding Natural Feature overlay from Gorge Farm / Brown Rock Farm at 1453, 1047 and 1135A Thongcaster Road, Burnt Hill.	3.8	Accept in part	See body of report.	Yes
420.43	Dairy Holdings Limited	General	Remove Waimakariri River Outstanding Natural Feature (ONF) overlay from Eagle Hill at 369 Waimakariri Gorge ⁶³ Road, or, in the case of overlays relating to the Waimakariri River, the overlay is amended to only extend to the river bank and exclude areas of developed farmland, and, in the case of the ONF, the overlay is amended to exclude the developed pasture, tracks and shelter belts.	3.8	Accept in part	See body of report.	Yes

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
316.114	Canterbury Regional Council	Introduction	Consider moving the clarification that activities in, on, under or over the beds of lakes and rivers are managed by the Canterbury Regional Council and as such the rules in the Natural Features and Landscapes Chapter do not apply to these areas to an advice note.	Not applicable – only addressed in this table	Accept	Agree with submitter that this content is more appropriate as an advice note instead of within the introduction.	Yes
FS80	Christchurch International Airport Limited	Support	Supports request for Proposed Plan to give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	Not applicable – only addressed	Accept	I agree with further submission's sentiment of supporting this submission, however the reasoning is not relevant to the submission's content.	No

Table B 9: Recommended responses to submissions and further submissions - NFL-O1

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.85	Transpower New Zealand Limited	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected from <u>inappropriate</u> land use or development that would adversely affect the values of these features."	3.3	Accept	See body of report.	Yes
FS95	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited		Support – Allow. Better reflects s6(b) of RMA.	3.3	Accept	See body of report.	No
FS99	KiwiRail Holdings Ltd		Support – Allow. Improves alignment with RMA and provides linkages to sections relating to infrastructure.	3.3	Accept	See body of report.	No
210.35	Waimakariri Irrigation Limited	NFL-O1	Amend NFL-O1: "Outstanding natural features are, <u>where reasonably practicable</u> , protected from land use or development that would adversely affect the values of these features."	3.5	Reject	See body of report.	No
275.24	Waka Kotahi NZ Transport Agency	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected, <u>as far as practicable</u> ,	3.3, 3.5	Accept in part	See body of report.	Yes

			from land use or development that would <u>have inappropriate</u> adversely affect effects on the values of these features."				
FS99	KiwiRail Holdings Ltd		Support – Allow. Provides recognition that there may be instances where ONFs cannot be absolutely protected.	3.3, 3.5	Accept in part	See body of report.	No
316.115	Canterbury Regional Council	NFL-O1	Retain NFL-O1 as notified or retain the original intent.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS80	Christchurch International Airport Limited	Support	Supports request for Proposed Plan to give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	Not applicable – only addressed in this table	Accept		No
326.308	Rolleston Industrial Developments Limited	NFL-O1	Retain NFL-O1 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
419.94	Department of Conservation	NFL-O1	Retain NFL-O1 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc		Support - in accordance with the requirements of the RMA	Not applicable – only addressed in this table	Accept		No
420.22	Dairy Holdings Limited	NFL-O1	Amend NFL-O1: "Outstanding natural features are protected from <u>new</u> land use or <u>significant</u> development that would adversely affect the values of these features."	3.12, 3.15	Reject	See body of report.	No

Table B 10: Recommended responses to submissions and further submissions - NFL-O2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
195.86	Transpower New Zealand Limited	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are protected from <u>inappropriate</u> land use or development that would adversely affect the values of these landscapes."	3.3	Accept	See body of report.	Yes
FS95	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited		Support – Allow. Better reflects s6(b) of RMA.	3.3	Accept	See body of report.	No
FS99	KiwiRail Holdings Ltd		Support – Allow. Improves alignment with RMA and provides linkages to sections relating to infrastructure.	3.3	Accept	See body of report.	No
210.36	Waimakariri Irrigation Limited	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are, <u>where reasonably practicable</u> , protected from land use or development that would adversely affect the values of these features."	3.5	Reject	See body of report.	No
275.25	Waka Kotahi NZ Transport Agency	NFL-O2	Amend NFL-O2: "Outstanding natural landscapes are protected, <u>as far as practicable</u> , from land use or development that would <u>have inappropriate</u> adversely affect <u>effects on</u> the values of these landscapes."	3.3, 3.5	Accept in part	See body of report.	Yes
FS99	KiwiRail Holdings Ltd		Support – Allow. Provides recognition that there may be instances where ONFs cannot be absolutely protected.	3.3, 3.5	Accept in part	See body of report.	No
316.116	Canterbury Regional Council	NFL-O2	Retain NFL-O2 as notified or retain the original intent.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS80	Christchurch International Airport Limited		Supports request for Proposed Plan to give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	Not applicable – only addressed in this table	Accept in part		No
326.309	Rolleston Industrial Developments Limited	NFL-O2	Retain NFL-O2 as notified.	Not applicable	Accept in part	No changes are recommended based on the content of this submission point. Subject to	No

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

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

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

				in this table			
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA	Not applicable – only addressed in this table	Accept	Agree with submitter.	No

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
62.47	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-P1	Amend NFL-P1 so EI-P5 must be considered in regard to infrastructure, e.g: "... x.in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5."	3.4	Reject	See body of report.	No
FS99	KiwiRail Holdings Limited		Support the addition of a clause which refers to the Energy and Infrastructure Chapter.	3.4	Accept	See body of report.	No
171.14	Rayonier Matariki Forests	NFL-P1	Amend NFL-P1 to clarify limited to afforestation of plantation forests.	3.11	Reject	See body of report.	No
192.74	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-P1	Amend NFL-P1 to include: "x. avoiding any loss of indigenous biodiversity identified in policy ECO-P7;"	3.10	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Oppose – Disallow. Extra words unnecessary for something already covered.	3.10	Reject	See body of report.	No
FS110	Waka Kotahi NZ Transport Agency		Oppose – Disallow. Concerned that the absolute nature of this amendment does not acknowledge that some activities, in the context of the PDP's wider outcomes, might detract from indigenous biodiversity values of ONFs. In providing for the transport system, there may be instances where effects on indigenous biodiversity have been avoided, remedied or mitigated as far as practicable, but there is still some adverse effect on ONF values thus a more nuanced approach is required.	3.10	Reject	See body of report	No
195.88	Transpower New Zealand Limited	NFL-P1	Amend NFL-P1: "Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of inappropriate activities and development, except where Policy EI-P5 applies, by: ..."	3.3, 3.4	Accept in part	See body of report.	Yes

FS99	KiwiRail Holdings Ltd		Support – Allow. Improves alignment with the RMA and provides linkages to relevant sections of the PDP relating to infrastructure.	3.3, 3.4	Accept in part	See body of report.	No
210.37	Waimakariri Irrigation Limited	NFL-P1	Amend NFL-P1: "... 1. avoiding, <u>where practicable, or otherwise remedying, mitigating or offsetting</u> , use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River; 2. avoiding, <u>where practicable, or otherwise remedying, mitigating or offsetting</u> , use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on: ..."	3.5	Reject	See body of report.	No
FS83	Federated Farmers of New Zealand Inc.		Support - Allow. Practicality test is appropriate.	3.5	Reject	See body of report.	No
249.156	Mainpower New Zealand Limited	NFL-P1	NFL-P1 by adding additional clause: "... 7. enabling conservation activities and non-motorised recreation activities.; and 8. <u>recognise that, due to locational, operational and technical requirements, infrastructure may need to be located within areas with natural environment values.</u> "	3.4	Reject	See body of report.	No
275.26	Waka Kotahi NZ Transport Agency	NFL-P1	Amend NFL-P1: "Recognise the values of the outstanding natural features identified in NFL-APP1 and protect them from the adverse effects of activities and development by: 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri River, <u>except where activities have a functional need or operational need to be located within the features and provided the adverse effects on values are avoided, remedied or mitigated;</u> 2.avoiding use and development that detracts from the very high biophysical and sensory values, and high associative values of the Ashley River/Rakahuri Saltwater Creek Estuary identified in NFL-APP1, including on: a. coastal physical processes; b. ecological habitat and indigenous biodiversity; and c. the experience of the elements and processes of (a) and (b); <u>except where activities have a functional need or operational need to be located within the Ashley River/Rakahuri Saltwater Creek Estuary and provided the adverse effects on values are avoided, remedied or mitigated;</u> "	3.4	Reject	See body of report.	No

FS99	KiwiRail Holdings Ltd		Support – Allow. Provides recognition of functional and operational need of the location of infrastructure.	3.4	Reject	See body of report.	No
326.311	Rolleston Industrial Developments Limited	NFL-P1	Retain NFL-P1 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
362.3	North Canterbury Fish and Game Council	NFL-P1	Support NFL-P1 inclusion of the Waimakariri, Ashley/Rakahuri and Saltwater Creek as Outstanding Natural Features and Ashley River as a Significant Amenity Landscape.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support.	Not applicable – only addressed in this table	Accept in part		No
414.140	Federated Farmers of New Zealand Inc.	NFL-P1	Amend NFL-P1: "... 5. avoiding activities such as plantation forestry, woodlots, shelterbelts, afforestation , mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; ..."	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.11	Accept	See body of report.	No
419.97	Department of Conservation	NFL-P1	Retain NFL-P1 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept in part		No
420.23	Dairy Holdings Limited	NFL-P1	Amend NFL-P1 (1), (5) and (6): "... 1. managing avoiding use and development that has the potential to detracts from the very high biophysical values and high sensory and associative values identified in NFL-APP1 for the Waimakariri	3.12, 3.16	Reject	See various sections in body of report.	No

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

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
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41.25	Fulton Hogan Ltd	NFL-P3	Amend NFL-P3 to use terms set out in the National Planning Standards definition standard and to allow primary productive activities to occur where these do not detract from the values identified: "Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of activities and development by: ... 5. providing for existing rural <u>primary</u> production where this does not detract from the identified values; and ..."	3.6	Reject	See body of report.	No
62.48	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-P3	Amend NFL-P3 so EI-P5 must be considered in regard to infrastructure, e.g: "... x. <u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5.</u> "	3.4	Reject	See body of report.	No
FS99	KiwiRail Holdings Ltd		<i>Supports the addition of a clause which refers to the Energy and Infrastructure Chapter.</i>	3.4	Reject	<i>See body of report.</i>	<i>No</i>
171.15	Rayonier Matariki Forests	NFL-P3	Amend NFL-P3 to clarify limited to afforestation of plantation forests.	3.11	Reject	See body of report	No
192.75	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-P3	Retain NFL-P3 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
195.89	Transpower New Zealand Limited	NFL-P3	Amend NFL-P3: "Recognise the values of the outstanding natural landscapes identified in NFL-APP1 and protect them from the adverse effects of <u>inappropriate</u> activities and development, <u>except where Policy EI-P5 applies</u> , by: 1. avoiding use and development that detracts from the very high biophysical values and high sensory and associative values of the Puketeraki Range and Oxford Foothills identified in NFL-APP1, in particular on the: ..."	3.3, 3.4	Accept in part	See applicable sections in body of report.	Yes
FS99	KiwiRail Holdings Ltd		<i>Support – Allow. Improves alignment with the RMA and provides linkages to relevant sections of the PDP relating to infrastructure.</i>	3.4	Accept in part	<i>See applicable sections in body of report.</i>	<i>No</i>
249.157	Mainpower New Zealand Limited	NFL-P3	Amend NFL-P3 by adding additional clause: "Recognise the values of the outstanding natural landscapes	3.4	Reject	See body of report.	No

			identified in NFL-APP1 and protect them from the adverse effects of activities and development by: ... 6. enabling conservation activities and non-motorised recreation activities; and 7. recognise that, due to locational, operational and technical requirements, network utilities may need to be located within areas with natural environment values."				
275.27	Waka Kotahi NZ Transport Agency	NFL-P3	Amend NFL-P3(1) by adding the following clause after (1)(d): "... <u>except where activities have a functional need or operational need to be located within the Puketeraki Range and Oxford Foothills and provided the adverse effects on values are avoided, remedied or mitigated;</u> ..."	3.4	Reject	See body of report.	No
316.117	Canterbury Regional Council	NFL-P3	Retain NFL-P3 as notified or retain the original intent.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS80	Christchurch International Airport Limited		<i>Supports – the Proposed Plan should give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept in part</i>		<i>No</i>
326.313	Rolleston Industrial Developments Limited	NFL-P3	Retain NFL-P3 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
362.5	North Canterbury Fish and Game Council	NFL-P3	Amend NFL-P3 to include Lees Valley as an Outstanding Natural Landscape until the full Significant Natural Area mapping process is completed.	3.7	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Support.</i>	<i>3.7</i>	<i>Reject</i>	<i>See body of report.</i>	<i>No</i>
FS83	Federated Farmers of		<i>Oppose – disallow - premature inclusion of Lees Valley as an ONL.</i>	<i>3.7</i>	<i>Accept</i>	<i>See body of report.</i>	<i>No</i>

	<i>New Zealand Inc.</i>						
362.7	North Canterbury Fish and Game Council	NFL-P3	Amend NFL-P3 to include rules to limit indigenous vegetation clearance in Outstanding Natural Landscapes at threat of vegetation clearance and pastoral intensification.	3.9	Reject	See body of report.	No
FS83	<i>Federated Farmers of New Zealand Inc.</i>		<i>Oppose – disallow - vegetation clearance is covered elsewhere.</i>	3.9	<i>Accept</i>	<i>See body of report.</i>	<i>No</i>
414.141	Federated Farmers of New Zealand Inc.	NFL-P3	Amend NFL-P3: " ... 4. avoiding activities such as plantation forestry, shelterbelts, afforestation , mining and quarrying activities and large buildings or groups of buildings or other structures which create adverse effects on the identified values; ..."	3.11	Reject	See body of report.	No
FS78	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>		<i>Oppose - not in accordance with RMA and other higher order documents.</i>	3.11	Accept	See body of report.	No
419.99	Department of Conservation	NFL-P3	Retain NFL-P3 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS78	<i>Royal Forest and Bird Protection Society of New Zealand Inc.</i>		<i>Support - in accordance with the requirements of the RMA.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept in part.</i>		<i>No</i>

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
41.26	Fulton Hogan Ltd	NFL-P4	Amend NFL-P4: " ... 4. avoiding incompatible activities, including plantation forestry, shelterbelts, mining and quarrying activities, and large buildings or groups of buildings or other structures which create <u>where these activities result in</u> unacceptable adverse effects on the identified values; 5. mitigating through bulk, location and design controls the adverse effects of other uses and development in areas which have no capacity to absorb change; 6. providing for non motorised recreation activities and conservation activities; and	3.6, 3.12, 3.16	Reject	See body of report.	No

			7. providing for existing rural primary production where this does not detract from the identified values."				
62.49	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	NFL-P4	Amend NFL-P4 so EI-P5 must be considered in regard to infrastructure, e.g: "... x. <u>in regard to infrastructure, the matters outlined above shall be subject to a consideration of the extent to which the infrastructure may be appropriate under Policy EI-P5.</u> "	3.4	Reject	See body of report.	No
FS110	Waka Kotahi NZ Transport Agency		Support the proposed amendment as EI-P5 provides a framework for managing the adverse effects of infrastructure within specified areas, and consider it appropriate that it is taken into account in this policy so that the relationship between EI-P5 and NFL-P4 is clear.	3.4	Accept in part	See body of report.	No
FS99	KiwiRail Holdings Limited		Supports the addition of a clause which refers to the Energy and Infrastructure Chapter.	3.4	Accept in part	See body of report.	No
171.16	Rayonier Matariki Forests	NFL-P4	Amend NFL-P4 to delete reference to plantation forestry.	3.11	Reject	See body of report.	No
192.76	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-P4	Retain NFL-P4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
195.90	Transpower New Zealand Limited	NFL-P4	Amend NFL-P4: "Recognise the values of the significant amenity landscapes identified in NFL-APP1 and maintain them, <u>except where Policy EI-P5 applies</u> by: 1. managing adverse effects of use and development on the moderate-high biophysical values and high sensory and associative values of the Ashley River/Rakahuri identified in NFL-APP1, in particular on the: ..."	3.4	Reject	See body of report.	No
FS77	Department of Conservation		Disallow - the effects hierarchy should be applied by first avoiding the adverse effects.	3.4	Accept	See body of report.	No
FS99	KiwiRail Holdings Ltd		Support – allow - improves alignment with the RMA and provides linkages to relevant sections of the PDP relating to infrastructure.	3.4	Reject	See body of report.	No
210.39	Waimakariri Irrigation Limited	NFL-P4	Retain NFL-P4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No

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

Table B 16: Recommended responses to submissions and further submissions - NFL-R1

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.316	Rolleston Industrial Developments Limited	NFL-R2	Retain NFL-R2 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	No

Table B 18: Recommended responses to submissions and further submissions - NFL-R3

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.317	Rolleston Industrial Developments Limited	NFL-R3	Retain NFL-R3 as notified.	Not applicable – only addressed in this	Accept	No changes recommended on the basis of this submission.	No

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
192.77	Royal Forest and Bird Protection Society of New Zealand Inc.	NFL-R4	Amend NFL-R4 to reduce its scope to not include amenities not subject to the conditions.	3.17	Accept in part	See body of report.	Yes
FS110	Waka Kotahi NZ Transport Agency		Oppose – Disallow in full. The exclusion of structures that are public amenities, including cycleways and walkways, would necessitate a resource consent; additional conditions could be added to the permitted activity rule to manage the effects of larger scale cycleways and walkways.	3.17	Accept in part	See body of report. My recommendation is to amend the rule by adding an activity standard limiting the width of cycleways and walkways, which aligns with this further submission.	No
326.318	Rolleston Industrial Developments Limited	NFL-R4	Retain NFL-R4 as notified.	Not applicable – only addressed in this table	Accept in part	No changes recommended on the basis of this submission. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
210.41	Waimakariri Irrigation Limited	NFL-R5	Amend the default activity status of the Waimakariri River from Non-Complying to Restricted Discretionary.	3.4	Reject	See body of report.	No
249.159	Mainpower New Zealand Limited	NFL-R5	Amend NFL-R5 by adding additional clause: "..."	3.4	Reject	See body of report.	No

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
249.160	Mainpower New Zealand Limited	NFL-R6	Seek clarification that NFL-R6 is not applicable to infrastructure as the matter is covered by EI-R2.	3.4	Reject	See body of report.	No
326.320	Rolleston Industrial Developments Limited	NFL-R6	Retain NFL-R6 as notified.	Not applicable – only	Accept in part	No changes recommended on the basis of this submission. Subject to amendments made in response to other submissions.	No

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

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

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
254.37	Christchurch International Airport Limited	NFL-R8	Retain NFL-R8 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS88	Kainga Ora – Homes and Communities		<i>Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the airport noise contour is relevant to this rule, which relates to centre pivot and travelling irrigators within an ONF, ONL, or SAL.</i>	<i>No</i>
326.322	Rolleston Industrial Developments Limited	NFL-R8	Retain NFL-R8 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS137	Ohoka Residents Association		<i>Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>	<i>I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.</i>	<i>No</i>
414.145	Federated Farmers of New Zealand Inc.	NFL-R8	Delete NFL-R8.	3.12	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.12	Accept	See body of report.	No
420.25	Dairy Holdings Limited	NFL-R8	Amend NFL-R8: "Activity status for areas of existing irrigation: PER Activity status for areas of new irrigation: DIS"	3.12	Reject	See body of report.	No

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
326.323	Rolleston Industrial Developments Limited	NFL-R9	Retain NFL-R9 as notified.	Not applicable	Accept	No changes recommended on the basis of this submission.	No

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

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

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
254.39	Christchurch International Airport Limited	NFL-R11	Retain NFL-R11 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS88	Kainga Ora – Homes and Communities		Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.	Not applicable – only addressed in this table	Reject	I do not consider the airport noise contour is relevant to this rule, which relates planting restricted tree species within an ONF, ONL, or SAL.	No
316.118	Canterbury Regional Council	NFL-R11	Amend NFL-R11 (2) ¹² (i) so that only crack (Salix fragilis) and grey (Salix cinerea) willow are listed.	3.13	Accept	See body of report	Yes
FS80	Christchurch International Airport Limited		Supports that the Proposed Plan give effect to the CRPS, in particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	3.13	Accept	See body of report	No
326.325	Rolleston Industrial Developments Limited	NFL-R11	Retain NFL-R11 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point. Subject to amendments made in response to other submissions.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
414.147	Federated Farmers of New Zealand Inc.	NFL-R11	Amend NFL-R11: "... i..... <u>Non pest Salix spp.</u> "	3.13	Reject	See body of report	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.13	Accept	See body of report	No

¹² Error corrected (submission summary error)

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
41.27	Fulton Hogan Ltd	NFL-R12	Amend the activity status of NFL-R12 to discretionary.	3.17	Reject	See body of report.	No
254.40	Christchurch International Airport Limited	NFL-R12	Retain NFL-R12 as notified.	Not applicable – only addressed in this table	Accept in part	No changes are recommended based on the content of this submission point.	No
FS88	Kainga Ora – Homes and Communities		Opposes the airport noise contour, seeks the deletion of the Aircraft/ Airport noise provisions in full including any mapped noise overlays, contour maps.	Not applicable – only addressed in this table	Reject		No
316.119	Canterbury Regional Council	NFL-R12	Consider making a clarification that activities in, on, under or over the beds of lakes and rivers are managed by the Canterbury Regional Council and as such the rules in this chapter do not apply to these areas in an advice note.	3.17	Accept	See body of report.	Yes
FS80	Christchurch International Airport Limited		Supports request that the Proposed Plan give effect to the CRPS. In particular, Policy 6.3.5(4) of the CRPS requires avoidance of noise sensitive activities within the 50dB Ldn Airport Noise Contour for Christchurch International Airport.	3.17	Accept	See body of report.	No

326.326	Rolleston Industrial Developments Limited	NFL-R12	Retain NFL-R12 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
171.17	Rayonier Matariki Forests	NFL-R13	Limit the rules to afforestation.	3.11	Reject	See body of report.	No
219.5	Ngai Tahu Forestry	NFL-R13	Amend activity status to discretionary for better alignment with the National Environmental Standards for Plantation Forestry.	3.11	Reject	See body of report.	No
FS77	Department of Conservation		Support.	3.11	Reject	See body of report.	No
326.327	Rolleston Industrial Developments Limited	NFL-R13	Retain NFL-R13 as notified.	Not applicable – only addressed in this table	Accept	No changes are recommended based on the content of this submission point.	No
FS137	Ohoka Residents Association		Oppose and disallow every amendment that supports Rolleston Industrial Development Limited's proposed satellite town in Ohoka. It is inconsistent with the national policy direction and contrary to the objectives and policies in both the Operative Plan and PDP. There is insufficient information relating to stormwater, wastewater, transport, character, amenity, and housing demand.	Not applicable – only addressed in this table	Reject	I do not consider the Ohoka private plan change request is relevant the NFL chapter as there are no ONFs, ONLs, or SAL within Ohoka.	No
414.148	Federated Farmers of New Zealand Inc.	NFL-R13	Amend NFL-R13 title: "Afforestation"	3.11	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose. Not in accordance with RMA and other higher order documents.	3.11	Support	See body of report.	No
419.103	Department of Conservation	NFL-R13	Retain NFL-R13 as notified.	Not applicable – only	Accept	No changes are recommended based on the content of this submission point.	No

				addressed in this table			
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		Support - in accordance with the requirements of the RMA.	Not applicable – only addressed in this table	Accept		No
420.26	Dairy Holdings Limited	NFL-R13	Amend NFL-R13: "Activity status for replanting areas of previous plantation forestry: PER Activity status for new areas of plantation forestry: DIS NC "	3.11	Reject	See body of report.	No

Table B 29: Recommended responses to submissions and further submissions - NFL-S1

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

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

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

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

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?

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

Table B 33: Recommended responses to submissions and further submissions - NFL-MD2

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

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

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this report where addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
192.78	Royal Forest and Bird Protection Society of New Zealand Inc.	Appendix	Include in NFL-APP1 - Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Feature - Likely Threats section: <u>"Motorised vehicles (including 4x4s; quad bikes; side by sides; and motorbikes) on the associated sand dunes"</u>	3.19	Accept in part	See body of report.	Yes
210.42	Waimakariri Irrigation Limited	NFL-APP1	Amend NFL-APP1 to rectify that a number of activities identified as 'threats' are already located in the Waimakariri Outstanding Natural Feature.	3.19	Reject	See body of report	No
360.15	Christchurch City Council	NFL-APP1	Continuing to work with Waimakariri District Council on matters relating to the Waimakariri River to ensure its ongoing protection.	Not applicable – only addressed in this table	Accept	Agree with submitter as this aligns with cross boundary matters as per section 75(2)(f) of the RMA.	No
FS37	Richard & Geoff Spark		Oppose – Disallow. Inconsistent with RMA, NPS-UD and NPS-HPL, and may impact on the consenting framework for the rezoning and other amendments sought by Richard & Geoff Spark.	Not applicable – only	Reject		No

				<i>addressed in this table</i>			
FS46	Miranda Hales		<i>Reject - Inconsistent with RMA, NPS-UD and NPS-HPL.</i>	<i>Not applicable – only addressed in this table</i>	<i>Reject</i>		<i>No</i>
FS80	Christchurch International Airport Limited		<i>Support - versatile soils and highly productive land are important considerations. Areas of land currently zoned rural and contain Land Use Category 2 and 3 soils are inappropriate for urban rezoning. The NPS-HPL is now in force and contains strong direction to avoid urban growth on highly productive land.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept</i>		<i>No</i>
414.151	Federated Farmers of New Zealand Inc.	NFL-APP1	Amend NFL-APP1 to introduce additional columns of: Current risk Existing management history Reversibility of negative effects	3.19	Reject	See body of report.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Oppose. Not in accordance with RMA and other higher order documents.</i>	3.19	<i>Accept</i>	<i>See body of report.</i>	<i>No</i>
419.108	Department of Conservation	NFL-APP1	Retain NFL-APP1 as notified.	Not applicable – only addressed in this table	Accept	No changes recommended on the basis of this submission.	No
FS78	Royal Forest and Bird Protection Society of New Zealand Inc.		<i>Support - in accordance with the requirements of the RMA.</i>	<i>Not applicable – only addressed in this table</i>	<i>Accept</i>		<i>No</i>
420.27	Dairy Holdings Limited	Appendix	Amend NFL-APP1 Waimakariri River - Outstanding Natural Features (ONFs) to rectify that a number of activities identified as 'threats' are already widespread in the Waimakariri ONF.	3.19	Reject	See body of report.	No

Appendix C. Report Author's Qualifications and Experience

I hold a Bachelor of Applied Science in Environmental Management and Master of Applied Science in Environmental Management. I am a Full Member of the New Zealand Planning Institute.

I have 10.5 years' experience in working as a planner for local government and consultancies. My work experience includes District Plan preparation, policy analysis, public and stakeholder consultation and engagement, processing of resource consent applications, preparation of resource consent applications, and environmental monitoring.

I have worked at the Waimakariri District Council for 6.5 years; starting as a Resource Management Planner, then Intermediate Policy Planner, and now Senior Policy Planner. I have been involved in the Waimakariri District Plan review process since it commenced in 2016.

Appendix D. Waimakariri Overlay Reassessment Memo and Maps



Waimakariri River Outstanding Natural Feature

Submission Review
Prepared for Waimakariri District Council

2 May 2023

Waimakariri River Outstanding Natural Feature- Submission review

Following a review of the ONF boundary at a finer scale some of the ONF boundaries have been reassessed to align more closely with physical features that comprise the edge of the river margin including; vegetation, terrace landforms, water courses, roads, irrigation intakes and fences. As a result, some areas of the submitting properties remain within the ONF and some have been excluded. Refer to the attached Figures and notes in the table below.

Submission 420.40- Figures 1 &2

Submission 420.43 - Figure 3

Submission 210.68 - Figure 1

Sub #	Submitter	Submission summary	Relief sought summary	Comments	Review Comments
420.40	Dairy Holdings Limited	The part of the property (Gorge Farm / Brown Rock Farm at 1453, 1047 and 1135A Thongcaster Road, Burnt Hill) within the Waimakariri River Outstanding Natural Feature overlay comprises tracks, shelter belts, areas of farmland and scrub and weeds.	Remove Waimakariri River Outstanding Natural Feature overlay from Gorge Farm / Brown Rock Farm at 1453, 1047 and 1135A Thongcaster Road, Burnt Hill.	Please advise whether any parts of the overlay within these properties should be amended to remove certain areas and why; or if no amendments are recommended, please advise why.	1047- no overlap of ONF into this land parcel. 1135A- boundary has been reassessed at a finer scale and now excludes a small sliver of developed land on the river side of the road. 1453- boundary has been reassessed at a finer scale and amended to align more closely with the top of the river terrace, The steep terrace face and vegetated flood plain at it's

Sub #	Submitter	Submission summary	Relief sought summary	Comments	Review Comments
					base comprise the river margin and are integral to the ONF.
420.43		The part of the property (369 Waimakariri Gorge Rd) within the Waimakariri River Outstanding Natural Feature overlay comprises tracks, shelter belts, areas of farmland and scrub and weeds.	Remove Waimakariri River Outstanding Natural Feature (ONF) overlay from Eagle Hill at 369 Waimakariri Gorge Road, or, in the case of overlays relating to the Waimakariri River, the overlay is amended to only extend to the river bank and exclude areas of developed farmland, and, in the case of the ONF, the overlay is amended to exclude the developed pasture, tracks and shelter belts.	Please advise whether any parts of the overlay within these properties should be amended to remove certain areas and why; or if no amendments are recommended, please advise why.	The ONF boundary has been reassessed at a finer scale and amended to align more closely with the edge of the river margin where it adjoins developed farm land. The amended ONF boundary excludes a strip of developed land adjacent to the river margin, and has been aligned using a combination of physical features - vegetation, fence lines and recently active riverbed margins.
210.68	Waimakariri Irrigation Limited	Concerned that Natural Features and Landscapes overlay cover large areas that do not function as streams or rivers,	These overlays must reflect the definition of "riverbed" under the RMA, as in the area covered by water when the river is at its	Please advise whether any parts of the overlay within these properties should be amended to remove certain	ONF boundary has been adjusted to exclude the irrigation intake infrastructure. The CRPS requires WDC to identify and define boundaries

Sub #	Submitter	Submission summary	Relief sought summary	Comments	Review Comments
		have been intensively developed and support activities that would not be enabled by the proposed provisions of these overlays, including WIL's intake and associated infrastructure at Browns Rock. These overlays must reflect the definition of "riverbed" under the RMA, as in the area covered by water when the river is at its fullest flow in "usual" conditions (as confirmed by the Court of Appeal in Canterbury Regional Council v Dewhirst Land Company [2019] NZCA 486). Notes that while it is important that rivers and streams are protected from inappropriate	fullest flow in "usual" conditions (as confirmed by the Court of Appeal in Canterbury Regional Council v Dewhirst Land Company [2019] NZCA 486). Exclude intake infrastructure at Browns Rock from the Natural Features and Landscapes overlay.	areas and why; or if no amendments are recommended, please advise why.	of outstanding natural landscapes and features. The ONF overlay is not required to comply with the RMA definition of 'riverbed' as requested in the submission, rather the ONF encompasses the attributes and corresponding values that combine to make it an outstanding feature. The delineation of this outstanding natural feature includes both the riverbed and its margins as single element within the wider Canterbury Plains landscape.

Sub #	Submitter	Submission summary	Relief sought summary	Comments	Review Comments
		activities, it is essential that its activities that have a functional requirement to be in these locations are enabled, and the spatial extent of these overlays is directly related to what is being protected.			

About Boffa Miskell

Boffa Miskell is a leading New Zealand professional services consultancy with offices in Whangarei, Auckland, Hamilton, Tauranga, Wellington, Nelson, Christchurch, Dunedin, and Queenstown. We work with a wide range of local and international private and public sector clients in the areas of planning, urban design, landscape architecture, landscape planning, ecology, biosecurity, cultural advisory, graphics and mapping. Over the past five decades we have built a reputation for professionalism, innovation and excellence. During this time we have been associated with a significant number of projects that have shaped New Zealand's environment.

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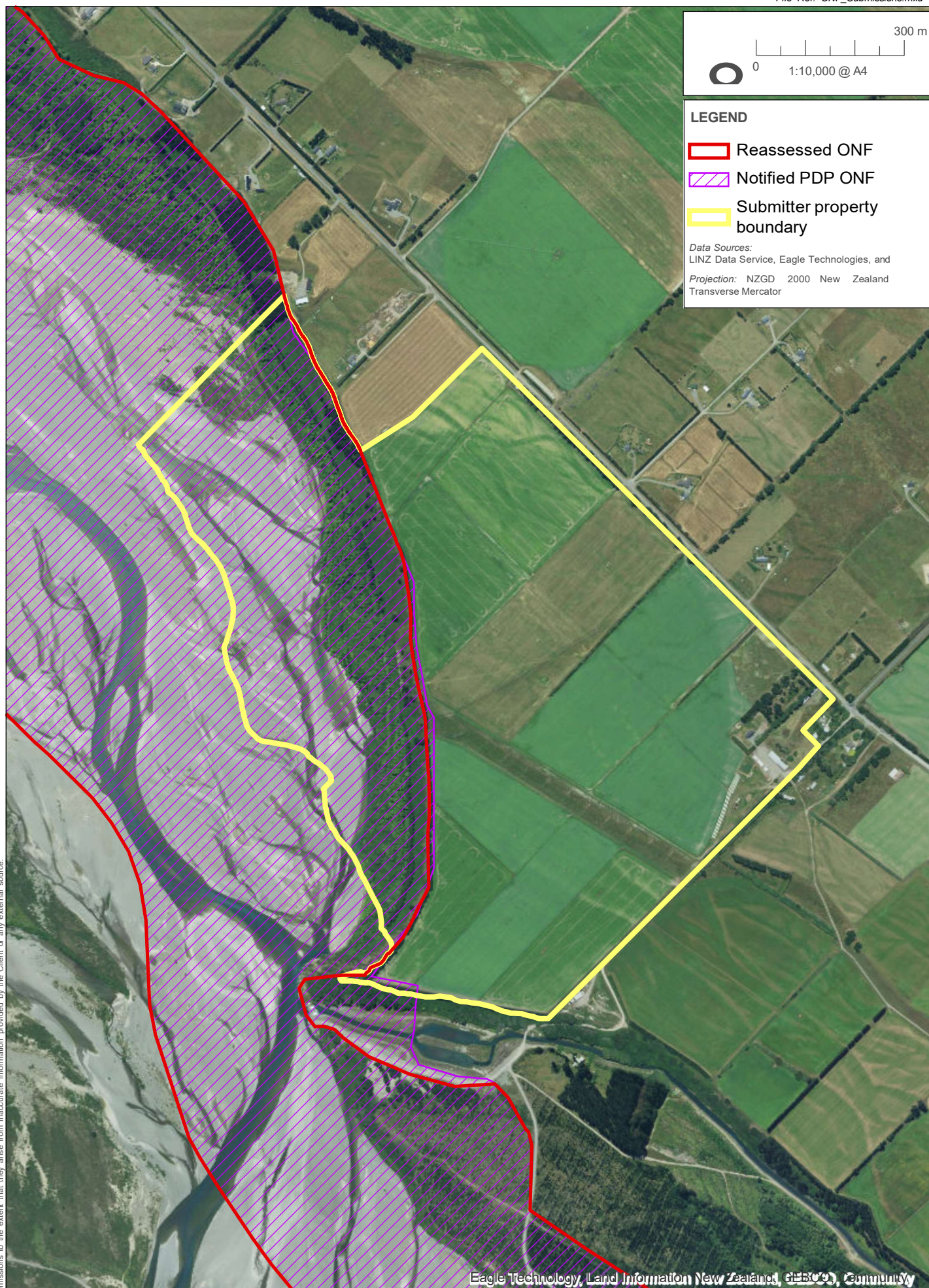
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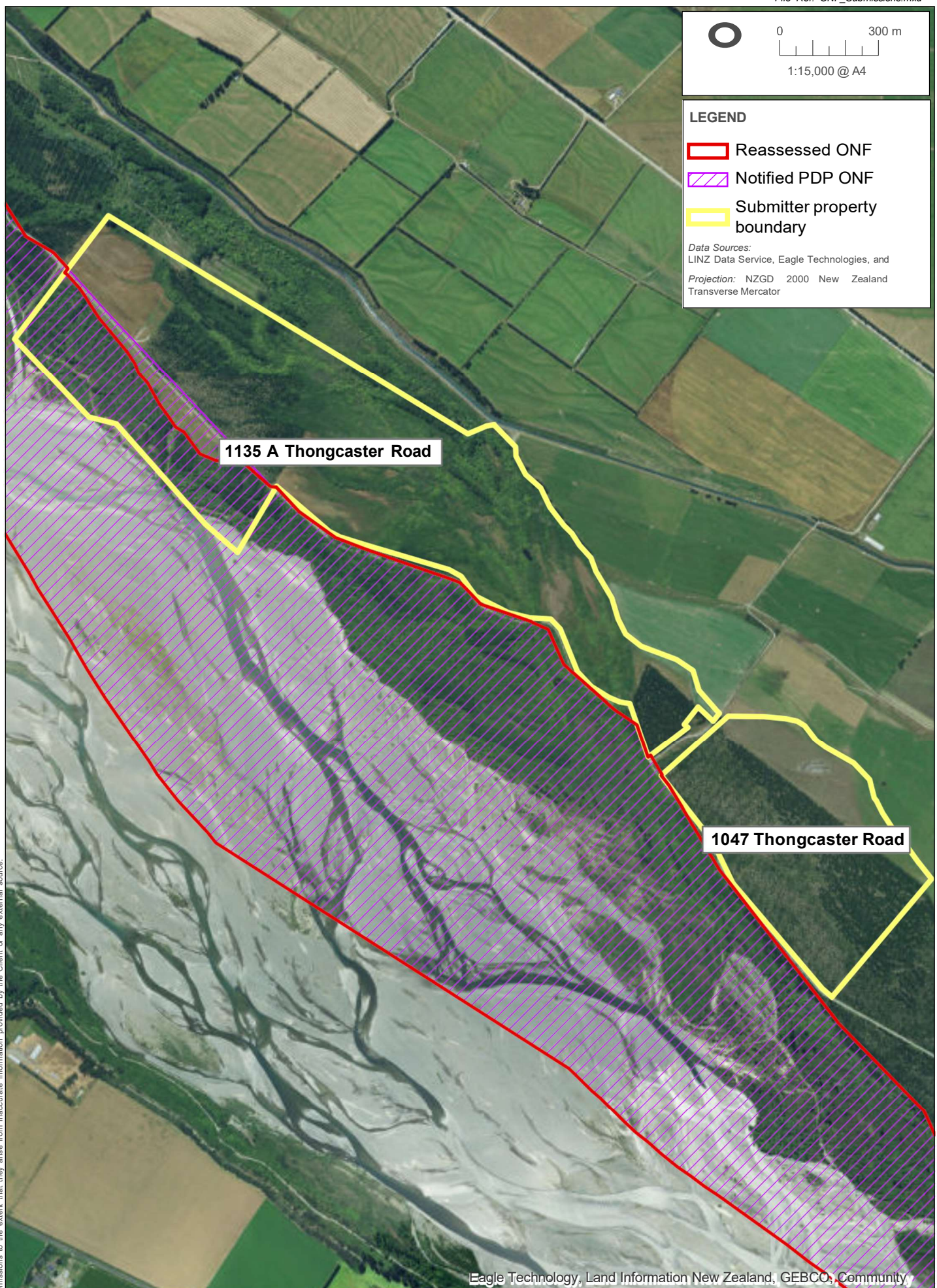
WAIMAKARIRI ONF SUBMISSION REVIEW

1453 Thongcaster Road

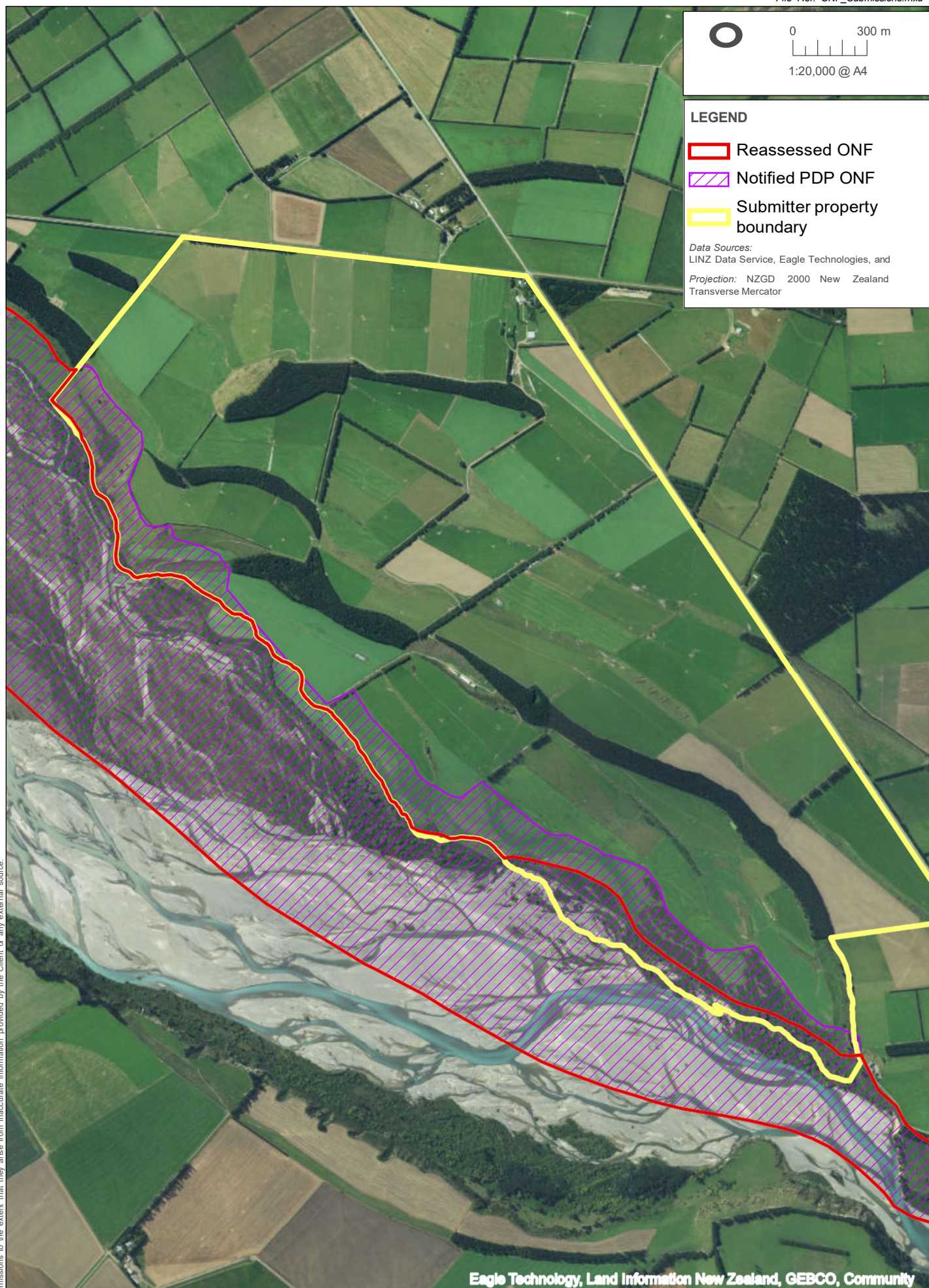
Date: 28 April 2023 | Revision: 0

Plan prepared for Waimakariri District Council by Boffa Miskell Limited
Project Manager: Yvonne.Pfluger@boffamiskell.co.nz | Drawn: HWI | Checked: BFA

Figure 1



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Appendix E. Topographical maps of ONL

