

Waimakariri District Council Proposed Waimakariri District Plan

Recommendations of the PDP Hearings Panel

Recommendation Report 8

Hearing Stream 4 Part 2: District-wide matters – CE- Coastal Environment

This report should be read in conjunction with **Report 1** and **Recommendation Reports 2 and 17**.

Report 1 contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports, a record of all Panel Minutes, a record of the recommendation reports and a summary of overarching recommendations. It does not contain any recommendations per se.

Recommendation Report 2 contains the PDP Panel's recommendations on the PDP's Part 2: District-wide Matters – Strategic directions - SD Strategic directions objectives and policies.

Recommendation Report 17 contains the PDP Panel's recommendations on the PDP's EI - Energy and Infrastructure Chapter.

Appendix 1: Schedule of attendances

Appendix 2: Recommended amendments to the Proposed Plan - Tracked from notified version (provisions not consequentially renumbered)

The Hearings Panel for the purposes of **Hearing Stream 4** comprised Commissioners Gina Sweetman (Chair), Allan Cubitt, Gary Rae, Megen McKay, Neville Atkinson and Niki Mealings.

1. Introduction

Report outline and approach

1. This is Report 8 of 37 Recommendation Reports prepared by the PDP Hearings Panel appointed to hear and make recommendations on submissions to the Proposed Waimakariri District Plan (PDP).
2. The report addresses the objective, policies, rules and other provisions relating to the CE – Coastal Environment Chapter and the submissions received on those provisions. The relevant provisions are:
 - Objectives
 - Policies
 - Rules
 - Matters of Discretion.
3. We have structured our discussion on this topic as follows:
 - (a) **Section 2** summarises key contextual matters, including relevant provisions and key issues/themes in submissions;
 - (b) **Sections 3 - 6** contains our evaluation of key issues and recommended amendments to provisions; and
 - (c) **Section 7** contains our conclusions.
4. This Recommendation Report contains the following appendices:
 - (a) **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
 - (b) **Appendix 2: Recommended amendments to the Proposed Plan – Tracked from notified version.** This sets out the final amendments we recommend be made to the PDP provisions relating to this topic. The amendments show the specific wording of the amendments we have recommended and are shown in a ‘tracked change’ format showing changes from the notified version of the PDP for ease of reference. Where whole provisions have been deleted or added, we have not shown any consequential renumbering, as this method maintains the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in the Recommendation Reports. New whole provisions are prefaced with the term ‘new’ and deleted provisions are shown as struck out, with no subsequential renumbering in either case.
5. We record that all submissions on the provisions relating to CE – Coastal Environment Chapter have been taken into account in our deliberations. In general, submissions in support of the PDP have not been discussed but are accepted or accepted in part. More detailed descriptions of the submissions and key issues can be found in the relevant

s42A Reports, Responses to Preliminary Questions and written Reply Reports, which are available on the Council's website. As stated above, our decision on each submission point is set out in Appendix 2.

6. In accordance with the approach set out in Report 1, this Report focuses only on 'exceptions', where we do not agree fully or in part with the s42A report authors' recommendations and / or reasons, and / or have additional discussion and reasons in respect to a particular submission point, evidence at the hearing, or another matter. Original submissions have been accepted or rejected as recommended by the s42A report author unless otherwise stated in our Recommendation Reports. Further submissions are either accepted or rejected in conformance with our recommendations on the original submission to which the further submission relates.
7. The requirements in clause 10 of the First Schedule of the Act and s32AA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in Report 1. In summary, these provisions require among other things:
 - (a) our evaluation to be focussed on changes to the proposed provisions arising since the notification of the PDP and its s32 reports;
 - (b) the provisions to be examined as to whether they are the most appropriate way to achieve the objectives; and
 - (c) as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our recommendations are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.
8. We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Reply Reports. Those reports are part of the public record and are available on the Council website. Where our recommendation differs from the s42A report authors' recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.
9. A fuller discussion of our approach in this respect is set out in section 5 of Report 1.

2. Summary of provisions and key issues

Outline of matters addressed in this section

10. In this section, we provide relevant context around which our evaluation of the notified provisions and submissions received on them is based. Our discussion includes:

- (a) summary of relevant provisions;
- (b) themes raised in submissions; and
- (c) identification of key issues for our subsequent evaluation.

Submissions

11. There were 69 original submission points, from 11 original submitters. There were two further submission points from two further submitters.

Key issues

12. The issues in contention on this chapter addressed in this report are:
- The preservation and protection of natural character in the coastal environment, and
 - Forestry in the Coastal Environment Overlay.

3. CE-O1 Natural character values

Overview

13. The following is a summary of the Panel's recommended amendments to Objective CE-O1 (and consequential amendments to the Introduction and CE-MD1), over and above those recommended by the s42A report author:

Provision	Panel recommendations
CE - Introduction	Amend the Introduction to include reference to 'protection' of the natural character of the coastal environment.
CE-O1	Amend the objective to include reference to 'protection' of the natural character attributes of the coastal environment, in addition to their restoration and rehabilitation.
CE-MD1	Amend CE-MD1 to include consideration of any proposed restoration or rehabilitation.

Reasons

14. The submission we consider here is that by Forest & Bird¹. This submitter, in addition to Federated Farmers² and Department of Conservation³, sought amendments to better align CE-O1 with the relevant objectives and policies of the NZCPS, in particular with NZCPS objective 2, and NZCPS policies 13 and 14.

¹ 192.84

² 414.158

³ 419.115

15. Forest & Bird requested that 'restored or rehabilitated' should be included in the objective in place of 'maintained and enhanced', and that 'protected' be included in the objective to sit alongside 'preserved'. The submitter also sought that the word "protect" be included in CE-O1, as follows:

"The natural character attributes of the coastal environment of the District are preserved, ~~maintained~~ protected, ~~and enhanced~~ restored and rehabilitated."

16. Ms Nicky Snoyink, in her statement for Forest & Bird, said that this will make the objective much clearer in terms of the plan giving effect to Policy 13 of the NZCPS which is for the "preservation of natural character of the coastal environment **and** to protect it from inappropriate subdivision, use and development."

17. Forest & Bird also requested a consequential change to the CE Introduction to correct the first sentence so that it is in line with Policy 13 of the NZCPS, that is to include "protection" from inappropriate activities, as follows:

"The preservation of the natural character of the coastal environment and the protection of it from inappropriate subdivision, use and development is a matter of national importance under the RMA."

18. In response to the submissions the section 42A report author, Mr Peter Wilson, recommended that CE-O1 is amended as follows:

The natural character attributes of the coastal environment of the District are preserved, ~~maintained~~, ~~and enhanced~~ restored or rehabilitated.

19. In addition he recommended that a consequential change is made to CE-MD1 to include: "Whether any restoration or rehabilitation of the natural character of the coastal environment is proposed".

20. We accept Mr Wilson's reasons for those specific changes, as we agree 'restored or rehabilitated' better aligns with the NZCPS. The Panel asked Mr Wilson to respond, in his Reply Report, to the other points raised by Forest & Bird. In response Mr Wilson considered including 'protect' is not appropriate because it is only used in policy 17 of the NZCPS relating to historic heritage⁴. From our own reading of the NZCPS we do not agree with that, noting that 'protect' is also used in other objectives and policies (Objective 2 & 6, Policy 6, 7, 11, 13 & 15). Also, the objectives in the CRPS that Mr Wilson refers to also use the word 'protect'. Overall, we are more persuaded by Ms Snoyink's evidence on this and consider that the amended wording requested by Forest & Bird is appropriate and will better give effect to Policy 13 of the NZCPS.

21. We note also that the recommended change to CE-MD1 in the s42A report to refer to rehabilitation and restoration was not carried through to the recommended changes in the Reply Report. We consider this was an omission, and it should be included in addition to the other matters of discretion that were recommended to be added by Mr

⁴ S42A Reply Report dated 11 August 2023, paragraph 30

Wilson in his Reply Report and in a memorandum to the Panel following his post-hearing meeting with Forest & Bird⁵. Accordingly, we have recommended that rehabilitation and restoration should be included as a relevant matter of discretion in CE-MD1.

4. CE-P2 Preservation of natural character

Overview

22. The following is a summary of the Panel’s recommended amendment to Policy CE-P2 which differs only in respect to the wording recommended by the s42A report author:

Provision	Panel recommendations
CE – P2	<p>Change the title of the policy to “preservation and protection of natural character”</p> <p>Amend clause 6 so that maintaining indigenous biodiversity in the coastal environment is ‘subject to ECO-P7’.</p>

Amendments and Reasons

23. The submission we consider here is that by Forest and Bird⁶ who sought better alignment with the NZCPS and the ECO chapter, requesting specifically the express reference to ECO-P7 which provides a framework for managing the effects of regionally significant infrastructure on indigenous biodiversity in the coastal environment.
24. Mr Wilson accepted in part Forest & Bird’s submission that requested the following amendment to clause 6:

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

25. We agree with the reasoning of Mr Wilson, described in the s42A report as being:

“ECO-P7 is more consistent with the NZCPS and I do not consider that there is a need to retain the reference to indigenous biodiversity when another district-wide policy covers it. This is the same for ECan, as CE-P2 is limited to the natural character of values of vegetation only, with indigenous biodiversity [is] dealt with in its own policy, which is already by way of Policy ECO-P7”.

26. However, we prefer the words “subject to ECO-P7 maintaining indigenous biodiversity” as they more accurately describe the relationship between the ECO and CE provisions. We have also recommended amending the name of the policy to include ‘protection’ as a consequential amendment to our acceptance of the Forest & Bird submission point

⁵ S42A Reply Report dated 11 August 2023, paragraph 36, and Memorandum from Mr Wilson dated 22 October 2023

⁶ 192.87

and to better describe the intent of this policy which is to preserve and to protect the natural character values of the coastal environment.

5. CE-R4 Plantation Forestry

Overview

27. The following is a summary of the Panel's recommended amendment to Rule CE-R4, which differs in part from the amendments recommended by the s42A report author and in the Wrap Up Reply Report.

Provision	Panel recommendations
CE – R4	Amend to replace the references from 'Plantation Forestry' to 'Commercial Forestry'.

Amendments and Reasons

28. The submission we consider here is by Federated Farmers⁷ which was to widen the rule from "plantation forestry" to include "all afforestation activities". As explained in the s42A report this would essentially permit carbon forestry in the Coastal Environment Overlay, but outside of some identified natural character areas, and also restricted to plantation forestry existing prior to the enactment of the NESPF, that is set back at least 20 metres from any identified coastal natural character area.
29. Mr Wilson expressed concern at the widening of the rule in this way, noting the effects on natural character from plantation forestry and carbon forestry which are indistinguishable in effect, and he considered that the objectives, in particular CE-O1 would not be achieved if carbon forestry remained outside the scope of CE-R4.
30. In the s42A report Mr Wilson recommended that as well as including carbon forestry in the rule, the rule applying to plantation forestry in the Coastal Environment Overlay should be changed from a permitted activity to a non-complying activity to address his concerns outlined above. In our pre-hearing written questions, the Panel had questioned whether there is scope for this. Mr Wilson's response was that he considered the scope for the inclusion of carbon forestry to the rule derives from the Federated Farmers submission, and the scope to delete the permitted activity component derives from Rayonier⁸, considered in his Overarching and Part 1 matters s42A report for Hearing Stream 1.
31. We do not accept there is scope to make forestry a non-complying activity in the CE Overlay. Federated Farmers had sought a more permissive regime for carbon forestry and the submission by Rayonier was simply to better align the PDP provisions with the NES-PF and not to make specific changes to activity status of forestry in the Coastal Environment Overlay.

⁷ 414.165

⁸ 171.1

32. While we acknowledge the s42A report author's comments that the Coastal Environment chapter objectives and policies seek to preserve the natural character, CE-R4 does this by limiting permissible plantation forestry only to that which existed prior to the enactment of the NES-PF as well as the other restrictions that apply as outlined above. If those conditions are not met the activity becomes non-complying. There was no evidence from any party including from Mr Wilson to support changing the activity status of plantation forestry (including carbon forestry) in the coastal environment, noting also Mr Wilson's evidence that carbon forestry has effects that are indistinguishable from plantation forestry.
33. We also note Mr Wilson's advice that notified CE-R4 is also inconsistent with the NES-PF clause 14(3)(c) which requires a 30m setback from the CMA, and the Council may also wish to review that as part of a future plan change or review of the provisions.
34. Following the hearing, the s42A report authors produced a Reply Report on Wrap Up Matters, and one recommendation was to amend the PDP to give effect to the latest version of the NES-CF⁹ which essentially replaces the NES-PF. We agree with making the relevant changes, under section 44A(6) of RMA, to give effect to the new NES-CF, and this simply means changing the title of CE-R4 from 'Plantation Forestry' to 'Commercial Forestry' to reflect the new definition.
35. For the reasons outlined above we do not accept the other amendments in the Wrap Up Reply Report, which were to delete the clauses in CE-R4 applying to permitted activity forestry (i.e. activity shall be limited to forestry existing prior to the NES-PF and to have setbacks from any identified coastal natural character area setback provisions). However, we have recommended a minor amendment to replace the reference to "*the date the NES-CF was enacted*" by inserting the actual date it was enacted for reasons of efficiency and certainty, and we have changed the reference in Clause 1 from 'plantation forestry' to 'commercial forestry' to be consistent with the NES-CF.
36. We further note that any 'plantation forestry' existing prior to the date that the NES-CF was enacted, which is not otherwise covered by the updated definition of 'commercial forestry', is expected to have 'existing use rights' in the Coastal Environment in any case.
37. For the above reasons we are recommending that the Federated Farmers' submission is accepted in part.

6. Other matters and consequential changes

38. The Panel did not identify any other matters or consequential changes.

⁹ National Environmental Standard for Commercial Forestry.

7. Conclusion

39. For the reasons summarised above, we recommend the adoption of a set of changes to the PDP provisions relating to Part 2: District-wide matters – CE –Coastal Environment. Our recommended amendments are shown in Appendix 2.
40. Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national and regional direction, and our recommended Strategic Directions, and will improve its useability.

Appendix 1: Submitter attendance and tabled evidence for Coastal Environment - Hearing Stream 4

Attendee	Speaker	Submitter No.
Council Reporting Officer	<ul style="list-style-type: none"> • Peter Wilson 	
Federated Farmers of New Zealand Inc.	<ul style="list-style-type: none"> • Lionel Hume • Karl Dean 	414 FS 83
Royal Forest and Bird Protection Society Inc.	<ul style="list-style-type: none"> • Nicky Snoyink 	192 FS 78
Director-General of Conservation / Tumuaki Ahurei	<ul style="list-style-type: none"> • Pene Williams • Amy Young 	419 FS 77
Transpower New Zealand Ltd	<ul style="list-style-type: none"> • Ainsley McLeod 	195 FS 92
Canterbury Regional Council	<ul style="list-style-type: none"> • Joanne Mitten 	316
Tabled Evidence		
Waimakariri Irrigation Ltd	<ul style="list-style-type: none"> • Ben Williams • Kirsty Jacomb 	210
MainPower New Zealand Ltd	<ul style="list-style-type: none"> • Jo Appleyard • Annabelle Lee 	249

Appendix 2: Recommended amendments to the Proposed Plan - Tracked from notified version
(provisions not consequentially renumbered)

CE - Te taiao o te takutai moana - Coastal Environment

Introduction

The preservation of the natural character of the coastal environment [and the protection of it¹](#) from inappropriate subdivision, use and development is a matter of national importance under the RMA.

The coastal environment in the District comprises of beach, sand dune, estuary and upland areas, and coastal vegetation. The mapped extent of the coastal environment stretches across the District boundary from the mouth of the Waimakariri River to north of the Ashley River/Rakahuri Saltwater Creek Estuary.

The coastal environment has been identified through considering the coastal landscape, ecology and natural character. Under the RMA, areas landward of the CMA are managed by the District Council, whereas areas seaward of the CMA are managed by the Regional Council. The landward extent of the coastal environment includes areas zoned Settlement, Special purpose (Pines Beach and Kairaki Regeneration), Natural Open Space and Rural Lifestyle.

The District Plan must give effect to national direction instruments such as the NZCPS. The policies in the NZCPS are wide-ranging and while many are covered in this chapter, other chapters of the District Plan contain policies and rules that give effect to the NZCPS.

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 the topic of the coastal environment include:

- Natural Features and Landscapes: this chapter contains rules for natural features that are located in the coastal environment.
- Ecosystems and Indigenous Biodiversity: this chapter contains policy and rules relating to the protection of indigenous biodiversity within the coastal environment.
- Natural Character of Freshwater Bodies: this chapter has provisions that control certain activities inside setback areas along the margins of rivers, streams, lakes and wetlands.
- Earthworks: this chapter controls land disturbance activities associated with sand dunes, vegetation on the sand dunes and setbacks from water bodies.
- Energy and Infrastructure: this chapter contains provisions that allow for existing infrastructure and ancillary vehicle access tracks, while controlling new infrastructure within those areas of the coastal environment containing high natural character.
- The main coastal hazard affecting the district is sea water inundation, which extends beyond the mapped Coastal Environment. Because of this, and the fact that the sea water inundation extent is affected by concurrent freshwater flooding, the sea water inundation provisions are located within the Natural Hazards Chapter.
- Natural Open Space Zone, Rural Lifestyle Zone, and the General Residential Zone chapters as these are the underlying zones of the Coastal Environment overlay.
- Sites and Areas of Significance to Māori: this chapter has identified the coastal environment as a Ngā Wai.
- Any other District-wide matter that may affect or relate to the site.

¹ Forest and Bird [192.84],

- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
CE-O1	Natural character values The natural character attributes of the coastal environment of the District are preserved, maintained, and enhanced <u>protected, restored or rehabilitated</u> ² .
CE-O2	Ngāi Tūāhuriri values The relationship of Ngāi Tūāhuriri and their culture and traditions with their ancestral lands, water, significant areas and taonga in the coastal environment is recognised and values associated with this are protected.
CE-O3	Public access Public access to and along the landward edge of the CMA is maintained and enhanced where this does not create adverse effects.
CE-O4	Activities in the Coastal Environment People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity ³ , public access or cultural values does not preclude subdivision, use or development, where this does not compromise these values.
Policies	
CE-P1	Recognising natural character Recognise that the following attributes contribute to the natural character of the coastal environment: <ol style="list-style-type: none"> 1. natural elements, processes and patterns; 2. biophysical, ecological, geological and geomorphological aspects; 3. natural landforms such as dunes, wetlands, estuaries and freshwater springs; 4. the natural movement of water and sediment; 5. the natural darkness of the night sky; 6. places or areas that are wild or scenic; 7. a range of natural character from pristine to modified; and 8. the experience of the above elements, including the sound and smell of the sea, including Ngāi Tūāhuriri associations with these attributes.
CE-P2	Preservation <u>and protection</u>⁴ of natural character Recognise the natural character values identified in CE-SCHED1, CE-SCHED2, and other areas of the coastal environment, and protect them by: <ol style="list-style-type: none"> 1. avoiding all adverse effects from subdivision, use or development within areas <u>places</u>⁵ of ONC, and areas 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

² Forest and Bird [192.84], Federated Farmers [414.158], Department of Conservation [419.115].

³ Forest and Bird [192.85].

⁴ Forest and Bird [192.85]

⁵ Mainpower [249.3].

	6. <u>subject to ECO-P7</u> ⁶ maintaining indigenous biodiversity, including remnant vegetation and habitats of indigenous species.
CE-P3	Restoration of natural character Enable opportunities to restore and rehabilitate natural character within the coastal environment, such as through the removal of plant and animal pests, supporting initiatives for regeneration of indigenous vegetation and habitats, and providing for the natural regeneration of indigenous vegetation.
CE-P4	Ngāi Tūāhuriri cultural values Protect and maintain the values of Ngāi Tūāhuriri with respect to the coastal environment by: <ol style="list-style-type: none"> 1. recognising and providing for the relationship between mana whenua and sites and areas of the coastal environment with cultural significance; 2. providing for access to the CMA for mahinga kai and other customary activities; 3. providing opportunities for Te Ngāi Tūāhuriri Rūnanga involvement in decision-making in relation to the coastal environment; 4. engaging with Te Ngāi Tūāhuriri Rūnanga where activities in the coastal environment have the potential to adversely affect identified sites and areas of significance to Māori, including any silent file area; and 5. considering the incorporation of mātauranga Māori in the design, development, or operation of activities in the coastal environment, where this will enhance recognition of the cultural and traditional relationship of mana whenua to the coastal environment.
CE-P5	Public access to the Coastal Marine Area Maintain existing and provide for new public access where this does not create adverse effects on: <ol style="list-style-type: none"> 1. indigenous flora and fauna; 2. dunes, estuaries or any water body located in the coastal environment; 3. sites of cultural significance; 4. public health or safety; and the rights of private property owners, where these are significantly compromised.
CE-P6	Activities in the coastal environment Manage activities in the coastal environment by: <ol style="list-style-type: none"> 1. providing for existing activities, or new activities where these do not conflict with natural character values; 2. limiting the further expansion or intensity of <u>plantation-commercial</u>⁷ forestry to preserve natural character values; and 3. ensuring that any new subdivision, use or development: <ol style="list-style-type: none"> a. is set back from the CMA boundary, and any identified coastal natural character area, to preserve natural character values and public access; b. maintains the character and extent of existing settlements near the coastal environment; and c. limits the prominence of built form and avoids creating strong visual contrasts.
CE-P7	Infrastructure in the coastal environment <u>Notwithstanding CE-P2, R</u> ecognise and provide for the maintenance, upgrade and development of <u>regionally significant</u> infrastructure that has a functional need or

⁶ Forest and Bird [192.87]⁷ s44A of RMA.

operational need to be located in the coastal environment, where ~~this does not create~~ adverse effects to the identified coastal natural character areas are minimised⁸.

How to interpret and apply the rules

(1) The rules within the CE Chapter do not apply to energy and infrastructure activities⁹

Activity Rules

CE-R1	Use of motor vehicles	
Jockey Baker Creek - VHNC area Te Kōhanga Wetlands - HNC area Tūtaepatu Lagoon - HNC area Ashley River/ Rakahuri Saltwater Creek Estuary - ONC	Activity status: PER Where: 1. the motor vehicle is used for conservation activities, customary harvesting or is an emergency service vehicle.	Activity status when compliance not achieved: NC
CE-R2	Public amenities	
Coastal Environment Overlay	Activity status: PER Where: 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 75m ² ; and 3. the maximum height of any building shall be 4m-; <u>and</u> 4. <u>the use of land for any</u>	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: CE-MD1 - Buildings and structures

⁸ Transpower [195.100, 195.101]

⁹ Transpower [195.101]

	<p><u>walking or cycling path for public amenities is</u></p> <p>a) <u>Limited to 2.5m maximum width;</u></p> <p>and</p> <p>b) <u>Will comply with CE-S1 standards for bird-breeding periods</u>¹⁰</p>	
Te Kōhanga Wetlands - HNC area Tūtaepatu Lagoon - HNC area	<p>Activity status: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CE-MD1 - Buildings and structures</p>	Activity status when compliance not achieved: N/A
Jockey Baker Creek - VHNC area Ashley River / Rakahuri Saltwater Creek Estuary - ONC	<p>Activity status: DIS</p>	Activity status when compliance not achieved: N/A
CE-R3	Any building or structure	
	<i>This rule does not apply to buildings or structures located in existing Residential Zones that are within 20m of identified coastal natural character areas.</i>	
Coastal Environment Overlay	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. any building and/or structure shall be set back a minimum of 20m from any identified coastal natural character area, as shown on the planning map; 2. any individual building shall have a maximum building footprint of 75m²; 3. the maximum height of any building shall be 4m; and 4. the painted exterior building and/or structure materials, which when graded using British Standard BS5252:1976 Framework for Colour Co- 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>CE-MD1 - Buildings and structures</p>

¹⁰ Forest and Bird [192.93].

	<p>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 no more than: <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 no more than 40% for greyness groups A, B or C. 	
Te Kōhanga Wetlands - HNC Tūtaepatu Lagoon - HNC	<p>Activity status: RDIS Matters of discretion are restricted to: CE-MD1 - Buildings and structures</p>	Activity status when compliance not achieved: N/A
Jockey Baker Creek - VHNC area Ashley River / Rakahuri Saltwater Creek Estuary - ONC	<p>Activity status: DIS</p>	Activity status when compliance not achieved: N/A
CE-R4	Plantation Commercial forestry¹¹	
Coastal Environment Overlay	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the activity shall be limited to plantation forestry existing prior to <u>1 May 2018</u>¹² the enactment of the NESPF, that is set back at least 	Activity status when compliance not achieved: NC

¹¹ Federated Farmers [414.165], and section 44A(6) of RMA.

¹² The date that the NES-PF was enacted

	20m from any identified coastal natural character area, as shown on the planning map.	
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
CE-R5	Construction of a new road	
Coastal Environment Overlay	Activity status: DIS	Activity status when compliance not achieved: N/A
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

CE-S1	<u>Standards for bird breeding periods</u>	
<u>Jockey Baker Creek - VHNC</u> <u>Te Kōhanga Wetlands - HNC</u> <u>Tūtaepatu Lagoon - HNC</u>	1. <u>Construction and maintenance activities for cycleways and walkways within 20m of identified coastal natural character areas will avoid activities that</u>	<u>Activity status when compliance not achieved: RDIS</u>

**Ashley River/ Rakahuri
Saltwater Creek Estuary
- ONC**

disturb native breeding birds for the following identified species and breeding periods:

<u>Wrybill</u>	<u>1 August – 28 February</u>
<u>Banded Dotterel – Tuturiwhatu</u>	
<u>Black Fronted Tern – Tarapiroe</u>	
<u>Black Billed Gull – Tarāpuka</u>	
<u>Black Stilt – Kaki</u>	
<u>Pied Stilt – Poaka</u>	
<u>South Island pied oystercatcher – Torea</u>	

2. If breeding birds are found, construction and maintenance activities will cease in that location until breeding season has completed and/or nesting is completed¹³.

Matters of discretion are restricted to:

1. CE-MD1 Buildings and structures and public amenities

Advice Notes

CE-AN1	The Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Character area <u>and Jockey Baker Creek – Very High Natural Character Area</u> ¹⁴ <u>is are</u> 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 ¹⁵ .
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Matters of Discretion

CE-MD1	<p>Buildings and structures and public amenities¹⁶</p> <ol style="list-style-type: none"> 1. The extent of indigenous vegetation clearance. 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.
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¹³ Forest and Bird [192.93].

¹⁴ **Note the addition of Jockey Baker Creek is not identified with track changes in the CE Reply Report**

¹⁵ RMA Schedule 1 Clause 16(2) amendment

¹⁶ Forest and Bird [192.94].

	<ol style="list-style-type: none"> 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. <u>Whether any restoration or rehabilitation of the natural character of the coastal environment is proposed;</u>¹⁷ 9. <u>Measures to avoid, remedy, and mitigate adverse effects on natural character values;</u>¹⁸ 10. <u>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 environment;</u>¹⁹ 11. <u>Adverse effects on breeding birds and their habitat, including measures such as stopping works upon discovery of nearby bird nesting sites and setbacks from known bird breeding areas</u>²⁰.
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Coastal Environment - Schedules

All Natural Character assessments are based on the overall rating of each of the following Natural Character attributes:

- Abiotic systems and landforms
- Terrestrial biotic landforms
- Landcover and land use
- Perceptual and experiential values

CE-SCHED1 - Outstanding Natural Character Areas in the Coastal Environment

Ashley River / Rakahuri Saltwater Creek Estuary				
	Abiotic	Biotic		Experiential
Overall Rating	Abiotic Systems & Landforms	Terrestrial Biotic Landforms	Land Cover & Land Use	Perceptual/Experiential
Very High Natural Character	Very High	Very High		High
Natural Character Attributes <ul style="list-style-type: none">The mapped extent of this ONC area is defined by the waters of the river mouth and the lagoon and excludes the more modified parts of the adjacent land. The mapped area does include areas below MHWS. However, for this area of ONC, it is difficult to separate out marine and terrestrial components based on their interdependency.				
Abiotic Systems and Landforms <ul style="list-style-type: none">Braided Ashley River/Rakahuri mouth and saltmarshes retain high legibility through lack of modification.				

¹⁷ Forest and Bird [192.92, 192.93].

¹⁸ Forest and Bird [192.92, 192.93].

¹⁹ Mainpower [249.6].

²⁰ Forest and Bird [192.92].

- It is a largely unmodified example of a large river mouth and saltmarsh community with its hydrological and geomorphological processes largely intact.
- The Ashworth Spit contains sand dunes²¹

Terrestrial Biotic Systems & Land Cover/Land Use

- The estuary supports very high ecological values and includes extensive areas of saltmarsh vegetation.
- Provides outstanding habitat for a very high diversity of coastal and wetland bird species, including migratory species.
- It provides a significant habitat for the life cycle of fish, including providing flatfish nursery habitats.

Perceptual/Experiential

- The estuary retains high experiential, legibility and naturalness values due to lack of modification.
- The estuary provides opportunities for whitebaiting, fishing and bird watching.

Additional Comments

- The 'Marine' component retains high levels of natural character, as mapped within the 'Draft Marine' Canterbury Regional Council Study 2017.
- The coastal area is largely confined to the immediate estuary/river mouth. The surrounding areas are farmed and highly modified.
- Excludes the more modified pastoral land and areas of settlement.

Jockey Baker Creek - Very High Natural Character

	Abiotic	Biotic		Experiential
Overall Rating	Abiotic Systems & Landforms	Terrestrial Biotic Landforms	Land Cover & Land Use	Perceptual/Experiential
Very High Natural Character	Very High	Very High		High

Natural Character Attributes

- This creek is now an estuarine saltmarsh that has relatively intact sequences of intertidal - supratidal saltmarsh and freshwater shallow water habitats that are dominated by native vegetation.
- This wetland is utilised by wading birds and waterfowl and provides good habitat for the threatened (Nationally Critical) Australasian Bittern.
- High experiential values.

Additional Comments

- More modified area of land excluded from area, including stopbank, rock armouring, drains and culverts.

Tūtaepatu Lagoon - High Natural Character

	Abiotic	Biotic		Experiential
Overall Rating	Abiotic Systems & Landforms	Terrestrial Biotic Landforms	Land Cover & Land Use	Perceptual/Experiential

²¹ Forest and Bird [192.95].

High Natural Character	High	Very High		High
Natural Character Attributes <ul style="list-style-type: none">• Tūtaepatu Lagoon provides a very important habitat for indigenous fauna, including birds and freshwater fish and is of high ecological significance.• It supports large populations of some bird species and a high diversity of waterfowl.• Generally low levels of modification, and high levels of naturalness.				
Additional Comments <ul style="list-style-type: none">• Pine forest plantations and modified land excluded from this mapped area.				
Te Kohanga Wetlands - High Natural Character				
	Abiotic	Biotic		Experiential
Overall Rating	Abiotic Systems & Landforms	Terrestrial Biotic Landforms	Land Cover & Land Use	Perceptual/Experiential
High Natural Character	High	High		High
Natural Character Attributes <ul style="list-style-type: none">• A number of wetland areas are the focus of extensive ecological restoration efforts.• A number of recreational opportunities including walking, cycling, and horse riding.• High experiential values, including naturalness and tranquillity.				
Additional Comments <ul style="list-style-type: none">• Extensive pine forest plantations and the introduced sand binder marram grass have substantially modified the coastal environment and are excluded from this mapped area.				