

Appendix 1 Recommended Amendments

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SCHEPUBLIC ACCESS

Introduction

This chapter sets out the circumstances and places where Council will seek to require or encourage the provision of public access to and along the District's coastal marine area and margins of specified wetlands and rivers. The maintenance and enhancement of public access to and along the coastal marine area and margins of wetlands, lakes and rivers is identified as a matter of national importance by the RMA. Providing public access enables leisure, recreation and conservation activities to occur and also allows people to enjoy the natural character and intrinsic qualities of these areas. Public access to these areas is also highly important to Māori. The objectives and policies in this chapter also apply to subdivision that results in the creation of esplanade reserves and strips that are for the purpose of providing public access. Council has identified in SCHED11 — Schedule of Public Access Provisions that identifies parts of the coastal marine area and margins of specified wetlands and rivers where public access should be provided.

Advisory note:

*It should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.*¹

Objective

PA-O1 Public access

Public access to and along the coastal marine area and the margins of identified wetlands and rivers is maintained and enhanced, and only restricted where ~~desirable~~ appropriate².

Policies

PA-P1 Benefits of public access

Recognise the benefits of providing public access to and along the coastal marine area and the margins of wetlands and rivers identified SCHED11 — Schedule of Public Access Provisions and the planning maps, including:

1. providing for the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu and toaka, including for mahika kai; and
2. providing public access to enable leisure, recreation, conservation activity and enjoyment of the natural character and intrinsic qualities of these areas.

PA-P2 Requirements for public access

Require public access to be provided to and along the coastal marine area and the margins of wetlands and rivers as identified in SCHED11 — Schedule of Public Access Provisions and planning maps where:

1. there is benefit in providing public access as outlined in PA-P1; or
2. it would
 - a. enable the creation of new public walking or cycling tracks; or

¹ McArthur, K J [113.12]

² OWL [181.66]

- b. extend existing public walking or cycling tracks; or
- c. improve connections between existing/proposed public walking or cycling tracks; or
- 3. it would improve connections to and between public spaces; and
- 4. the site or development is large enough to adequately accommodate public access without significantly constraining the site’s development potential; and
- 5. enabling public access would not significantly constrain the operation of legally established activities occurring on the site; and
- 6. there are no significant public safety risks created by the public access; and
- 7. there is no existing suitable public access points in the vicinity of the site, or the development will place additional demands for public access that is not capable of being met by any existing public access in the vicinity of the site; and
- 8. Council has budget to compensate the landowner for the public access strip.

PA-P3 Design and construction of public access

Ensure that all public access routes are designed in accordance with Council standards for recreational areas.

PA-P4 Limiting public access

Only allow an exemption for the requirement to provide public access or limiting an existing public access, on a temporary or permanent basis, for one or more of the following reasons:

- 1. in order to protect:
 - a. sensitive indigenous species and their habitats; or
 - b. sites and activities of cultural value to mana whenua; or
 - c. historic heritage; or
 - d. public health or safety; or
 - e. the natural character values of the coastal marine area, wetland or rivers; or
 - f. the stability, performance, maintenance and operation of regionally significant infrastructure; or
 - g. the natural buffers to coastal erosion or river flooding; or
 - h. dunes and estuaries and other sensitive natural areas; or³
- 2. in order to enable temporary activities including temporary events.

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

PA-R1 Any new land use, subdivision or development		
All sites overlaid or adjoining waterways identified in the Public Access	Activity status: Permitted	Activity status where compliance not achieved: Controlled Activity
	Where PER-1 The activity is located in the General Residential Zone and includes the creation of five or less residential units and/or residential allotments, and does not require a	Where CON-1 1. Public access is proposed in accordance with the Public Access Provision Overlay identified on the

³ Dir. General Conservation [166.78]

<p>Provision Overlay</p> <p>discretionary or non-complying activity resource consent in any other chapters; or</p> <p>PER-2 The activity is located in the General Industrial Zone and is on a site that is less than 5,000m² and does not require a discretionary or non-complying activity resource consent in any other chapters.; or</p> <p>PER-23⁴ The activity is located in other zones and does not require a discretionary or non-complying activity resource consent in any other chapters.; <u>or</u></p> <p>PER-4 <u>The site has previously obtained resource consent under this rule.</u>⁵</p>	<p>planning maps and SCHED11 - Schedule of public access provisions.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. the purpose of the public access; and 2. the location, design and width of the proposed public access having regard to Council’s public access standards for recreation areas and the need to protect the matters listed under PA-P4.1; and 3. measures to ensure the health and safety of users of the proposed public access; and 4. measures to ensure security of private land from users of the proposed public access; and 5. any necessary restrictions on public access having regard to policy PA-P4; and 6. the legal instrument to ensure public access and the details of that instrument. <p>Activity status where compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether public access should be provided or not, having regard to: <ol style="list-style-type: none"> a. the benefits of public access as outlined in PA-P1; and b. whether a significant public safety risk is created as a result of the public access; and c. whether there is any existing public accesses in the vicinity of the site and the suitability of those accesses to provide public accesses now and in the future; and d. whether the development will place additional demands for public access that is not capable of being met by any existing public access in the vicinity of the site; and e. whether the site or development is large enough to adequately accommodate public access without significantly constraining
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⁴ Clause 16(2)

⁵ Silver Fern Farms [172.68] and Alliance Group [173.72]

	<p>the site’s development potential; and</p> <p>f. whether enabling public access would significantly constrain the operation of legally established activities occurring on the site; and</p> <p>g. whether Council has budget to compensate the landowner for the public access strip.</p> <p>2. If public access is required, the matters listed for control under CON-1.</p>
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Map change

Remove the section of the PA overlay that applies beyond Talbot Street as shown below



SCHED11 — SCHEDULE OF PUBLIC ACCESS PROVISIONS

Name of Waterbody	Area subject to Public Access Provisions
Coastal Marine Area	<ul style="list-style-type: none"> Along only, except within the Timaru Port area between Unwin Street and the Eastern Mole extension to Tallbot Street¹
Black Birch Creek	<ul style="list-style-type: none"> Along only, for the portion along Rangitata River.
Scour Stream	<ul style="list-style-type: none"> Along only, from Tui Stream to Rangitata Gorge Road.
Forest Creek	<ul style="list-style-type: none"> Along only, from the confluence with the Rangitata River to Butlers Creek.
Raules Gully Stream	<ul style="list-style-type: none"> Along only, from the confluence with the Rangitata River to the downstream edge of the reserve.
Lynn Stream	<ul style="list-style-type: none"> Along only, from confluence with the Rangitata River to the downstream edge of conservation land.
Scotsburn Stream	<ul style="list-style-type: none"> Along only, from Sowerby/Blair Road junction to the downstream edge of Blandwood conservation land.
Andrews Stream	<ul style="list-style-type: none"> Along only, from the confluence with Orari River to Slip Panel Road.
Ōrāri River	<ul style="list-style-type: none"> Along only, upstream of Ōrāri lagoon, as far as the boundary with the Mackenzie District.
Raupō Creek	<ul style="list-style-type: none"> Along only, from the confluence with Temuka River to Crombie Road.
Dobies Stream	<ul style="list-style-type: none"> Along only, main stream entire length.
McLeod Stream	<ul style="list-style-type: none"> Along only, main stream entire length.
Waihī River	<p>Along only:</p> <ul style="list-style-type: none"> from the confluence with the Temuka River to the Coach Road bridge; from the Coach Road bridge to the Woodbury Road bridge; from the Woodbury Road bridge to Waimarie Road, particularly between Burdon Road and Poole Road, and between Flatman Road and Burdon Road; upstream of Waimarie Road, adjacent to the Department of Conservation camping ground.
Downs Creek	<ul style="list-style-type: none"> Along only, between Gales Cutting Road and Gresham Street.
Barkers Stream	<ul style="list-style-type: none"> Along only, from confluence with Waihī River to McKeown Road.
Hae Hae Te Moana River	<p>Along only:</p> <ul style="list-style-type: none"> from the confluence with the Temuka River to the junction of the north and south branches; the south branch, from the junction with the north branch upstream to Sheepdip Road;

¹ PrimePort [175.6]

-don't need it beyond Te Moana Road reserve	<ul style="list-style-type: none"> • the north branch, from the junction with the south branch upstream to Sheepdip Road; • the north branch upstream of Sheepdip Road.
Frasers Stream	<ul style="list-style-type: none"> • Along only, main stream entire length.
Griffiths Stream	<ul style="list-style-type: none"> • Along only, upstream of the upstream end of Te Moana Road.
Kākahu River	<ul style="list-style-type: none"> • Along only on mainstream and tributaries as shown on map.
Te Ana-a-Wai River	<ul style="list-style-type: none"> • Along only, the entire length of the river, within the Timaru District.
Pleasant Point Stream	<ul style="list-style-type: none"> • Along only, within Pleasant Point township, approximately between Butlers Road and Te Ngawai Road.
Papaka Stream	<p>Along only:</p> <ul style="list-style-type: none"> • Below confluence with Rosewill Stream. • From confluence with Washdyke Creek to Washdyke Flat Road. • Upstream of Washdyke Flat Road on true left bank.
Rosewill Stream	<ul style="list-style-type: none"> • Along only, from the confluence with Papaka Stream to Rosewill Valley Road.
Oakwood Stream	<ul style="list-style-type: none"> • Along only, from the confluence with Washdyke Creek upstream to Oakwood Road.
Ōtipua Stream	<ul style="list-style-type: none"> • along only. <ul style="list-style-type: none"> ○ The north branch: from the junction with the south branch, upstream to Brockley Road. ○ The south branch: from the junction with the north branch, upstream to Barton Road.
Ōhapi Creek	<ul style="list-style-type: none"> • Along only, from the confluence with Orari River upstream to Scott Road on the southern branch, and to Barker Road on the northern branch.
Temuka River	<ul style="list-style-type: none"> • Along only, entire length, but particularly: <ul style="list-style-type: none"> ○ At Torepe Fields to State Highway 1 on the true left bank. ○ Upstream of State Highway 1 on the true left side. ○ Above Manse Bridge on the true left hand side of the river.
Taumatakahu Stream	<ul style="list-style-type: none"> • Along only. From south of Richard Pearse Drive to McNairs Road.
Taitarakihi Creek	<ul style="list-style-type: none"> • Along Taitarakihi Creek from confluence to Kellands Hill Road. • To Taitarakihi Creek from Grants Road and Old North Road intersection.
Washdyke Creek	<ul style="list-style-type: none"> • Along only, from Hilton Highway to west of Kallands Hill Road.
Saltwater Creek	<ul style="list-style-type: none"> • Along only, upstream of Coonor Road to Barton Road.
Pig Hunting Creek	<ul style="list-style-type: none"> • Along only, from the coast, including the coastal wetland, to State Highway 1.

Unnamed Tributary of Pareora River	<ul style="list-style-type: none"> • Along only, entire length.
Normanby Lagoon	<ul style="list-style-type: none"> • To and along, from the coast and lagoon, upstream to State Highway 1.
Beach Road Lagoon	<ul style="list-style-type: none"> • Along only, entire length. <p><i>Note: Consultation with When Runanga required to ensure wai tapu values are not adversely affected by access.</i></p>
Horseshoe Lagoon	<ul style="list-style-type: none"> • Along only, entire length.
Prattley Road Lagoon System	<ul style="list-style-type: none"> • Along only, from coastal reserve to Prattley Road, including tributaries.
Kapunatiki Creek Lagoon	<ul style="list-style-type: none"> • Along only, entire length.
Hendersons Lagoon System (Old Ōrāri Lagoon)	<ul style="list-style-type: none"> • Along only, entire length.

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

ACTIVITIES ON THE SURFACE OF WATER

Introduction

This chapter relates to activities that occur on the surface of water within the District. The activities managed by this chapter include the use of motorised and non-motorised craft on rivers for various purposes, and the construction of structures on the surface of water.

Activities occurring on the surface of water can have potential adverse effects on the ecological values, natural character values, recreational values and cultural values associated with the District's rivers. The provisions of this chapter seek to manage these adverse effects, while also providing for the sustainable use of motorised craft.

It is noted that speed and navigational safety associated with the use of watercraft is managed by the Environment Canterbury Navigational Safety Bylaw. Water quality and aquatic biodiversity are managed through the Canterbury Land and Water Regional Plan. The noise effects associated with the use of motorised craft are managed under the Noise Chapter.

Please note, several of the rules below refer to flow levels of rivers. To find information on river flow levels please refer to the following Environment Canterbury websites:

Ōrāri River at Gorge:

<https://www.ecan.govt.nz/data/riverflow/sitedetails/69505>

Ōpihi River at SH1:

<https://www.ecan.govt.nz/data/riverflow/sitedetails/69607>

Pareora/Pureora River at SH1:

<https://www.ecan.govt.nz/data/riverflow/sitedetails/70103>

Objectives

ASW-O1 Protecting the values of the District's rivers

The ecological, recreational, natural character and cultural values of the District's rivers are protected from the adverse effects of inappropriate¹ activities on the surface of water.

Policies

ASW-P1 Recreational use of non-motorised craft

Enable the non-commercial recreational use of non-motorised craft on rivers throughout the District at any time of the year.

ASW-P2 Use of motorised craft for specified activities

Enable the use of motorised craft on the surface of the District's rivers at any time of the year for the purpose of carrying out specified environmental management, temporary military training, and ^{or}² search and rescue duties.

ASW-P3 Recreational use of motorised craft within specified areas of identified rivers

¹ Jet Boating [48.1]

² Consequential amendment to NZDF [151.14]

~~Provide for the non-commercial recreational use of motorised craft in areas identified in SCHED17 – Schedule of River Protection Areas where any adverse effects associated with their use are:~~

- ~~1. avoided by stipulating the time of the year when the activities can occur; and~~
- ~~2. for Jet Boat NZ activities on the Ōpihi River, mitigated by limiting the duration, frequency and nature of those activities.³~~

Manage the adverse effects of commercial recreational use of motorised craft in areas identified in SCHED17 - Schedule of River Protection Areas by:

1. providing for their use:
 - a. within stipulated times of the year: and
 - b. within stipulated minimum water flows: and
2. avoiding the use of motorised craft outside the stipulated times and minimum water flow levels within (1), where it would result in adverse effects on the ecological, recreational, natural character, or cultural values of the rivers.⁴

ASW-P4 Commercial activities and structures⁵

Only allow commercial activities and structures on the surface of the District's rivers where it can be demonstrated that the activity and/or structure will not result in any:

1. adverse effects on fish spawning in the areas identified in SCHED13 - Schedule of Fish Spawning Area; and
2. adverse effects on the habitat of breeding birds; and
3. adverse effects on any other flora and fauna within riparian margins; and
4. cumulative adverse effects with other structures and activities on the surface of the river; and
5. adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa cultural and spiritual values⁶ associated with the river; and
6. significant adverse effects on other recreational uses.

ASW-P5 Motorised craft within fish spawning areas

Avoid the use of motorised craft within fish spawning areas identified in SCHED13 - Schedule of Fish Spawning Area, except as provided for by ASW-R2.

ASW-P6 Other non-commercial activities

Avoid the use of non-commercial motorised craft not otherwise provided in ASW-P2 to ASW-P5, unless the use of motorised craft will not result in⁷:

1. ~~occurs outside of adverse effects on fish spawning and bird breeding season/s⁸; and~~
2. ~~occurs outside of bird breeding season/s; and⁹~~
3. ~~will not result in¹⁰ adverse effects on other flora and fauna within riparian margins as a consequence of activities on the surface of the water; and~~
4. ~~will not result in¹¹ cumulative adverse effects with other commercial activities on the surface of the river; and~~
5. ~~will not result in adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa cultural and spiritual values¹² associated with the river; and~~

³ Jet Boating [48.2]

⁴ Jet Boating [48.2]

⁵ Consequential amendment associated with Te Rūnanga o Ngāi Tahu [185.78]

⁶ Te Rūnanga o Ngāi Tahu [185.77]

⁷ Jet Boating [48.4]

⁸ Jet Boating [48.4]

⁹ Jet Boating [48.4]

¹⁰ Jet Boating [48.4]

¹¹ Jet Boating [48.4]

¹² Te Rūnanga o Ngāi Tahu [185.77]

6. ~~will not result in~~¹³ significant adverse effects on other recreational uses.

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. The rules within the ASW chapter take precedence over the rules in Part 3 – Area Specific Matters - Zone Chapters.¹⁴ For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

ASW-R1	The use of non-motorised craft on all the District’s rivers for non-commercial recreational uses	
All rivers	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
ASW-R2	The use of motorised craft for specific environmental management, <u>temporary military training, and</u> or¹⁵ search and rescue purposes	
All rivers	Activity status: Permitted Where: PER-1 The use is for search and rescue purposes; or PER-2 The use is for scientific research; or PER-3 The use is for resource management monitoring undertaken by Canterbury Regional Council or Timaru District Council or their contractors; or PER-4 The use is for undertaking a statutory responsibility by Canterbury Regional Council or Timaru District Council or their contractors; or PER-5 The use is for hydrological survey undertaken by the National Institute of Water and Atmospheric Research, Canterbury	Activity status when compliance not achieved: Discretionary

¹³ Jet Boating [48.4]

¹⁴ Clause 16(2) RMA

¹⁵ Consequential amendment to NZDF [151.14]

	<p>Regional Council or Timaru District Council or their contractors; or</p> <p>PER-6 The use is for the control and management of sports fish (as defined in the Conservation Act 1987) and game (as defined in the First Schedule of the Wildlife Act 1953) by the Fish and Game Council or its successors; or</p> <p>PER-7 The use is for the control and management of indigenous fish and any other flora and fauna by Te Rūnanga o Arowhenua or the Department of Conservation (or its successors), for the purpose of exercising their respective duties and functions under the Conservation Act 1987, the Wildlife Act 1953 and the Fisheries Act 1983; <u>or</u></p> <p>PER-8 <u>The use is for training military training activities where the duration of the activity does not exceed a total of 31 calendar days per year, excluding set-up and pack-out activities; or</u>¹⁶</p> <p>PER-9 <u>The use is for undertaking inspections of regionally significant infrastructure and resource consent monitoring by a network utility operator.</u>¹⁷</p>	
ASW-R3 The recreational use of motorised craft on the Rangitata River		
<p>1. River Protection Area above Red Rocks (RPA-1)</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The use is not for a commercial activity; and</p> <p>PER-2 The use is undertaken between August and February (inclusive); and</p> <p>PER-3 The use is not within any of the fish spawning areas identified in SCHED4413¹⁸ - Schedule of Fish Spawning Area.</p>	<p>Activity status when compliance not achieved with PER-1: Discretionary</p> <hr/> <p>Activity status when compliance not achieved with PER-2: Non-complying</p> <hr/> <p>Activity status when compliance not achieved with PER-3: Prohibited</p>

¹⁶ NZDF [151.14]

¹⁷ OWL [181.72]

¹⁸ Dir. General Conservation [166.88]

<p>2. River Protection Area below Red Rocks (RPA-2)</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The use is not for a commercial activity.</p>	<p>Activity status when compliance not achieved with PER-1: Discretionary</p>
<p>ASW-R4 The recreational use of motorised craft on the Ōrāri River</p>		
<p>River Protection Area Between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The use is not for a commercial activity; and</p> <p>PER-2 The use is undertaken between March and August (inclusive); and</p> <p>PER-3 The flow at the Ōrāri Gorge is 20 cumecs or greater.</p>	<p>Activity status when compliance not achieved with PER-1: Discretionary</p> <hr/> <p>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying</p>
<p>ASW-R5 The recreational use of motorised craft on the Ōpihi River</p>		
<p>River Protection Area between SH1 Bridge and confluence of the Ōpihi and Opuha/Ōpūaha Rivers (RPA-4)</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The use is not for a commercial activity; and</p> <p>PER-2 <u>The use is undertaken between March and August (inclusive); and</u>¹⁹</p> <p>PER-3 <u>The flow, when measured at the State Highway 1 Bridge, is 20 cumecs or greater.</u>²⁰</p> <p>The use is a Jet Boat New Zealand (or its successor) organised event that complies with the following standards:</p> <ul style="list-style-type: none"> • there are no more than two events per calendar year; and 	<p>Activity status where compliance not achieved with PER-1 and PER-2: Discretionary</p> <hr/> <p><u>Activity status when compliance not achieved with PER-2 or PER-3: Non-complying</u>²²</p>

¹⁹ Gerard, R [40.3], Jet Boating [48.7] and Clearwater, R [243.3]

²⁰ Gerard, R [40.3], Jet Boating [48.7] and Clearwater, R [243.3]

²² Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]

	<ul style="list-style-type: none"> the event occurs between September and February (inclusive); and the event occurs between the hours of 10am and 3pm; and the flow when measured at the State Highway 1 Bridge is 20 cumecs or greater.²¹ 	
ASW-R6	The recreational use of motorised craft on the Pureora / Pareora River	
River Protection Area between Evans Crossing and State Highway Bridge (RPA-5)	<p>Activity status: PER</p> <p>Where:</p> <p>PER-1 The use is not for a commercial activity; and</p> <p>PER-2 The use is undertaken between March and August (inclusive); and</p> <p>PER-3 The flow when measured at the State Highway 1 Bridge is 20 cumecs or greater.</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p> <p>Activity status where compliance not achieved with PER-2 and PER-3: Non-complying</p>
ASW-R7	Other commercial activities on the surface of the District’s rivers	
All rivers	Activity status: Discretionary	Activity status where compliance not achieved: Not Applicable
ASW-R8	Structures on the surface of the District’s rivers	
All rivers	Activity status: Discretionary	Activity status where compliance not achieved: Not Applicable
ASW-R9	All other activities on the surface of the District’s rivers	
All rivers	<p>Activity status: Non-complying</p> <p>Where:</p> <p>NC-1 Any activity not listed in any other rules above.</p>	Activity status where compliance not achieved: Not Applicable
ASW-R10	Use of motorised craft within the fish spawning areas <u>except as provided by ASW-R2</u>²³	
Fish Spawning Area Overlay	Activity status: Prohibited	Activity status where compliance not achieved: Not Applicable

²¹ Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]

²³ Clause 16(2) RMA

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

SCHED17 — SCHEDULE OF RIVER PROTECTION AREAS

Unique Identifier	Location
RPA-1	A stretch of the Rangitata River between NZMS 260 J36 Grid:515208 upstream to the river ends (above Red Rocks).
RPA-2	A stretch of the <u>Rangitata</u> ¹ river between NZMS 260 J36 Grid:515208 downstream to the river mouth (below Red Rocks).
RPA-3	A stretch of the Ōpihi Ōrāri ² River between BY19:553-335 to the Factory Road Bridge over the river (K38:77-681).
RPA-4	A stretch of the Ōpihi River between SH1 Bridge and confluence of the Ōpihi and Ōpūha River.
RPA-5	A stretch of the Pareora/Pureroa River between Evans Crossing and the State Highway 1 Bridge.

¹ Clause 16(2)

² Jet Boating [48.13]

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

VERSATILE SOIL

Introduction

~~Versatile soils are~~ Highly productive land is¹ an important natural resource within the District. Sustainable management under the RMA includes managing the use, development, and protection of natural resources in a way that sustains the potential of these resources to meet the needs of future generations and safeguards the life-supporting capacity of soil.

This chapter provides provisions for managing subdivision, land use and development within the areas of the district that meet the definition of highly productive land² ~~Versatile Soils Overlay~~, to ensure that the ongoing ability to use the land productively for land-based³ primary production (~~except intensive primary production~~)⁴ is not compromised. ~~The focus within this chapter is on non-intensive primary production, as intensive primary production activities may compromise the productive potential of the soil.~~⁵

Objectives

VS-O1 Protection of versatile soils highly productive land⁶

~~Versatile soils~~ Highly productive land⁷ remains⁸ available for ~~non-intensive~~ land-based⁹ primary production and ~~are~~ is¹⁰ protected from inappropriate subdivision, use and development.

Policies

VS-P1 Identification of versatile soils

~~Identify~~ Recognise land in the General Rural Zone and the Rural Lifestyle Zone classified as Class 1 ~~or 2~~ under the land use capability classification system as versatile soil as highly productive land if it meets the definition of highly productive land.¹¹

VS-P2 Maintaining availability of versatile soils

Maintain the availability of highly productive land ~~versatile soils~~ for ~~non-intensive~~ land-based¹² primary production ~~within the Versatile Soils Overlay~~¹³ by:

1. limiting areas covered by buildings or other impervious surfaces; and
2. encouraging opportunities that maintain or increase the productive capacity of highly productive land, such as¹⁴ land use practices that reduce the potential for erosion; and

¹ Hort NZ [245.62]

² Hort NZ [245.62]

³ NZ Pork [247.10]

⁴ NZ Pork [247.10]

⁵ NZ Pork [247.10]

⁶ Hort NZ [245.62]

⁷ Hort NZ [245.62]

⁸ Consequential amendment to Hort NZ [245.62]

⁹ NZ Pork [247.11] and Silver Fern Farms [172.69]

¹⁰ Consequential amendment to Hort NZ [245.62]

¹¹ Hort NZ [245.62]

¹² NZ Pork [247.11] and Silver Fern Farms [172.69]

¹³ Hort NZ [245.62]

¹⁴ Fonterra [165.80]

3. requiring earthworks be undertaken in a manner that restores the productive¹⁵ properties of the soil to the levels they were prior to the earthworks being undertaken; and
4. ensuring any subdivision results in allotment sizes which retain the productive capacity for ~~non-intensive land-based~~¹⁶ primary production; and
5. ~~only allowing activities that foreclose the ability to use versatile soils for non-intensive primary production where:~~
 - a. ~~the activity is necessary to support non-intensive primary production; or~~
 - b. ~~there are significant wider public benefits from the activity and there is a functional, technical or operational need to be located in overlay; or~~
 - c. ~~it is provided for by VS-P3.~~
6. prioritising the use of highly productive land for land-based primary production over other uses; and¹⁷
7. avoiding inappropriate subdivision, use and development of highly productive land, except as provided for by the National Policy Statement for Highly Productive Land 2022.¹⁸

VS-P3 **Expansion of urban areas**

Avoid the expansion of urban areas into areas of highly productive land the Versatile Soils Overlay unless a it is demonstrated through a Future Development Area plan process that:

1. ~~there is a shortage of capacity within existing urban area to meet projected demand; and~~
2. ~~the irreversible loss of versatile soils for non-intensive primary production is outweighed by the wider public benefits of the proposal; and~~
3. ~~alternative locations and options, including intensification of existing urban areas, to meet the required demand, are less feasible.~~
1. the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
2. there are no other reasonably practicable and feasible options for providing the required development capacity; and
3. the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values; and
4. the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.¹⁹

VS-P4 **Rural Lifestyle Zone expansion**

Avoid the expansion of the Rural Lifestyle Zone into the Versatile Soils Overlay areas of highly productive land.²⁰

VS-P5 **Existing activities**

Enable the maintenance, operation or upgrade of any existing activity on highly productive land, while minimising the loss of highly productive land.²¹

¹⁵ Silver Fern Farms [172.71]

¹⁶ NZ Pork [247.11] and Silver Fern Farms [172.69]

¹⁷ Fonterra [165.80]

¹⁸ Fonterra [165.80]

¹⁹ Fonterra [165.80]

²⁰ Hort NZ [245.62]

²¹ Hort NZ [245.62]

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

VS-R1	Buildings and impervious surfaces	
Highly Productive Land Versatile Soil Overlay ²²	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The maximum area covered by buildings and impervious surfaces must not exceed 10% of that portion of the site within the overlay or 2000m² within the overlay, whichever is the lesser. Except this does not apply to buildings and impervious surfaces for the widening or upgrading (including sealing) an existing road within the existing road reserve.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the buildings or impervious surfaces are necessary to support non-intensive <u>land-based</u>²³ primary production. 2. the extent to which alternate locations outside the Versatile soil <u>highly productive land</u>²⁴ overlay are available on the site and have been considered. 3. the extent to which the activity will result in adverse effects on the versatility of the soils which are irreversible. 4. <u>the extent to which the buildings or impervious surfaces will achieve the requirements of the NPS HPL.</u>²⁵
VS-R2SUB-R13 ²⁶	Subdivision of a site in the Versatile Soil Overlay on highly productive land ²⁷	
All zones	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposed subdivision and the layout of allotments will result in fragmentation of versatile soils <u>highly productive land</u>²⁸; and 2. the extent to which the size and shape of any proposed allotments will allow for any versatile soils <u>highly productive land</u>²⁹ to continue to be used for non-intensive primary production. 	Activity status where compliance not achieved: Not applicable

²² Hort NZ [245.62]

²³ Hort NZ [245.62]

²⁴ Hort NZ [245.62]

²⁵ Fonterra [165.80]

²⁶ Clause 10(2)(b) relying on Speirs, B [66.45 to 66.54]

²⁷ Hort NZ [245.62]

²⁸ Hort NZ [245.62]

²⁹ Hort NZ [245.62]

	3. <u>the extent to which the subdivision will achieves the requirements of the NPS HPL.</u> ³⁰	
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³⁰ Forest and Bird [156.131]

Definitions

<p><u>VERSATILE SOIL HIGHLY PRODUCTIVE LAND</u></p>	<p>means land classified as Class 1 or 2 under the land use capability classification system, as set out in Lynn I.H., Manderson A.K., Page M.J., Harmsworth G.R., Eyles G.O., Douglas G.B., Mackay A.D., Newsome P.J.F. (2009). Land Use Capability Survey Handbook – a New Zealand handbook for the classification of land. 3rd ed. Hamilton, AgResearch Ltd; Lincoln, Landcare Research New Zealand Ltd; Lower Hutt, Institute of Geological and Nuclear Sciences Ltd.</p> <p>has the same as in section 1.3 of the National Policy Statement for Highly Productive Land 2022 (as set out in the box below):</p> <p><u>means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land)</u>³¹</p>
<p><u>LAND-BASED PRIMARY PRODUCTION</u></p>	<p>has the same meaning as in section 1.3 of the National Policy Statement for Highly Productive Land 2022 (as set out in the box below):</p> <p><u>means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land</u>³²</p>

³¹ Hort NZ [245.29], Forest and Bird [156.34], Speirs, B [66.12 and 66.13], ECan [183.12]

³² NZ Pork [247.11] and Silver Fern Farms [172.69]

Description of the Rural Area, within the Description of the District section under Part 1

Rural Areas

Rural areas are dominated by agricultural land use, with some areas of horticulture and viticulture. Farming is largely pastoral, with sheep and beef farms dominating in the steeper or higher altitude areas and dairy farms occupying much of the plains, particularly at Rangitata Island.

In recent years, rural lifestyle blocks have gained popularity, and subdivisions to supply this property market has resulted in the fragmentation of rural land, and the loss of productive land to rural residential use. This increase in rural residential activities, and urban creep into areas that have traditionally been farmed can, in some locations, cause conflict between landowners. New residential land uses may be impacted by existing farming activities occurring in the working rural environment. A balance is needed between these activities to maintain the ability of farming activities to continue in a rural environment.

Furthermore, the district contains a large proportion of highly high-class productive land, or versatile, soils. ~~These are the soils classified as Class 1 to 2 under the Land Use Capability (LUC) classification system and are highly productive for a range of primary industries.~~³³ These soils tend to be concentrated around townships and urban areas because towns were historically established in areas where the resources supported agriculture and growth. As a result, urban sprawl and changes in land use on the fringe of urban areas can reduce the availability of highly productive land versatile soils³⁴ for productive uses.

³³ Hort NZ [245.3]

³⁴ Fonterra [165.12], Hort NZ [245.3]

Map Change

Deleting the Versatile Soil Overlay.