

15<sup>th</sup> June 2022

Selwyn District Council  
2 Norman Kirk Drive  
PO Box 90  
ROLLESTON 7643

Sent via: [hearings@selwyn.govt.nz](mailto:hearings@selwyn.govt.nz)

**Hearing 19: Natural Features and Landscapes**  
**Submitter DPR 0375 – Waka Kotahi NZ Transport Agency**

Waka Kotahi made several submissions and further submissions on the Natural Features and Landscapes Chapter of the Proposed Selwyn District Plan. Three submissions and ten further submissions were made in support (or support in part), and five further submissions were made in opposition. The overall emphasis of the submission points was to ensure that the transport network can be operated, maintained and upgraded appropriately through the provisions of this chapter.

Waka Kotahi has reviewed the S42A report on the Natural Features and Landscapes Chapter in relation to the submission and further submission points made and provides the following comments.

**New policy for important infrastructure**

Waka Kotahi made submissions supporting NFL-P1 and NFL-P2 in part seeking to include recognition that transport infrastructure can impact landscapes and natural features, and due to functional requirements, these effects may not be able to be mitigated. The S42A Report recommends the inclusion of a new policy to account for the needs of important infrastructure within outstanding natural features and landscapes and visual amenity landscapes. This policy requires that when considering NFL-P1 and NFL-P2 in respect of proposals for important infrastructure, recognition must also be given to the operational or functional need for the location of infrastructure; the site, route or method selection that serves to minimise the effects on the environment; and design measures and management methods to mitigate adverse effects. Waka Kotahi supports the recommendations of the S42A Report.

**NFL-R1 Buildings and Structures**

Waka Kotahi made a further submission in support of Orion New Zealand Limited's submission seeking to exclude important infrastructure from the requirements of this rule as this is addressed in the Energy and Infrastructure Chapter. The S42A Report notes the following:

*"The EI Chapter does address important infrastructure but it cross references through to compliance with NFL-R1 for some activities. This does not include the operation, maintenance and repair of existing network utilities (EI-R6) but generally includes expansion and newly established network infrastructure outside of transport corridors. As I discuss in NFL-P1, there is an identified risk that the more directive policy in NFL to 'avoid' certain effects could effectively 'override' the more enabling policy in the EI Chapter which recognises the operational and technical constraints of infrastructure operators. To avoid this unintended outcome, I acknowledge there is a need to include wording in the NFL Chapter policies to ensure consistency with the EI Chapter. I consider that this should provide some relief to network infrastructure operators so that where a resource consent is triggered under the NFL Chapter, this should recognise and provide for important infrastructure. I do not consider that a change to NFL-R1 is required however and therefore recommend the submission point is rejected."*

Waka Kotahi accepts the recommendation of the S42A Report in relation to NFL-R1.

### **NFL-R2 Earthworks**

Waka Kotahi made a submission in partial support of NFL-R2, and several further submissions, seeking that the rule be broadened to include transport infrastructure (beyond 'roads'). The S42A Report recommends that this submission be rejected on the basis that transport infrastructure (in terms of network infrastructure) is already provided for under the Transport Chapter including the creation of new transport corridors and works within existing a transport corridor. Waka Kotahi accepts the recommendation of the S42A Report, acknowledging that there are specific rules within the Transport Chapter that provide for these activities.

### **Non-Notification**

Waka Kotahi made further submissions in opposition to those submissions seeking the incorporation of non-notification clauses. Waka Kotahi further submitted in opposition to the inclusion of a non-notification clause as this would preclude Waka Kotahi from providing comments and being consulted with as a potentially affected party. A non-notification clause could impact the ability for effects on the safe and efficient operation of state highways to be assessed and appropriately addressed through the resource consent process.

The Section 42A report does not consider sweeping exemptions to notification requirements to be sound planning practice as there may be occasions when activities give rise to adverse effects where specific parties or the community should be consulted. Waka Kotahi supports the recommendations of the S42A report and notes that the question of non-notification clauses has been previously discussed in other hearings on the Selwyn District Plan, such as Transport, and the recommendation of the Natural Features and Landscapes S42A Report is consistent with the previous hearings.

Overall, Waka Kotahi understands and accepts the recommendations of the S42A Report for Hearing 19 – Natural Features and Landscapes. On this basis Waka Kotahi will not be attending Hearing 19 unless the Hearings Panel requests assistance either by way of hearing attendance or the provision of a response to any specific matters.

Waka Kotahi appreciates the opportunity to submit on the Proposed Selwyn District Plan and provide further comment, including attendance at hearings, where appropriate.

Yours sincerely



Richard Shaw

**Team Lead South – Poutiaki Taiao | Environmental Planning**

Pursuant to authority delated by Waka Kotahi NZ Transport Agency