

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

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Reply on Earthworks Ketuketu Whenua – Peter Wilson on behalf of
Waimakariri District Council**

Date: 11 August 2023

INTRODUCTION:

- 1 My full name is Peter Wilson. I am employed as a Senior Policy Planner for the Waimakariri District Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Earthworks Ketuketu Whenua.
- 3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 4.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 4 Appendix C of my section 42A report sets out my qualifications and experience.
- 5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

- 6 This reply follows Hearing Stream 4. Minute 6 has requested me to reply to questions by 11 August 2023.
- 7 The questions asked of myself in Minute 6¹

NATC - Āhuatanga o te awa - Natural Character of Freshwater Bodies

- 1 Please respond to Fulton Hogan's requested amendment to NATC-P5.
 - a) Please respond to Fulton Hogan's requested amendment to NATC-P5.
 - b) Please provide comment on Transpower's requested amendments to NATC-P2, NATC-P4 and NATC-P6.
 - c) Please set out any updated recommendation in respect to NATC-P3, including the outcome of any discussions with Ngāi Tuahuriri.
 - d) Please advise whether you consider the rule framework is consistent with the objective and policy framework, and if there is any inconsistency, can this be addressed?

¹ Appendix 1, Minute 6, https://www.waimakariri.govt.nz/__data/assets/pdf_file/0014/137111/Minute-6-Matters-and-questions-arising-from-Hearing-Stream-4-and-the-NPS-IB.pdf

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

CE - Te taiao o te takutai moana - Coastal Environment

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

Answers to questions posed by the Panel – Natural character

- 8 Mr Ensor, for Fulton Hogan, at para 25 of his hearing 4 evidence, considers that the title of NATC-P5 would be better entitled “activities” rather than “structures”. I agree, and recommend amendment as follows:

NATC-P5 - ~~Structures~~ Activities within surface freshwater body setbacks

For Transpower’s requested amendments to NATC-P2, NATC-P4, and NATC-P6:

- 9 I can understand what Transpower are trying to achieve with their amendment to NATC-P2 *of buildings or structures are absent or otherwise do not detract from the recognised natural character attributes*, which as I understand it is to avoid a building or structure, presumably the National Grid, being captured by a more stringent policy regime if a freshwater body has been identified as significant.
- 10 NATC-P2 is for the identification of the significant freshwater bodies, and these have already identified and scheduled within the plan, through SCHED1-4. Amending NATC-P2 would either not affect these schedules, or if Transpower’s relief was to be accepted in full, would require a retrospective reassessment of all the freshwater bodies, which would potentially require those of them which have buildings or structures within them to be removed from the list. This is likely to be all freshwater bodies in the district, and would therefore render the identification of significant freshwater bodies ineffective.
- 11 I also note that despite the existence of Transpower’s transmission lines across the Waimakariri and Ashley/Rakahuri River, both of these rivers remain listed in NATC-SCHED1, which is, in effect the same outcome as their requested relief. Rivers remain significant despite transmission lines and other structures, such as bridges, and irrigation races within them.
- 12 NATC-P2 is for the identification, mapping, and scheduling of significant freshwater bodies only. NATC-P6 is the ‘operational’ policy governing new and existing structures within and

over freshwater bodies, and I consider a more appropriate location to achieve Transpower's relief, if this is required. NATC-P6 does not affect existing structures that are not changing (which logically be triggered), but introduces criteria for the upgrading of existing structures, or new structures. I consider that the functional and operational need tests provide broad scope for Transpower's critical infrastructure to be within the freshwater setbacks and overlays, however, when I look at the other tests in this policy in light of Transpower's hearing 4 evidence, and their NATC-P2 concern, I consider that amendments could be made.

- 13 I consider that the Transpower amendments as set out in para 46 of Ms Hayes hearing 4 evidence would improve the application of the policy. Upon reflection I do consider that the notified NATC-P6 is unnecessarily stringent in its language, particularly in light of the modified and dynamic nature of those river environments. Ms Hayes' amendments address this issue. I have reproduced her amendments, except for the use of the term unreasonably, which I consider should be clarified by the test of "significant", as I consider that "unreasonably" is too subjective:

NATC-P6 – New and existing structures within and over freshwater bodies

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

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

14 This leaves NATC-P4. I note I have already recommended amendments to the policy in the s42A which introduced “avoid, remedy, mitigate” instead of the notified “preserve”. Ms Hayes has proposed further amendments which I consider are grammatical, improve the policy, and do not change the intent or application of it. I have reproduced her amendments as follows:

Avoiding, ~~minimising~~ remedying or mitigateing, in that order, indigenous vegetation clearance and modification that ~~which~~ affects natural character, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;

15 For Forest and Bird, I have considered their request on NATC-R2, and I do not agree with their amendment. Table NATC-S1 requires that any activity take place outside of the setback distance in NATC-1, and the Forest and Bird relief would result in agricultural crops or grass within improved pasture and planting within domestic gardens being unable to occur within the setbacks. NATC-R2 condition 1 was intended to be a list of exclusions to the stringency of the setbacks, recognising that the setbacks are often on private land. The Forest and Bird relief would effectively prevent the replanting of agricultural crops, grass within improved pasture, and domestic garden planting from occurring between 5 to 20m from the edge of any freshwater overlay. This is opposite to the intent of the notified rules.

16 NATC-R2 is a list of exceptions enabling planting inside the setbacks, it is not a specific exception just for river erosion control planting. I also note the intent of the NATC framework – to control buildings and structures and plantation forestry, not to control planting in general.

17 There may also be *vires* issues with the Forest and Bird relief, given s10 existing use rights for maintenance of improved pasture.

Freshwater setback and overlay provisions

18 Not all rivers have a defined bank, especially some braided rivers with multiple channels, which is why the concept of the overlay and then the setback was introduced, but the difficulty with this concept is that it raises uncertainty, as Forest and Bird raise. It also does not work in some contexts, such as dynamic braided rivers. This is why I have recommended no setbacks for the wider braided rivers in SCHED1 which have outer stopbanks, and instead the overlay itself is the extent of the provision application.

19 However, for the smaller rivers in SCHED2-4, which are more likely to have a single and defined channel, the setbacks still apply. The question is do the setbacks apply ?

20 My NATC s42A recommended that for the SCHED2-4 rivers that the setbacks apply additionally to the overlay, however, the Forest and Bird interpretation would likely result in the overlays, for the most part, representing the entirety of the setbacks and I consider that this would significantly reduce the area of protected land.

21 I have made some further amendments on how the setbacks apply, and I consider that these amendments remain within previously identified scope.

NATC-P3

22 I am minded to recommend amending NATC-P3 to remove the words “through limiting the size, visual appearance, and location” as discussed in hearing 4, however I have not yet been able to confirm this with Te Ngai Tūāhuriri Runanga. I can send a separate memo once this is confirmed.

Other issues

NATC-S1

23 I consider that the wording of NATC-S1 – which is the standard that applies the setbacks is confusing, as it states:

Activities shall be outside of the setback distance specified in Table NATC-1.

The rules set out a number of criteria which have to be met, however, NATC-S1 is blunt, and would override the other criteria within any rule that references it, unintentionally pushing permitted activities to consent. The current wording of NATC-S1 also reads as a rule, rather than a standard.

24 I would support amending NATC-S1 as a cl 16(2) error to:

Activities shall meet all relevant rule criteria within ~~Activities shall be outside of~~ the setback distance specified in Table NATC-1.

25 I consider that this amendment ensures that NATC-MD6 is still available for undertaking a restricted discretionary assessment of the freshwater setback width.

Answers to questions posed by the Panel – Coastal

Setbacks

- 26 Forest and Bird request for a 20m setback to apply to walkways and cycleways near scheduled areas of natural character in the coastal environment overlay.
- 27 I identify the following issues with the request:
- a) Firstly, the requirements within the NZCPS for public access within the coastal environment overlay, and the existing walkways and cycleways that exist within 20m of areas of natural character. Apart from Tutaepatu lagoon, the relief could result in the maintenance of existing accessways requiring consent. Some of these may also be legal roads, where access is a right.
 - b) Secondly, the distinction between potential for loss of habitat for species, which is achieved by my recommendation to limit the permitted activity width for cycleways and walkways to 2.5m, and the potential and ongoing disturbance of those species by recreationalists on the paths. Forest and Bird's concern is the management of people and dogs as well as the protection of habitat. I note Ms Steven's recommendations to provide for permitted non-motorised watercraft access to one of these areas of natural character - Jockey Baker Creek – but to prevent (as a non-complying activity) motorised watercraft access, which is more likely to disturb species. I do not consider that the areas of natural character (as opposed to species) are significant enough to effectively prevent public access to them at a plan level, noting the pre-existing access, and the Trust land reserve management plan.
 - c) Thirdly, and finally, the relatively small number of identified natural character areas within the coastal environment overlay. The Ashley River/Rakahuri estuary is almost entirely CMA, Jockey Baker Creek is also predominantly within the CMA, with the small proportion of it within the district, being subject to controls on motorised watercraft only, and the remaining two areas - Te Kohanga wetland and Tutaepatu wetland– are on reserve land and subject to their own management regime. Te Kohanga wetland is constructed, and Tutaepatu wetland is highly significant and vested in iwi.
- 28 Based on the values present, I do not see the need for the blanket 20m setback. I note that in some cases, such as the iwi and trust-owned/managed wetlands, a 20m setback may

actually create barriers to their management and restoration, or be contrary to the intentions of their landowners.

29 I consider that it is appropriate that caucusing occurs on this issue. Caucusing has not occurred to date but it is my intention to do this with relevant parties and report back to the panel.

Objective CE-O1

30 Forest and Bird request that “protected” be inserted into CE-O1, to amend it to “preserved, protected, restored, and rehabilitated”. I considered the term “protect” in my s42A evidence and response to questions, and I cannot recommend the use of the term as it only appears in the NZCPS in the context of historic heritage, in NZCPS Policy 17, and the requirement of the proposed District Plan is to implement the NZCPS.

Application of energy and infrastructure provisions

31 The coastal environment rules do not apply to energy and infrastructure activities, with the energy and infrastructure permitted activity rules applying in these cases. However, when consents are triggered under the energy and infrastructure rules, the coastal environment objectives and policies also apply. I consider that the energy and infrastructure permitted activity rules are consistent with the NZCPS and the relevant RPS provisions, as they must be, and so there is no inconsistency or issue with leniency, it is just that as a requirement of the national planning standards, that these provisions are in a different chapter of the plan.

CE-P2 Preservation of natural character

32 Forest and Bird have recommended additional relief to the relief I considered in my s42A. I note that the Forest and Bird relief does not include reference to the specific indigenous biodiversity policy ECO-P7, which I have recommended for insertion to ensure that there is a linkage with the ECO provisions without duplication. I would however support the retention of the “including remnant vegetation and habitats of indigenous species” component of the relief as the insertion of “...ECO P7” qualifies and explains the remainder of the text. The amended CE-P2 would now be as follows:

maintaining indigenous biodiversity, where it is not already covered by ECO-P7, including remnant vegetation and habitats of indigenous species

CE-P7 Infrastructure in the coastal environment

33 Forest and Bird request for CE-P7 to be amended from “recognise and provide for” to “consider”. This is additional stringency on infrastructure, and I note is in the opposite direction to the Transpower request for CE-P7 to become more directive “notwithstanding” the other policies. Whatever the wording, the “is it enough?” test with respect to the infrastructure provision applies, especially where national direction requires that infrastructure maintenance and some upgrades have a less stringent consenting pathway – noting that the permitted activity rules for infrastructure are in the energy and infrastructure chapter.

34 I indicated to the hearing panel that the answer to the question of whether the provisions go far enough with respect to infrastructure could be assisted by running a number of energy and infrastructure consent scenarios through the proposed plan. I outlined that this would assist in resolving Transpower’s concern on CE-P7, it may also assist in resolving Forest and Bird’s concern.

35 I consider that it is appropriate that caucusing occurs on this issue. Caucusing has not occurred to date but it is my intention to do this with relevant parties and report back to the panel.

Matters of discretion

36 Forest and Bird raise the need to add an additional matter of discretion to CE-MD1 and amend it as follows:

2. Measures to ~~minimise~~ avoid, remedy, or mitigate any adverse effects on sensitive habitats such as dunes, rivers, lakes, or wetlands.

x. Measures to avoid, remedy, and mitigate adverse effects on natural character values.

37 I note that I have recommended an additional clause 8 to CE-MD1 in my s42A, however, this could be further amended to the Forest and Bird relief as I consider it is better wording than what I originally proposed.

38 This amendment would also mean that Forest and Bird’s alternative relief to add an additional matter to CE-R3 is no longer required.

Date: 11/08/2023

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Appendix A - Natural character (NATC) and Coastal (CE)

Definitions

Riparian margin²: means any ~~vegetated~~ strip of land which extends along streams, rivers and the banks of lakes and wetlands and is therefore the interface between terrestrial and aquatic ecosystems.

NATC-O1: Preservation of natural character³

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

NATC-O3: Use of freshwater bodies and their margins⁴

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

NATC-P1 Recognising natural character of surface freshwater bodies⁵

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

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

² Federated Farmers [414.17]

³ Forest and Bird [192.64, 192.65]

⁴ Forest and Bird [192.66]

⁵ Forest and Bird [192.67, 414.134]

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

...

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

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

NATC-P2 Identify, map and schedule significant freshwater bodies⁶

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

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

⁶ Forest and Bird [192.68]

5. recreational use associated with the experience of natural character elements, patterns and processes."

NATC-P4 Preservation of natural character values⁷

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

1. ensuring that the location, intensity, scale and form of subdivision, use and development of land takes into account the natural character values of the surface freshwater bodies;
2. ~~Avoiding, minimising~~ remedying or mitigating⁸, in that order, indigenous vegetation clearance and modification which affects natural character, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins;
3. requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation forestry, woodlots and shelterbelts; and
4. promoting opportunities to restore and rehabilitate the natural character of surface freshwater bodies and their margins, such as the removal of plant and animal pests, and supporting initiatives for the regeneration of indigenous biodiversity values, and spiritual, cultural and heritage values

NATC-P5 ~~New and existing structures~~ Activities⁹ within and over freshwater bodies

NATC-P6 New and existing structures within and over freshwater bodies¹⁰

~~Provide for~~ ~~Consider~~ Consider the provision of¹¹ new structures, and upgrades to existing structures, on or over¹¹ the surface of freshwater where:

⁷ Forest and Bird [192.69]

⁸ Cl 16(2), minor grammar correction, arising from Ms Hayes EIC, hearing 4

⁹ Para 25, EIC Alastair Ensor, Hearing 4

¹⁰ Forest and Bird [192.70], Transpower [195.78]

¹¹ Cl 16(2) response to commissioner questions, hearing 4

1. public access to, and along, the freshwater body is maintained;
2. the structure has a functional need or operational need to be located on or over the surface of freshwater;
3. the structure does not significantly compromise the use of the surface of freshwater for existing users;
4. the structure does not ~~disturb~~ have a significant adverse effect on¹¹ the habitat of indigenous species or hinder passage of migratory fish species;
5. the structure avoids ~~minimises to the extent possible~~¹²—creating new, or exacerbating existing natural hazards, or river or stream bank erosion; and
6. any adverse effects to the natural character and cultural values, associated with freshwater bodies are avoided, remedied or mitigated in order to preserve those values.

NATC-R2 Planting of non-indigenous vegetation¹³

...

- ~~1. (2) planting excludes all plants listed in the National Pest Plant Accord (reprinted with minor amendments February 2020), the DOC Consolidated List of Environmental Weeds in NZ (May 2008), and all organisms classified as pests and all Organisms of Interest listed in the Canterbury Regional Pest Management Plan 2018-2038; and~~
- ~~2. (3) the activity complies with NATC-S1.~~
- ~~3.—~~

NATC-R4 Culverts, weirs, water intake structures, siphons and ancillary equipment¹⁴

Scheduled Natural Character Freshwater Bodies Overlay

Activity status: PER

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

~~4.—~~

¹² Transpower [195.78]

¹³ ECan [316.111]

¹⁴ Consequential amendment arising from Dean and Victoria Caseley [159.2, 159.3]

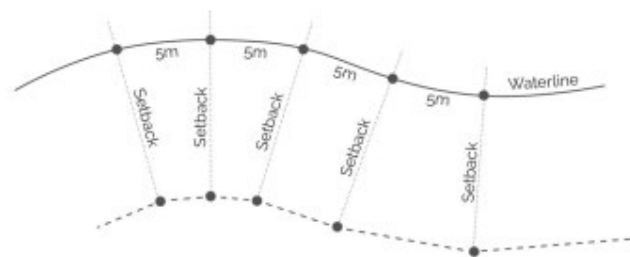
NATC-R6 New or replacement fences and water troughs¹⁵

This does not apply to stock exclusion fences

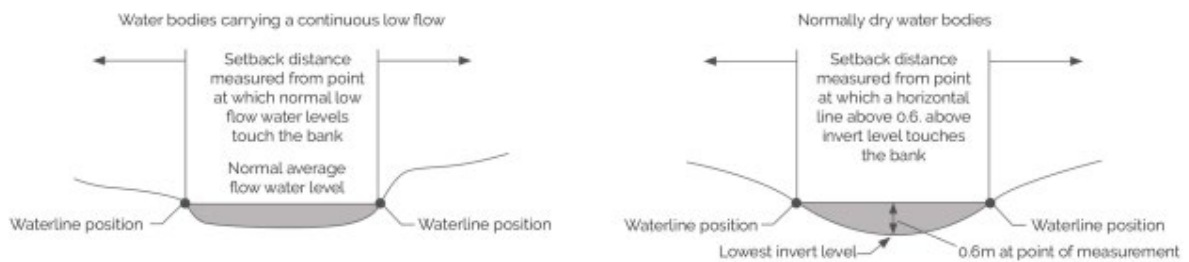
NATC-R8 – New structures within and over freshwater bodies overlays and setbacks¹⁶

NATC-R10 Plantation forestry, carbon forest, woodlot or shelterbelts¹⁷

Figure-1¹⁸:



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



Water bodies carrying a continuous low flow:

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

¹⁵ Dean and Victoria Caseley [159.1]

¹⁶ ECan [316.112,316.113], Bellgrove [408.20]

¹⁷ Rayonier [171.12]

¹⁸ Dean and Victoria Caseley [159.4]

Normally dry water bodies:

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

5m becomes 3m¹⁹²¹

NATC-S1 ~~Setback Standards~~ for natural character freshwater bodies²⁰

1. Activities in SCHED1 freshwater bodies shall meet all relevant rule criteria within the overlay²¹
2. Activities in SCHED2, SCHED3, SCHED4 freshwater bodies shall meet all relevant rule criteria within the overlay and additional setback distance specified in Table NATC-1²¹.

Advisory notes:

- ~~Schedule freshwater bodies are listed in NATC-SCHED~~
- ~~Measured from the bank of rivers and streams or edge of wetland and lakes of the freshwater bodies as identified in the relevant schedule and shown on the planning map (for measurement interpretation see Figure NATC-1)~~
- Where a site has more than one zoning the applicable zone setback will apply. boundary is divided a zone boundary, each part of the site shall be treated as a separate site²¹

Table NATC-1²²

Freshwater body classification	Freshwater body setback widths Rural Zones, Open Space and Recreation Zones	Freshwater body setback widths Residential Zones, Industrial Zones, Commercial and Mixed Use Zones, and Special Purpose Zones
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¹⁹ Waimakariri District Council [367.44]

²⁰ Consequential from Dean and Victoria Caseley [159.4]

²¹ Para 24, Peter Wilson right of reply, hearing 4 – cl 16(2)

²² Consequential Dean and Victoria Caseley [159.4]

NATC-SCHED1	No additional setback applies within <u>the freshwater overlay in addition to the freshwater overlay</u>	No additional setback applies within <u>the freshwater overlay in addition to the freshwater overlay</u> ²¹
NATC-SCHED2	20m <u>measured from the edge of the overlay</u>	10m <u>measured from the edge of the overlay</u>
NATC-SCHED3	10m <u>measured from the edge of the overlay</u>	5m <u>measured from the edge of the overlay</u>
UNSCHEDED ²³ NATC-SCHED4	5m	5m

NATC-MD1 Planting vegetation within freshwater body setbacks²⁴:

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

NATC-MD3 Specified structures within freshwater setbacks²⁵:

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

NATC-MD4 Buildings, structures and impervious surfaces within freshwater body setbacks²⁶:

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

²³ Waimakariri District Council [367.44]

²⁴ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

²⁵ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

²⁶ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

NATC-MD5 Structures within and over freshwater bodies²⁷

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

²⁷ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

CE-O1	<p>Natural character values</p> <p>The natural character attributes of the coastal environment of the District are preserved, maintained, and enhanced, <u>restored or rehabilitated</u>²⁸.</p>
CE-O4	<p>Activities in the Coastal Environment</p> <p>People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity²⁹, public access or cultural values does not preclude subdivision, use or development, where this does not compromise these values.</p>

CE-P2	<p>Preservation of natural character</p> <p>Recognise the natural character values identified in CE-SCHED1, CE-SCHED2, and other areas of the coastal environment, and protect them by:</p>
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²⁸ Forest and Bird [192.84], Federated Farmers [414.158], Department of Conservation [419.115]

²⁹ Forest and Bird [192.85]

<p>CE-P7</p>	<ol style="list-style-type: none"> 1. avoiding all adverse effects from subdivision, use or development within areas of ONC, and <u>areas places</u>³⁰ adjoining the CMA; 2. avoiding significant adverse effects, including cumulative effects, from subdivision, use or development within areas of HNC, or VHNC; 3. avoiding, remedying or mitigating any other adverse effects on natural character attributes in the coastal environment; 4. avoiding the clearance of indigenous vegetation, and the planting of non-indigenous vegetation within identified coastal natural character areas; 5. avoiding activities that damage the stability of coastal dune systems; and 6. maintaining indigenous biodiversity, <u>where it is not already covered by ECO-P7</u>, including remnant vegetation and habitats of indigenous species³¹. <p>Infrastructure in the coastal environment</p> <p>Recognise and provide for the maintenance, upgrade and development of infrastructure that has a functional need or operational need to be located in the coastal environment, where this does not create adverse effects <u>on the values of the identified coastal natural character areas are avoided, or where this is not practicable, remedied or mitigated</u>³².</p>
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³⁰ Mainpower [249.3]

³¹ Forest and Bird [192.87]

³² Transpower [191.100, 191.101]

How to interpret and apply the rules

(1) The rules within the CE Chapter do not apply to energy and infrastructure activities³³

CE-R2	Public amenities	
Coastal Environment Overlay	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. any building or structure for public amenities shall be set back a minimum of 20m from any identified coastal natural character area, as listed in CE-SCHED1 or CE-SCHED2; 2. any individual building shall have a maximum building footprint of 75m²; and 3. the maximum height of any building shall be 4m; <u>and</u> 4. <u>the use of land for any walking or cycling path for public amenities shall be limited to 2.5m maximum width, with no minimum setback from any identified coastal natural character area³⁴.</u> 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> • CE-MD1 - Buildings and structures
<p>Te Kōhanga Wetlands - HNC area</p> <p>Tūtaepatu Lagoon - HNC area</p>	<p>Activity status: RDIS</p> <p>Matters of discretion are restricted to:</p>	<p>Activity status when compliance not achieved: N/A</p>

³³ Transpower [191.101]

³⁴ Forest and Bird [192.92, 192.93]

	<ul style="list-style-type: none"> CE-MD1 - Buildings and structures 	
Jockey Baker Creek - VHNC area Ashley River / Rakahuri Saltwater Creek Estuary - ONC	Activity status: DIS	Activity status when compliance not achieved: N/A

CE-R4	Plantation forestry and Carbon Forest³⁵	
Coastal Environment Overlay	Activity status: PER Where: 1. the activity shall be limited to plantation forestry existing prior to the enactment of the NESPF, that is set back at least 20m from any identified coastal natural character area, as shown on the planning map.³⁶	Activity status when compliance not achieved: NC

³⁵ Federated Farmers [414.165]

³⁶ Rayonier [171.1]

Coastal Environment Overlay Jockey Baker Creek - VHNC Te Kōhanga Wetlands - HNC Tūtaepatu Lagoon - HNC Ashley River/ Rakahuri Saltwater Creek Estuary - ONC	Activity status: NC	Activity status when compliance not achieved: N/A
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CE-AN1

The Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Character area and Jockey Baker Creek – Very High Natural Character Area is are located on both the landward side and seaward side of the CMA. ~~Resource consent is required from~~ The District Council manages for any land use and subdivision activities occurring on the landward side of the CMA. The regional council manages land use activities ~~For activities~~ seaward of the CMA, ~~resource consent must be given from the Regional Council.~~³⁷

CE-MD1	Buildings and structures <u>and public amenities</u> ³⁸ 1. The extent of indigenous vegetation clearance.
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³⁷ CI 16(2), sch 1, RMA minor errors and changes

³⁸ Forest and Bird [192.94]

2. Measures to ~~minimise~~ avoid, remedy, and mitigate any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.
3. The extent to which the proposal will integrate into, and be sympathetic to the landscape, including the scale, form, design and finish (materials) proposed and mitigation measures such as planting.
4. Mitigation measures to minimise the tsunami risk to people and property.
5. The extent to which the proposal would compromise existing public access to the CMA.
6. The use of natural elements such as landforms and vegetation within the site to mitigate the visibility of the proposal.
7. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation.
8. Measures to avoid, remedy, and mitigate adverse effects on natural character values.³⁹
9. Where there is a functional or operational need to locate infrastructure, or carry out maintenance, repair and upgrade of existing critical infrastructure, within the coastal environment⁴⁰

Abiotic Systems and Landforms

- Braided Ashley [River](#)/Rakahuri mouth and saltmarshes retain high legibility through lack of modification.
- It is a largely unmodified example of a large [river](#) mouth and saltmarsh community with its hydrological and geomorphological processes largely intact.

³⁹ Forest and Bird [192.92, 192.93]

⁴⁰ Mainpower [249.6]

- The Ashworth Spit contains sand dunes⁴¹

Appendix B

NATC

Dean and Victoria Caseley [159.5] – ~~Reject~~ Accept in part

CE

NZ Defence Force [166.28] – ~~Reject~~ Accept in part

⁴¹ Forest and Bird [192.95]

