

Section 32 Report

Āhuatanga o te awa/Natural Character of Freshwater Bodies Chapter

prepared for the

Proposed Waimakariri District Plan

18 September 2021



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1. EXECUTIVE SUMMARY

The Canterbury Region contains some of the biggest braided rivers in New Zealand, making them unique and highly valued. Most freshwater bodies contain a range of natural character attributes that make them significant on a national, regional or local basis. Significant features of the Waimakariri District is the Waimakariri River, the Ashely/Rakahuri Rivers and the Ashley/Rakahuri Saltwater Creek Estuary.

The Operative District Plan (DP) has not provided the best outcome for the protection of water quality and the control of land use that affects the natural character of freshwater bodies. While there are a range of objectives and policies that require the maintenance and enhancement of natural character and ecosystems of water bodies and their margins, within the existing plan, there are no rules that support these provisions.

The key resource management issues that need to be addressed in relation to the natural character of fresh water bodies are:

- The loss of natural character and amenity values of water bodies;
- The visual effect of structures on natural character;
- The loss of indigenous vegetation;
- Adverse effects on ecosystem habitats;
- Continuing degradation of water quality; and
- Adverse effects on the cultural and spiritual values of significance to iwi.

To address these issues, the following are proposed:

- i. setbacks from waterbodies for buildings, structures and impervious surfaces,;
- ii. Controlling the planting and removal of vegetation within the setbacks; and
- iii. Control of and shelter belts, woodlots and plantation forestry.

The proposed approach will provide direction and guidance to decision makers regarding the intended outcomes for the ***Natural Character of Freshwater Bodies Chapter***.

The proposed approach in association with other provisions in the District Plan aims to maintain, and where possible improve water quality and the natural character of riparian margins as a natural and physical resource for current and future generations, maintain amenity values and quality of the environment, and achieve Part 2 of the Resource Management Act 1991 (RMA).

The proposed provisions are considered the most appropriate given the assessment of the benefits and costs gained from adopting the proposed provisions and the requirement to comply with central government legislation and regional council policy. The risks of acting are also clearly identifiable and limited in their extent.

2. OVERVIEW AND PURPOSE

2.1 Purpose of Section 32 RMA

The overarching purpose of Section 32 of the RMA is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 reports are intended to clearly and transparently communicate the reasoning behind plan provisions to the public. The report should provide a record of the evaluation process, including the consultation, technical work, methods, assumptions and risks that informed that process. A robust report can prove highly useful to decision makers, particularly where it clearly communicates the analysis undertaken to identify the most appropriate way to achieve the purpose of the RMA.

The District Council is required to undertake an evaluation of any proposed District Plan provisions before notifying those provisions. The Section 32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions.

2.2 Topic Description

The purpose of the topic is to provide for the protection of natural character values associated with water bodies through water body setbacks and the control of adjacent development where that may have an adverse effect on natural character values, water quality, indigenous ecosystems and amenity values. Central Government policy direction requires greater emphasis on the protection of water body margins in line with Section 6(a) of the RMA and the National Policy Statement for Freshwater Management (NPS-FM).

Natural character is not defined within the RMA context, but components have been identified in Appendix 1B.1 *Natural form and character* of the NPS-FM. The attributes of natural character can be considered as sitting on a spectrum from unmodified and in a natural state, through to being highly modified but containing certain attributes that result in a distinct character. Attributes that contribute towards natural character include:

- freshwater bodies and their margins in their natural state or close to their natural state;
- freshwater landforms and landscapes, biophysical, geologic and morphological aspects;
- hydrological and fluvial processes, including erosion and sedimentation;
- indigenous biodiversity, habitats and ecosystems;
- water flow and levels, colour and clarity, and water quality;
- the cultural values of the water body, including values associated with traditional and contemporary uses and continuing ability of the freshwater body to support taonga species and mahinga kai activities; and
- the experience of the above elements, patterns and processes.

The Natural Character Chapter covers all freshwater bodies within the District, from rivers, streams, lakes, wetlands, estuaries and springs. The District contains two major rivers, the Waimakariri River and the Ashley/Rakahuri Rivers and a number of others that are tributaries of these main rivers. There is one major estuary at Waikuku, the Te Aka Aka/Ashley Estuary, a number of spring fed wetlands along the coast, and some inland wetlands in Lees Valley. While most of the bigger rivers are braided, the smaller rivers are either meandering or have been highly modified to become channelized.

2.3 Significance of this Topic

The degradation of water quality and loss of indigenous riparian habitat is an issue across the country. News articles have highlighted this and raised the public awareness of this as an issue. This concern has increased in response to changes and intensification of land use, increases in nitrogen within groundwater and surface water bodies, ongoing pathogen and sediment discharges into water bodies, and the continuing encroachment and drainage of wetlands and loss of riparian margins. However, positive steps have been taken to restore indigenous vegetation within riparian margins through such actions as the Arohatia te awa project and the Dairy NZ Sustainable Dairying: Water Accord. The loss of riparian margins associated with the larger braided rivers is still an issue, which hasn't been helped with recent environment court decisions.

Water quality monitoring undertaken by the Canterbury Regional Council of the Waimakariri River, found that only one of the seven water quality parameters assessed showed any improvement and five of the seven showed continued decline over the last eight years. Some of the other rivers in the District have shown some improvement in water quality¹, however, most of the water bodies are in a heavily degraded state when it comes to key water quality indicators. This is despite the local initiatives previously mentioned to improve water quality and riparian habitat.

Inappropriate subdivision, use and development of land that adjoins natural freshwater bodies can have an adverse effect on the natural character attributes of the water body. The control of certain land use activities at the interface between the land and the water margin can help mitigate the effects on those attributes that form part of the natural character of freshwater bodies. While not all of the attributes will be affected the same, the land use controls will provide a starting point for addressing some of the effects. Some of the natural character attributes will be addressed through integrated land management with the policies and rules associated with the RPS and the Regional Land and Water Plan.

2.4 Current Objectives, Policies and Methods

The following chapters contain objectives, policies and methods that address issues associated with the preservation of natural character.

2.4.1 Water Chapter

The Water Chapter of the Operative District Plan (DP) contains objectives and policies that promote the preservation of the natural character of specific water bodies and the maintenance and enhancement of natural character and ecosystems of water bodies, and their margins.

Objective 3.1.1 promotes the preservation the natural character and ecological values within the Waimakariri Gorge, and on the Ashley/Rakahuri River.

While the objective identifies natural character and ecological values as being important, it is not supported by the policies. The policies are restricted to identifying and addressing the effects of jet boats and four-wheel drive vehicles and motor bikes on the rivers and their surrounds. The supporting policy is in response to noise complaints, rather than the wider attributes that form part of natural character.

¹ LWP, 2018. Canterbury River Water Quality State and Trend Analysis: Periods ending 30th June 2017. LWP Client Report 2018-03.

Objective 3.2.1 promotes the maintenance and enhancement of the natural character and ecosystems of water bodies, and their margins. This is supported by policies that avoid, remedy and mitigate the adverse effects of land use activities on a number of natural attributes, including natural character. The policy recognises that there has been a range of adverse effects on the water bodies from land use activities and requires the maintenance and where possible enhancement of the quality and values of water bodies. While the objective and policy 3.2.1.1 supports the preservation of natural character, the methods used to achieve the policy involved undertaking some investigations on natural character, which were not undertaken, and liaising with a number of key stakeholders.

None of the objectives or policies are supported by specific rules that address any adverse effects on natural character.

2.4.2 Land and Water Margins

Objective 4.1.1 promotes the maintenance and enhancement of the life supporting capacity of the land resources in the District. The life supporting capacity of the land includes a number of attributes that contribute towards natural character. This objective is supported by the six policy outlined below.

Policy 4.1.1.1 promotes sustainable land use management practices that avoid or mitigate environmental impacts on the soil and non-point pollution of water body. The focus of the policy is the promotion of the sustainable management of land resources through the maintenance of the life-supporting capacity of the soil, while avoiding soil pollution and the loss of nutrients.

Policy 4.1.1.2 focuses on maintaining the life supporting capacity of the soil and ecosystem, and robust and intact vegetation cover within the high country. Where sustainable land management practices are promoted, potential for adverse impacts are expected to be reduced. There has been a noticeable loss of indigenous scrubland vegetation over the last 20 years.

Policy 4.1.1.3 requires land use activities to avoid, remedy or mitigate adverse effects on susceptible environments, such as river and stream margins, other water bodies, and areas of significant indigenous vegetation and significant habitat of indigenous fauna. This policy seeks the minimising land use impacts on the associated ecosystem and support sustainable land management practices.

A District Plan Effectiveness Review in 2016, found the existing district plan provisions have not been effective in achieving the policy outcomes mentioned above. There was no effective compliance monitoring to identify where land use activities were impacting upon the natural environment. Methods such as; seminars, field days and workshops, were not implemented, and the whole issue of natural character was ignored, meaning that Council was not meeting its obligations under section 6(a) of the RMA.

2.4.3 Outstanding Landscapes and Natural Features

Objective 5.1.1 covers the protection of the characteristics that contribute to the natural character of the Outstanding Landscapes and Natural Features. Policy 5.1.1.1 supports the identification of the Outstanding Landscapes and Natural Features and the avoidance or remedying of adverse effects of inappropriate subdivision, use and development of land on the characteristics of the Outstanding Landscapes and Natural Features. While the policies contain aspects of natural character, they only apply to those areas that have been identified as an Outstanding Landscapes and Natural Features, rather than applying generally to all water bodies. Rules associated with the policy restrict earthworks, structures, trees, subdivisions and protect view corridors.

Policy 5.1.1.2 looks at reducing any adverse effects from inappropriate subdivision, use and development of land on the characteristics and qualities that contribute towards an outstanding

landscape area. The policy identifies a range of characteristics and qualities in two tables, one for the Puketeraki Mountains, Lees Valley, and the Ashley Gorge, the other is for the buffer areas, where land has been partially modified by land use practices. The buffer areas include the streams, rivers and wetlands and fragmented indigenous habitat that forms part of the natural character areas.

The District Plan Effectiveness Review did not find any evidence that the proposed methods were being implemented from the plan. This is demonstrated by the fact that two significant natural areas previously identified had been cleared, and that Council relied on complaints to identify these rather than proactive monitoring of all of the sites.

2.4.4 Indigenous Vegetation, Fauna and Habitats

Objective 6.1.1 promotes the safeguarding of indigenous biological diversity and ecosystem integrity, and recognises and provides for the protection of significant indigenous vegetation and habitats of indigenous fauna.

This objective is supported by eight policies which focus on:

- the identification and preservation of areas of significant indigenous vegetation and habitats of significant fauna;
- assistance to landowners with the management of vegetation and habitat sites;
- the avoidance and remedying of the adverse effects of activities on the ecological integrity of areas of significant indigenous vegetation and habitats, and the intrinsic values and attributes of indigenous ecosystems; and
- identifying and enhancing ecological corridors which connect areas of significant indigenous vegetation and habitats of indigenous fauna.

Policy 6.1.1.8 includes the protection of some natural character attributes associated with freshwater body margins adjoining Pegasus from inappropriate subdivision and development. The natural character attributes include indigenous habitats and the protection of threatened species, amenity values of the water bodies, natural heritage values, and mahinga kai. This policy gives direction to the protection of indigenous habitats associated with the proposed Pegasus development but does not extend out beyond that area.

Objective 6.3.1 provides for the maintenance, enhancement and restoration where appropriate, of waterways and roadsides as areas of indigenous vegetation, mahinga kai and habitats of indigenous fauna. Supporting policies (6.3.1.1 and 6.3.1.2) promote the understanding and awareness and the development of, waterways and roadside areas for indigenous fauna, mahinga kai and habitats of indigenous fauna. This recognises that these areas can act as ecological corridors and are places where community groups can undertake restoration and planting works. While it recognises the ecological value of water bodies, it does not acknowledge the other natural character values that may also be present at that particular water body.

Rules limit the extent of indigenous vegetation clearance and earthworks associated with certain activities and the subdivision of land where there is a listed habitat site. In reviewing the effectiveness of the Indigenous vegetation, fauna and habitats chapter of the DP, it was found that there was a number of breaches of rule requirements, with a number of sites being destroyed, and many of the methods were not implemented.

The objectives and policies of the operative district plan recognise the importance of the ecological and habitat values of water bodies, and for the Waimakariri and Ashley/Rakahuri rivers and their natural character values. The outcomes of the policy is achieved through rules controlling the

proximity of earthworks to water bodies, controls on land use adjacent to certain areas and limitations on vegetation clearance. The district plan does not acknowledge the other attributes that may contribute towards a water body having a high level of natural character.

2.4.5 Summary

While the Operative District Plan contained a number of objectives and policies that recognise natural character as an important part of the wider freshwater environment, there was very limited rules and methods provided to give effect to the policies. An effectiveness review of DP showed that very little methods were implemented and the limited number of rules that gave effect to some of the policies were not enforced, this led to indigenous vegetation loss, some of which were significant natural areas, encroachment within the riparian margins of braided river systems with land converted to agriculture, channelization of urban water bodies, drainage of some of the wetlands and spring heads.

2.5 Information and Analysis

Title	Author	Summary
National Policy Statement on Freshwater Management 2020	Ministry for the Environment	Provide policy direction for district councils to avoid, remedy or mitigate the cumulative adverse effects of land use from urban development on water bodies and sensitive receiving environments. Policies 7, 8 and 9 that directly protect natural character. Appendix 1b identifies those attributes of natural character that are considered important for freshwater bodies.
New Zealand Coastal Policy Statement 2010	Department of Conservation	The coastal policy statement provides a description on natural character attributes within the coastal environment. Some of the principles are common outside of the coastal environment.
Natural Character Study: of the Waimakariri Coastal Environment Prepared for Waimakariri District Council (2018)	Boffa Miskell	This study defines and maps the terrestrial component of Waimakariri District's Coastal Environment. The assessment used some of the natural character attributes to assign values to a number of water bodies located within the Coastal Environment overlay.
Review of information on riparian buffer widths necessary to support sustainable vegetation and meet aquatic functions. Technical Publication 350.	Auckland Regional Council	The document discusses the merits of various widths of riparian margins and the benefits and maintenance requirements of each.
Mahaanui Iwi Management Plan	Ngāi Tahu	Outlines the cultural values associated with freshwater bodies and proposes setbacks for a range of activities from the freshwater bodies.
Waimakariri District – Rural Character Assessment (2018).	Boffa Miskell	The report is an assessment of rural character and describes the landform, land cover and land use elements and key

		characteristics for each character area. The reports includes a discussion on aspects of the character of the land around the Waimakariri and Ashley/Rakahuri rivers.
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Table 1. List of relevant background assessments and reports.

Some councils have commissioned technical report to look at optimal freshwater body setbacks to provide specific functions that form part of natural character.

2.5.1 Auckland Regional Council TP350 (2000)

- 5-6m buffer width indigenous vegetation likely to be limited, acceptable for small waterways,
- 10m buffer width allows for indigenous vegetation succession, margins requiring weed control, used as guide for minimum buffer width for indigenous vegetation and aquatic functions,
- 15-20m+ self-sustaining with virtually no maintenance of indigenous vegetation required.

2.5.2 Landcare Research 2020 (for Tasman District Council)

- 10m reduce nutrient and other contaminant inputs,
- 10m improve light exposure and water temperature,
- 15m freshwater ecosystem health,
- 10m improve channel and bank stability,
- 20m recreational, cultural, aesthetic and landscape values.

2.5.3 MAF Technical Paper 2004

- 5m filter strip removes coarse sediment,
- 10m filter strip for finer particles,
- 20-30m buffer strip to remove nearly 100% of nitrate,
- 10-20m buffer strip for sustainable indigenous vegetation.

To date scientific literature has shown that variable setback distances from the edge of freshwater bodies provides differing levels of environmental gains. Those components have natural character that relate to landscape, landform, geological, morphological and cultural values of a freshwater bodies, will not be easily defined using a set setback distance for activities, but will require a detailed site assessment. Any outcomes from the detailed site assessment would likely involve an increase in setback distance where the site is considered to be unmodified and near a natural state. Where sites have been highly modified, such as the stream in figure 1, then there would a potential to reduce the setback distance.



Figure 1 A channelized Northbrook Stream.

2.6 Consultation Undertaken

Consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Feedback from consultation relevant to the Natural Character Chapter is presented in Appendix A, and is summarised below:

Summary of feedback:

- a) Wanting a greater level of protection of water bodies and riparian areas for the wider community,
- b) Concerns about the ongoing degradation of water quality within the rivers from the impacts of land use,
- c) Want a greater focus on protection of biodiversity and natural features,
- d) Provide for public access along all riparian areas,
- e) Wanting to provide for flood protection stop banks and the ability to use vehicles to cross the rivers and streams for access purposes,
- f) Concern about the loss of dryland habitat within Lees Valley,
- g) Concern about the destruction of small stream aquatic habitat caused by travelling irrigators,

- h) Allow for utility network providers, the regional and district councils to install and maintain structures within the water body setbacks.

As part of plan development, staff from relevant Council sections were consulted on the proposed policy and rules for the District and options for the draft District Plan.

2.7 Iwi Authority Advice

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan. Clause 4A requires the District Council to provide a copy of a draft proposed plan to iwi authorities and have particular regard to any advice received. This section summarises the consultation feedback/advice received from the iwi authority relevant to Natural Character Chapter, and the District Council's consideration of, and response to (as required by Section 32(4A)(b) of the RMA), that feedback/advice.

Consultation has been undertaken with Te Ngāi Tūāhuriri Rūnanga across a number chapters. In addition to feedback from individual chapters the Rūnanga has been involved with detailed discussions with chapter leads around the Sites of Significance to Māori and the Kāinga Nohoanga Chapters. Some feedback has also been received from the Rūnanga on the draft Natural Character Chapter.

Ngāi Tūāhuriri through Mahaanui Kurataiao Ltd were provided with access to the entire draft District Plan in June 2021. The District Council has received additional feedback regarding the setback distances and responded to queries regarding increasing the setback distances.

Date	Iwi Authority	Subject Matter
4 September 2020	Ngāi Tūāhuriri Rūnanga via Mahaanui Kurataiao Ltd.	<p>The proposed policy focuses on the preservation of natural character and restoration where it is degraded.</p> <p>Policy NATC – P1 recognises the cultural values of Ngāi Tūāhuriri of water bodies considered important to them, and includes values associated with traditional and contemporary uses and continuing ability of the water body to support taonga species and mahinga kai activities.</p> <p>Policy NATC-P3 recognises the cultural significance of water bodies to mana whenua and minimises land use activities where they have an adverse effect on taonga species, mahinga kai and customary practices.</p> <p>Rules cover the planting and removal of vegetation, and the placement of buildings and structures within the water body setbacks.</p>
Feedback received		
<p>Feedback sought alignment with the provisions of the Mahaanui Iwi Management Plan with those proposed in the Natural Character Chapter.</p> <p>A copy of the whole draft chapter was provided, allowing for comments to be made on any parts of the chapter. The following feedback was received:</p> <ul style="list-style-type: none"> • Amendment to Policy 1 to provide greater clarity around the types of cultural values to align with Mahaanui Iwi Management Plan, • Remove reference to Rūnanga, so it only refers to Ngāi Tūāhuriri, • Broaden Policy 3 to include more than customary practices, • Amend Policy 5 amend to recognise the need to avoid, remedy or mitigate significant adverse effects on natural character, • Rule 2 removal of allowing exotic plant species to be planted for erosion protection purposes by councils and agents, • New rule to allow Ngāi Tahu to install, operation and maintenance of structures for cultural uses, • Rule 8 inclusion of size and height limits on structures and feedback was to make it controlled and requiring them to avoid, remedy or mitigate adverse effects on natural character, • Rule 9 to make flood control structures a controlled activity and requiring them to avoid, remedy or mitigate adverse effects on natural character. 		
Response to feedback		
Response:		

General feedback was that the chapter provisions were consistent with Mahaanui Iwi Management Plan policy direction. The following responses were

- Policy 1 was amended in line with suggestions made,
- Changed Rūnanga to Ngāi Tūāhuriri as requested,
- Amendment to Policy 3 to include more than customary practices have been done,
- Amendment to Rule 2 requesting that only native species be used for flood protection works was not changed, on the basis that the Regional Council's Code of Practice for Defences against water and drainage schemes (2019) recognises that some exotic plant species may be pests, and recommends that they are not planted and where encountered their removal, but does not prohibit the planting of exotic species in general. The code of practice does recommend that native species be used for bank stabilisation works, but does not make it compulsory. For water bodies that have a high degree of naturalness are required to use indigenous vegetation that occurs naturally within the catchment.
- The new rule that allows Ngāi Tahu to install structures for cultural use was not adopted into the plan. There was no explanation given as to what they involve, where they might be located or what purpose they served. It would be hard to justify not allowing other structures that may have an operational need not to be permitted, while allowing for cultural structures with no constraints.
- The amendments to Rule 5 were not adopted. The placement of flood control structures, such as stop banks, have a range of hydrological constraints on them that determine their location. The activity is covered in the Natural Hazards chapter of the Proposed District Plan.
- Rule 8 has not been implemented. Visual natural character is likely to be highly variable between different water bodies and within different reaches of the same waterbody. There has not been any detailed investigation of what height would be an acceptable height for various structures for different reaches of streams, compared to the height requirements for the functioning of a structure.
- Rule 9 was has been amended to make it restricted discretionary for new structures and upgrades to existing structures, but does not include flood control structures as these are covered by the Natural Hazards Chapter.

Disadvantages:

Most of the changes were done to integrate the natural character provisions with the Mahaanui Iwi Management Plan. The two main changes that were not adopted are unlikely to deviate much from the Mahaanui Iwi Management Plan. Policy WM12.1 of the Mahaanui Iwi Management Plan requires local authorities to recognise Ngāi Tahu cultural use of water bodies and riparian margins as a permitted activity, including structures. Provision has been made in Policy NATC-P3 to permit customary harvesting, but this does not include structures. The approach taken by Council is consistent with Selwyn District and Christchurch City plans.

Reasons:

Most of the changes identified in the feedback sought was adopted. The feedback that was not adopted, was because there was no justification given for the proposed changes. The request for iwi to be allowed to install structures for cultural uses was not adopted, no explanation was provided as to what they are, the size, materials, use and probable locations. When discussed at a follow up meeting with Mahaanui Kurataiao Ltd, it was decided that the

suggested change would not be adopted because of the uncertainty and the issue were not significant enough for Ngāi Tūāhuriri to provide the required feedback.

The request that flood and erosion control structures are to be considered as controlled activities and their placement to avoid, or are required to remedy or mitigate any effects on natural character was not adopted in the chapter. The flood control structures are located for hydrological reasons in places that minimises damage to surrounding properties. Most flood protection works are located along the major river systems, due to their large catchment areas, when compared with the small water bodies.

Date	Iwi Authority	Subject Matter
5 August 2021	Ngāi Tūāhuriri Rūnanga via Mahaanui Kurataiao Ltd.	The size of setback distances for the various freshwater bodies and their ability to protect their values.
Feedback received		
<p>The feedback was that the setback distances for freshwater bodies should be doubled. It was felt that doubling the setbacks would provide better protection to the values of the freshwater bodies and the surrounding environ. The proposed setbacks were:</p> <ul style="list-style-type: none"> i. 50m for Waimakariri, Rakahuri Rivers and Saltwater Creek, ii. 20m for Broom, Ruataniwha, Coopers, Waiariki, Kaiapoi, Little Ashley, Okuku, Taranaki, View Hill Rivers, and Pines Beach Wetlands iii. 10m for Whistler, iv. 5m everywhere else 		
Response to feedback		
<p>Response:</p> <p>Council staff prepared a memo that looked at the implications of extending the setbacks and an explanation as to why they were the distance that they are. A summary of the response is as follows:</p> <ul style="list-style-type: none"> Amendment to Rule 2 requesting that only native species be used for flood protection works was not changed, on the basis that the Regional Council's Code of Practice for Defences against water and drainage schemes (2019) recognises that some exotic plant species may be pests, and recommends that they are not planted and where encountered their removal, but does not prohibit the planting of exotic species in general. The code of practice does recommend that native species be used for bank stabilisation works, but does not make it compulsory. For water bodies that have a high degree of naturalness are required to use indigenous vegetation that occurs naturally within the catchment. 		

- The new rule that allows Ngāi Tahu to install structures for cultural use was not adopted into the plan. There was no explanation given as to what they involve, where they might be located or what purpose they served. It would be hard to justify not allowing other structures that may have an operational need not to be permitted, while allowing for cultural structures with no constraints.
- The amendments to Rule 5 were not adopted. The placement of flood control structures, such as stop banks, have a range of hydrological constraints on them that determine their location. The activity is covered in the Natural Hazards chapter of the proposed district plan.
- Rule 8 has not been implemented. Visual natural character is likely to be highly variable between different water bodies and within different reaches of the same waterbody. There has not been any detailed investigation of what height would be an acceptable height for various structures for different reaches of streams, compared to the height requirements for the functioning of a structure.
- Rule 9 has been amended to make it restricted discretionary for new structures and upgrades to existing structures, but does not include flood control structures as these are covered by the Natural Hazards chapter.

Reasons:

Most of the changes identified in the feedback sought was adopted. The feedback that was not adopted, was because there was no justification given for the proposed changes. The request for iwi to be allowed to install structures for cultural uses was not adopted, no explanation was provided as to what they are, the size, materials, use and probable locations. When discussed at a follow up meeting with Mahaanui Kurataiao Ltd, it was decided that the suggested change would not be adopted because of the uncertainty and the issue were not significant enough for Ngāi Tūāhuriri to provide the required feedback.

The request that flood and erosion control structures are to be considered as controlled activities and their placement to avoid, or are required to remedy or mitigate any effects on natural character was not adopted in the chapter. The flood control structures are located for hydrological reasons in places that minimises damage to surrounding properties. Most flood protection works are located along the major river systems, due to their large catchment areas, when compared with the small water bodies.

2.8 Reference to Other Relevant Evaluations

This Section 32 topic report should be read in conjunction with the following evaluations:

- Earthworks:
 - Earthworks standard EW-S3 sets an exclusion distance of 20m from the bank of any river and stream, and 50m from the edge of any lake or wetland for any permitted earthworks. Where earthworks are undertaken within the setbacks, a restricted discretionary consent is required with the matter of discretion requiring consideration be given to natural character values.
- Sites and areas of significance to Māori:
 - Natural character values are protected by SASM-P5 where they have been identified as being Ngā Wai. Rule SASM-R2 provides as a permitted activity for structures on the surface and within the water bodies. These structures are restricted discretionary under the Natural Character Chapter.
- Public access
 - This chapter provides for and promotes public access. This is provided for in matters of discretion (NATC-MD2) for the two rules dealing with structures in and over freshwater bodies and within the setback.
- Energy and Infrastructure,
 - This chapter provides for the placement of infrastructure within the freshwater body setbacks. The natural character of freshwater bodies is a consideration within policy EI-P5 and rules EI-R24 - 26, 34, 35 and 46.
- Natural Hazards
 - The placement of natural hazard mitigation works within water body setbacks is considered under policy NH-P10.
- Ecosystems and Indigenous Biodiversity,
 - The chapters covers the removal of indigenous vegetation across the district and provides support for the preservation of areas with high indigenous vegetation and habitat near freshwater bodies.
- Natural Features and Landscapes
 - Both the Waimakariri and Ashley Rivers are an outstanding natural feature and a significant amenity landscape, which have both provisions and rules that overlap with the schedule 1 water body classification.
- Coastal Environment
 - The coastal environment chapter controls land use activities for those water bodies within the coastal environment, taking in the lower reaches of the Waimakariri and Rakahuri/Ashley Rivers, Tūtaepatu Lagoon, and Ashley/Rakahuri Saltwater Creek Estuary. These areas have been excluded from the scheduled natural character areas.

3. STATUTORY AND POLICY CONTEXT

3.1 Resource Management Act 1991

Section 5 of the RMA sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. In achieving this purpose, authorities need to recognise and provide for matters of national importance identified in Section 6, have particular regard to other matters listed in Section 7, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8. With respect to activities within the waterbody

setback, Section 5(c) requires that adverse effects on the environment are either avoided, remedied or mitigated. The provisions of the Natural Character Chapter does this through providing controls on activities that occur inside the freshwater body setback areas.

3.1.1 Section 6

Relevant Section 6 matters relevant to the natural character of freshwater bodies include:

Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development

This is the main matter of national importance that directs the Natural Character Chapter. The preservation of natural character of water bodies and their margins is achieved by managing activities within the freshwater body setbacks, so that any effects do not adversely impact upon amenity values, indigenous habitat values, public access, while reducing the potential for contaminants to enter water bodies.

Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

This section overlaps with the Outstanding Natural Landscapes and Features Chapter of the District Plan, where water bodies and their margins form part of an outstanding natural landscape or feature. This applies to the Waimakariri and Ashley rivers.

Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, has been provided for through policy that restricts the removal of indigenous vegetation, while encouraging the establishment of new areas of indigenous vegetation. Policy NATC-P4 recognises indigenous biodiversity, habitats and ecosystems as an important aspect of natural character, which forms part of the consideration for the placement of structures and impervious surfaces inside the prescribed setbacks.

Section 6(d) public access along lakes and rivers is provided for as a matter of consideration for any new structures within and over freshwater bodies and for new buildings, structures or impervious surfaces within the water body setback.

Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is given effect by proposed policies within the chapter that recognise the importance of water body margins for customary uses for mana whenua. This has been addressed through the inclusion of policy NATC-P3, which provides for customary practices with the water body and their margins as well as policies within the Sites and Areas of Significance to Maori, Ecosystems and Biodiversity and Natural Open Spaces chapters.

3.1.2 Section 7

The Section 7 matters relevant to this chapter are Sections 7(c) and 7(f) the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.

The natural character of freshwater bodies is intrinsically linked to amenity values and ecosystem values. Section 7(c) is provided for in policy NATC-P4, where amenity values are protected by the freshwater body setbacks.

The intrinsic values of ecosystems in Section 7(d), are provided for in policies NATC-P4 by protecting indigenous biodiversity, and NATC-P6, by taking into account the effect of location, intensity, scale and the form of buildings, subdivision and impervious surfaces on natural character qualities.

The maintenance and enhancement of the quality of the environment in Section 7(f) is supported by an activity status table which sets out the creation of water body setbacks.

3.1.3 Section 8

The Section 8 matters relevant to this chapter are in relationship to the management of use, development and protection of natural and physical resources through taking into account the principles of the Treaty of Waitangi. Mana whenua, through iwi authorities have been consulted as part of the district plan review process and the obligation to make informed decisions based on that consultation is noted. Section 74(2A) further requires councils to take into account relevant Iwi Management Plans and their bearing on the resource management issues of the District.

Some consultation has been undertaken with Te Ngai Tūāhuriri Rūnanga regarding a range of District Plan matters. Consultation with the Rūnanga was directed through Mahaanui Kurataiao Limited with feedback on the chapter and its integration with the Mahaanui Iwi Management Plan.

3.1.4 Section 86B

Section 86B states that rules in proposed plans that relates to water have immediate legal effect.

3.2 National Instruments

The following national instruments are relevant to this Natural Character Chapter:

3.2.1 Canterbury Conservation Management Strategy

In the preparation of the Regional Policy Statement, regional councils must have regard to management plans and strategies prepared under the Conservation Act (1987). In addition to the Regional Policy Statement, under section 74(2)(b)(ii) RMA, territorial authorities must also consider management plans and strategies prepared under the Conservation Act. For the district, this is the Canterbury Conservation Management Strategy (CMS).

Relevant policies that for the District sit within the Foothills and Braided River Place of the CMS. **Policy 2.5.1** seeks to improve ecological resilience of remnant indigenous vegetation on conservation lands and water, by supportive management of adjoining areas to minimise adverse effects, including edge effects. Through promotion of indigenous vegetation plantings and limiting the planting of exotic species, the policies and rules within the Natural Character Chapter are minimising adverse edge effects where freshwater bodies exist conservation estate onto surrounding farmland, particularly the Whistler, Broom and Rakahuri/Ashley Rivers.

Policy 2.6.3 where the Department of Conservation advocates for district and regional plans to address braided river ecosystem functions and protection. This is supported by policies that promote the planting of indigenous vegetation while restricting the planting of certain types of exotic vegetation and the placement of buildings and structures along the margins of freshwater bodies.

Policy 2.6.10 where the Department of Conservation works with stakeholders, including councils, to retain and achieve negotiated legal public access to rivers. The Natural Character Chapter requires that consideration is given to maintaining and enhancing public access where appropriate when assessing applications for the placement of buildings and structures near freshwater bodies.

3.2.2 National Planning Standards

Under RMA s75 (3) a District Plan must give effect to a National Planning Standard. This District Plan has been prepared in accordance with National Planning Standards 2019, which were introduced by the Resource Legislation Amendment Act 2017 to make plans and policy statements more useable, accessible and easier to prepare.

Section 7.20 identifies that protection of natural character of wetlands, lakes and their rivers and margins must be located within the Natural Character Chapter of the District Plan.

3.2.3 National Policy Statements

3.2.3.1 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides policy direction for the management of freshwater bodies while giving effect to the Treaty of Waitangi. This is achieved through recognition of the principle of Te Mana o te Wai, providing policy and objectives that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. The Canterbury Regional Council amended the Canterbury Regional Policy Statement to reflect the NPS-FM and included objectives and policies that provide for the management of the bed and riparian zones within the region.

A review of the NPS-FM and other policy was undertaken under the *“Action for Healthy Waterways Essential Freshwater national direction package”*. The key direction in the NPS-FM is:

- policy direction for freshwater management Te Mana o te Wai has been strengthened with a specific hierarchy of obligations to prioritises the health and wellbeing of water bodies and freshwater ecosystems first, the health of people second and the ability of people and communities to provide for their well-being last;
- strengthen water quality provisions and protection of ecosystems;
- greater control of drinking water sources;
- the improvement of ecosystem health through better management of stormwater, wastewater and farm practices;
- Strengthening involvement of Māori in freshwater decision-making;
- Establishing a national objectives framework, monitoring progress, and accounting for freshwater takes and contaminants;
- Inclusion of new compulsory values and attributes; and
- The mapping, monitoring and management of wetlands and obstacles to fish passage.

As part of the integrated approach, the Natural Character Chapter has in place a number of provisions that regulate certain land use activities within a set range of distances from freshwater bodies. While the emphasis is on the preservation of natural character, the proposed policy and regulation will contribute towards those other NPS-FM outcomes of improving water quality, protecting fish habitat, limiting the loss of river extent and protecting the significant values of outstanding water bodies. The Natural Character Chapter also incorporates the natural character values identified in Appendix 1b of the NPS-FM.

3.2.3.2 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement (NZCPS), provides policy on the effects of development within the coastal environment as well guidance on the assessment of natural character.

Consideration has been given to preserving natural character of water bodies within the Coastal Environment Overlay in line with **Objective 2 and Policies 13, 14 and 15** of the NZCPS. While the natural character provisions within the NZCPS are similar to those within the NPS-FM there are a number of differences between the two. These include: different types of landform; the night sky; and experiential attributes of the sea, such as sounds and the smell.

The Natural Character Chapter has specifically excluded those water bodies identified as being part of the Coastal Environment Overlay. The natural character of these features is covered by the Coastal Environment Chapter.

3.2.4 National Environmental Standards

There are two national environmental standards that are applicable.

3.2.4.1 Resource Management (National Environmental Standard for Plantation Forestry) Regulations

The Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (NES-PF) contain provisions that control the planting, harvesting and ancillary operations of plantation forestry across the country. The provisions have prescribed setback distances for plantation forestry around water bodies. The Regulations state that setbacks apply where alternative setbacks have not been provided within the regional or district plan.

The Natural Character Chapter has considered various options of setbacks associated with plantation forestry. Plantation forestry, woodlots and shelter belts are considered to be a non-complying activity inside the setback distances for scheduled freshwater bodies. For Schedule 1 water bodies within the rural environment this is 50m, and 20m from schedule 2 water bodies. The NES-PF has a setback of 5m for perennial rivers with a channel width of less than 3m and 10m for those with channel widths greater than 3m. There is a 10m setback from significant natural areas and 30m from the coastal marine area.

Section 6.1 of the NES-PF allows for rules to be more restrictive if they give effect to an objective in the NPS-FM and **policies 11, 13, 15 and 22** of the NZCPS. **Objective 1** of the NPS-FM prioritises the health and well-being of water bodies and freshwater ecosystems over the ability of people and communities to provide for their economic well-being (*sic*). **Policy 13** of the NZCPS relates to the preservation of natural character of the coastal environment, including coastal water bodies. No setbacks have been provided within the NES-PF for the preservation of natural character or water quality within streams.

The Natural Character Chapter has considered the effect that plantation forestry has on the natural character attributes of freshwater bodies. Plantation forestry modifies some of the attributes of natural character through:

- altering the natural state of freshwater body margins as an artificial land use,
- change the biophysical process associated with different vegetation, changing moisture content and soil pH,

- alter hydrological flow conditions, water flow and levels with reduction in flows of up to 50%² when compared to other land use,
- loss of indigenous biodiversity, habitats and ecosystems, and
- changes in the experience of natural character of freshwater body margins.

3.2.4.2 Resource Management (National Environmental Standard for Freshwater Management)

Regulations

The National Environmental Standard for Freshwater Management (NES-FM) contains controls on certain farming activities, the application of synthetic nitrogen fertiliser near freshwater bodies and standards for restoration and other works around wetlands, and the installation of culverts, weirs and passive flap gates.

The setbacks are as follows:

- Feedlot and stockholding area is 50m from any water body, abstraction bore, any drain, and the CMA,
- Winter grazing – livestock at least 5m from the bed of any river, lake, wetland or drain,
- Vegetation clearance and earthworks is 10m from a natural wetland,
- Taking, using, damming, diversion or discharge of water is 100m from a natural wetland.

Consideration have been given to Part 3 of the NES-FM with policy and rules within the Ecosystems and Indigenous Biodiversity, and Energy and Infrastructure chapters. The Natural Character Chapter has provisions for building and structure setbacks from freshwater bodies, which includes two wetlands identified in the DP. Both wetlands, Saltwater Creek and Pines Beach Wetland, have setbacks of 20 to 50m, more than the 10m stated in the NES-FM. The setbacks are in line with the earthworks, coastal and ecosystems and indigenous biodiversity provisions within the proposed plan.

3.3 Regional policy statement and plans

3.3.1 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (RPS) provides an overview of the significant resource management issues facing the region. The RPS sets out objectives, policies and methods that resolves resource management issues and achieve integrated management of natural and physical resources of Canterbury. The RPS was first developed in 2013, and has had numerous amendments, the last being in October 2020. The RPS however, has not been amended to take into account any of the recent government national policy statements, including the recently reviewed NPS-FM and NES-FM.

3.3.1.1 RPS Objectives

The objective requires that the regions freshwater resources are sustainably managed to enable people to provide for their economic and social well-being through abstraction and use of water for irrigation and other activities providing that the natural character of wetlands, lakes and rivers and their margins are protected from inappropriate subdivision, use and development and where appropriate restored and enhanced. This objective is inconsistent with the Objective 1 of the NPS-FM, where the health and well-being of water bodies and freshwater ecosystems are prioritised above enabling people to provide for their economic and social well-being.

Fresh Water

² Fahey, B., 1994. The effects of plantation forestry on water yield in New Zealand. N.Z. Forestry.

Objective 2.7.1 supports the preservation of the natural character values of freshwater bodies and their margins and protected from inappropriate subdivision, use and development, which is consistent with Section 6(a) of the RMA. The objectives within the Natural Character Chapter are consistent with **Objective 2.7.1** with the focus on the management of the margins of freshwater bodies for the preservation of natural character, rather than providing for their use.

Objective 7.2.3 protects the intrinsic value of waterbodies and their riparian margins. The intent is to maintain or improve overall quality of freshwater, and safeguarding the life supporting capacity, ecosystem processes and indigenous species and their associated freshwater ecosystems. Those attributes listed within the objective also form part of the natural character attributes for freshwater bodies. The preservation of natural character is the intent of NATC-O1.

Objective 7.2.4 is the sustainable management of freshwater in an integrated way considering the effects of land use and intensification of land uses on water demand and on water quality. Provisions within the Natural Character Chapter are consistent with this objective, in that they recognise the impacts land use has on the wider aquatic ecosystem and hydrological system, through incorporating setbacks for buildings, structures and impervious surfaces in order to reduce any potential impacts on the freshwater bodies.

Policy 7.3.1 identifies that some activities will have adverse effects on the natural character of fresh water. The policy promotes the preservation of natural character where it is in a high state, maintain where it is modified and improve where it is degraded. This is reflected in objectives NATC-O1 and NATC-O2, where the natural character is preserved and restored where it is degraded.

Policy 7.3.3 promotes and where appropriate protect or restore lakes, rivers, wetlands and their riparian margins and associated Ngāi Tahu values. This is reflected in Policy NATC-P3 by recognising the cultural significance and managing the effects of activities on cultural values, and NATC-P4 where the natural character values are preserved, including spiritual, cultural and heritage values.

Ecosystems and Indigenous Biodiversity

Objective 9.2.2 is intended to restore or enhance ecosystems and indigenous biodiversity. The Natural Character Chapter has objectives for the preservation and restoration of natural character attributes associated with freshwater bodies, including indigenous biodiversity, habitats and ecosystems. Policy NATC-P4 supports initiatives for the regeneration of indigenous biodiversity values.

Policy 9.3.4 the promotion of ecological enhancement and restoration is supported by Policy NATC-P4 where the promotion of opportunities for the restoration of natural character and regeneration of indigenous biodiversity value.

Beds of Rivers and Lakes and their Riparian Zones

Objective 10.2.1 provides for activities in beds and riparian zones and protection and enhancement of bed and riparian zone values. The intent of this objective is to enable subdivision, use and development of river and lake beds and their riparian margins, while protecting all significant values of those areas, and enhancing those values in appropriate locations. The objectives and policies of the Natural Character Chapter are intended to limit the use and development of the riparian margins as a mechanism to protect natural character values. While the objectives and policies of the Natural Character Chapter is inconsistent with Objective 10.2.1, it is consistent with the NPS-FM.

Objective 10.2.4 the maintenance and enhancement of public and Ngāi Tahu access to and along river banks and lakes is supported by Policy NATC-P3 for Ngāi Tūāhuriri access and NATC-P5 controlling structures so public access is maintained.

Policy 10.3.1 provides for activities in river and lake beds and their riparian zones, including the planting and removal of vegetation and the removal of bed material. Policies NATC-P5 and NATC-P6 are consistent, by allowing certain activities to occur on and over the bed of rivers and along the riparian margins, where they do not adversely affect the natural character of the freshwater bodies.

Policy 10.3.2 promotes preservation of natural character and the protection and enhancement of areas of river and lake beds and their riparian zones. Objective NATC-O1 and Policy NATC-P4 aligns with the RPS policy. Objective NATC-O1 promotes the preservation of natural character qualities and Policy NATC-P4 protects those qualities from a range of activities.

Landscape

Objective 12.2.2 promotes the identification and management of other landscapes that are not outstanding natural landscapes, which may include; natural character, amenity, and historic and cultural heritage. Policies NATC-P1 and P2 recognise, identify, map and schedule significant waterbodies. Some water bodies have been scheduled based on a range of criteria.

Policy 12.3.3 the identifying and managing other important landscapes that are not outstanding natural landscapes, for natural character, historic cultural, historic heritage and amenity purposes. This is supported by objective NATC-O1 and policies NATC-P1 to P4, which identify and map, recognise cultural practices, and protect certain natural character qualities from certain activities.

3.3.2 Canterbury Land and Water Plan

The purpose of the Canterbury Land and Water Regional Plan (LWRP) is to identify the resource management outcomes or goals (objectives in this Plan) for managing land and water resources in Canterbury to achieve the purpose of the RMA. It identifies the policies and rules needed to achieve the objectives, and provides direction in terms of the processing of resource consent applications.

In **Objective 3.1** land and water managed as an integrated natural resources to recognise and enable Ngāi Tahu culture, traditions, customary uses and relationships with land and water. The objective is supported by policy NATC-P3 where customary practices, taonga species, mahinga kai and other cultural values are recognised.

Objective 3.8 promotes the management of water quality and quantity in freshwater bodies and their catchments to safeguard the life supports capacity of the ecosystems and ecosystem processes. This is reflected in NATC-P4 where natural character values are preserved through a range of rules that regulate certain activities inside freshwater body setbacks.

Objective 3.14 maintains the healthy state of water bodies and their margins with high naturalness values or are improved where degraded. This is implemented through Policy NATC-P4 that protects those values, which includes recognising the natural state of freshwater bodies in NATC-P1.1 and protecting them in Policy NATC-P4.

Objective 3.17 supports the protection of significant indigenous biodiversity values of rivers, wetlands and hāpua. This is recognised in Policy NATC-P1.4 that recognises indigenous biodiversity, habitat and ecosystems values and protects them through Policy NATC-P4.

Objective 3.19 natural character values of freshwater bodies, including braided rivers and their margins, wetlands, hāpua and coastal lagoons, are protected. This objective is supported by Policy NATC-P4 which preserves the natural character values by protecting those qualities using a range of rules. Rules include controls on exotic vegetation planting and removal of indigenous vegetation, restrictions on buildings and structures near water bodies, and controls for plantation forestry.

Policy 4.85 is the enhancement of water quality, indigenous biodiversity and ecosystem health of lakes, river, wetlands, and hāpua through restoration riparian planting. This is reflected in **Objective NATC-O2 and Policy NATC-P4**, which supports the restoration of natural character.

Indigenous biodiversity, habitats of indigenous fauna and flora, and the natural character of Canterbury's braided river systems is preserved. This is implemented through policy **NATC-P4** and the scheduling of the major braided rivers within the District.

3.3.2.1 Plan Change 7

Plan Change 7 of the LWRP comprising some region-wide components, and a sustainable management framework for the Temuka-Opihi- Pareora and Waimakariri sub regions. The region-wide changes to the LWRP include provisions that control the placement of structures in, on or under the bed of rivers and lakes, the protecting indigenous freshwater fish species, wāhi tapu and wāhi taonga.

Policy 4.101 is a new policy that intends to avoid damage or loss of indigenous freshwater species habitat from sedimentation, vegetation clearance, excavation and deposition of material or other disturbance within a surface water body.

The amendments to the Waimakariri Catchment Chapter include the identification of nine community outcomes sought by the Waimakariri Water Zone Committee. In addition to water quality outcomes, management of water flow in Ashley/Rakahuri River to support natural coastal processes and the protection of the outstanding natural landscape and recreational resource in the Waimakariri River were identified.

Plan Change 7 for the Waimakariri Catchment has a number of provisions that list a series of water bodies identified as having a range of significant values. These include:

- Saltwater Creek, Stony Creek and Waikuku Stream – discharging into the Ashley Estuary and Coastal Protection Zone,
- Ashley/Rakahuri River, Cam/Ruatanwha River, Silverstream, Coopers Creek – mahinga kai sites,
- Coopers Creek, Eyre/Waiariki River, View Hill Stream – natural state rivers,
- Broom Stream, Whistler River, Townshend River, Duck Creek, Ashley/Rakahuri River, - high ecological values,
- Billy Stream, Ladbrook Stream, Richardson Stream, Canary Stream, Keats Stream, Oxford Creek and Big Ben Stream – natural state water bodies from maps (these water bodies have not been included in the schedule as they have not been fully assessed as to their natural character).

The following new policies are considered relevant to the Natural Character Chapter and are specific to the wider Waimakariri River catchment:

- **Policy 8.4.5** natural state waterbodies – the policy directs the preservation of the high water quality waterbodies of View Hill Creek, Coopers Creek and Eyre River upstream of confluence of the Waimakariri River with the Eyre River diversion. This is implemented by including those rivers into the list of scheduled water bodies.
- **Policy 8.4.9** Tangata whenua values associated with waterbodies with cultural importance are recognised and provided for by improving flows in hill fed and spring fed rivers, and reserving water allocation from the Cam River/Ruataniwha, Ashley River/Rakahuri and Silverstream for mahinga kai enhancement. This is reflected in Policy NATC-P3 which recognises the cultural

importance of freshwater bodies and manages any adverse effects of land use on mahinga kai.

- **Policy 8.4.32** enabling activities that maintain, restore or enhance mahinga kai, safe fish passage, indigenous vegetation, habitats of indigenous fauna and significant habitats of trout and salmon. This is reflected in Policy NATC-P3 and NATC-P4 by providing for the management of adverse effects and the protection of natural character values.
- **Policy 8.4.33** Enable catchment restoration activities that focus on the protection of springs, the protection, establishment or enhancement of planted riparian margins, the creation, restoration or enhancement of wetlands, indigenous biodiversity in riparian margins, weed and pest control activities, and the targeted removal of fine sediment from waterbodies. This is reflected in Objective NATC-O2 and Policy NATC-P4 supporting the restoration of natural character values of freshwater bodies.

3.3.4 Regional Coastal Environment Plan for Canterbury Region

The Regional Coastal Environment Plan covers the foreshore, seabed and coastal water, includes any land that is below mean high water spring and low lying land within Saltwater Creek. Where the ECan has delineated the coastal boundary across rivers, most of these areas are covered within the coastal chapter. The exception of the Waimakariri River and Saltwater Creek, which have coastal marine area (CMA) boundaries outside of the Coastal Environment overlay but forming part of the CMA designated area.

3.3.5 Waimakariri River Regional Plan

The Waimakariri River Regional Plan (WRRP) promotes the sustainable management of rivers, lakes and hydraulically-connected groundwater in the Waimakariri River catchment. The WRRP sets policy and objectives for water allocation from the Waimakariri River and tributaries, point and non-point discharge of contaminants and land use activities on the bed of the lakes and rivers within the Waimakariri River Catchment. The WRRP does not cover the Ashley/Rakahuri River or any of its tributaries. Plan Change 2 of the WRRP are intended to remove those provisions in the plan which will be replaced by those of Plan Change 7 of the LWRP.

Consideration has been given to the objectives and policies within the WRRP. In particular, **Objective 6.1(b)** safeguarding the life supporting capacity of the water, Objective 6.1(e) preserving the natural character of rivers, lakes and wetlands and protecting them from inappropriate use and development, and **Objective 6.1(g)** maintaining and enhancing amenity values. These are in part achieved through **Policy NATC-P4**. However, **Objective 6.1** can be considered inconsistent with NPS-FM in that it enables present and future generations to gain cultural, social, recreational, economic, health and other benefits from rivers, lakes and wetlands, which is not consistent with **Objective 2.1**.

Policy 6.1 requires the setting and maintenance of water quality standards, to protect the natural state of water. The natural state of the water is part of the natural character attributes identified in **Policy NATC-P1**.

Objective 7.1 enables present and future generations to gain cultural, social, recreational, economic, health and other benefits from rivers, lakes beds while: safeguarding the life-supporting capacity of the water, the existing value for providing mahinga kai, preserving the natural character, maintaining and enhancing amenity values. These values form part of the natural character values identified in **NATC-P1** and protected in **NATC-P4**.

Policy 7.1 the control of the use of the bed for structures, disturbance, removal damage or destruction of any habitat, the braided river character, and maintenance of the natural patterns, colours and

textures of the riverbed areas. **Policy NATC-P6** provides for new structures where they do not disturb the habitat of indigenous species, cause erosion and scour, and adversely affect the natural character and cultural values of the bed of the rivers and lakes.

Policy 7.2 promotes measures in river and lake beds to restore or enhance those values within **objective 7.1**. This includes the life-supporting capacity of the water, preservation of natural character, and amenity values. While **Policy NATC-P6** provides some degree of protection of the natural values of the beds of rivers and lakes, **Policy NATC-P4** also promotes opportunities for the restoration and rehabilitation of natural character and habitat values of freshwater bodies.

3.4 Iwi Management Plan

The Mahaanui Iwi Management Plan (2013) is a mana whenua planning document that provides a policy framework for achieving outcomes that provide for the relationship of Ngāi Tahu to natural resources, including the protection of wāhi tapu and wāhi taonga. The issues, objectives and policies set out in the Plan enable mana whenua to express kaitiakitanga, in respect of all elements of the natural environment and a wide range of resource use and development. The policies also inform appropriate protection of taonga and the need for engagement to inform and be part of decision-making. District Plan must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District (section 74(2A) of the Act).

3.4.1 Mahaanui Iwi Management Plan Policies

The policies that are relevant and have been considered as part of the District Plan Review include:

3.4.1.1 Protection of riparian areas

WM6.19 The promotion of the restoration of wetlands and riparian areas as part of maintaining and improving water quality...

WM12.2 The protection and restoration of native vegetation along waterways and lakes,

WM13. Recognition of the protection, establishment and enhancement of riparian areas along waterways and lakes as a matter of regional importance, and a priority for Ngāi Tahu,

Policy NATC-P4 is consistent with the MIMP policy for the protection and restoration of indigenous riparian vegetation within the freshwater body margins. **Policy NATC-P4.2** minimises indigenous vegetation clearance and **NATC-P4.4** promotes the restoration of freshwater bodies and their margins.

3.4.1.2 Cultural use

WM12.1 recognition of Ngāi Tahu cultural use of the bed of rivers and lakes and their riparian zones,

Policy NAT-P3 recognises the cultural significance of water bodies and their use for customary harvesting. The policy looks at managing the effects of land use activities to ensure that they do not adversely affect taonga species, mahinga kai or customary harvesting. Four rivers have been identified as having special mahinga kai values, being the Ashley/Rakahuri River, Coopers Creek, Silverstream and the Cam/Ruataniwha River and have been recognised within the scheduling.

3.4.1.3 Use of buffers

WM12.5 requires that all waterways in the urban and built environment have buffers or setbacks of between 10 to 30m, and 50m where there is space, such as towards river mouths and in greenfield areas.

WM12.14 the protection of the beds and margins of foothill, lowland and coastal waterways from the effects of rural land use by requiring a 20m buffer or set back area from the waterway, or whatever distance is appropriate to ensure:

- a) Capture of run-off and protection of water quality;
- b) Protection of eco-cultural attributes such as mahinga kai; and
- c) Prevention of stock access to waterways.

P12.5 to require the use of appropriately sized and generous buffers to protect waterways from vegetation clearance activities,

P14.6 to use mechanisms to protect values of importance to tāngata whenua on commercial forest lands during both planting and harvesting stages; (b) buffers of 20m around any sites of significance to tāngata whenua including wetlands, waterways, waipuna and lakes...

The approach taken in the Natural Character Chapter uses water body setbacks to control the effects from certain uses. While the MIMP has a blanket approach of between 10 to 30m within urban environments, and 20m setback from water bodies for rural land. Council has taken the approach of variable setbacks dependent upon the natural character attributes that are remaining. For the urban areas the setback varies from 5 to 20m and for the rural it is between 5 to 50m, depending upon the schedule of the freshwater body. The reduced setback distances reflect that a lot of the water courses are modified and that the natural character values are not consistent throughout the entire length of the freshwater body.

3.4.1.4 Subdivision controls

WM6.17 Requiring the development of stringent and enforceable controls on the following activities given the risk to water quality:

- subdivision and development adjacent to waterways,

Any new building or structure within the freshwater body setback areas is proposed to be a restricted discretionary activity. The subdivision chapter includes provisions for esplanade reserves and strips where required and has natural character as a consideration for subdivision design.

3.4.1.5 Cultural Values

CL1.9 To enhance Ngāi Tahu cultural landscape values in the takiwā by:

- (b) restoration and enhancement of indigenous biodiversity on landscape, rural and urban,
- (c) providing for cultural traditions (both traditional and contemporary) associated with particular places, including mahinga kai and recreational use;

WA15.1 recognise and provide for coastal and lowland region between the Waimakariri and Rakahuri Rivers as a cultural landscape..., which includes: Waimakariri River Taerutu stream and lagoon, Tūtaepatu lagoon, Taranaki Stream, Rakahuri Estuary and Saltwater Creek.

Policy NATC-P3 provides for the recognition of the cultural significance of wetlands, and lakes and rivers and their margins, their protection from adverse effects from land use, and **Policy NATC-P4** the restoration of spiritual and cultural values.

3.5 Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (1999)

The Rūnanga o Ngāi Tahu Freshwater Policy Statement has the status of an iwi management plan.

The Freshwater Policy Statement has four main objectives that, protect water with particular spiritual significance, the restoration, maintenance and protection of mauri of freshwater, the maintenance healthy mahinga kai populations and habitats, and the active participation of Ngāi Tahu in freshwater management.

While all of the policies have some relevance to the OPR, those policies that are of particular relevance are:

***Policy 6.1.2** the objectives, policies and methods that protect sites identified by Papatipu Rūnanga.*

***Policy 6.2.1** the identification of freshwater resources where the mauri is unaffected by modification and where it is adversely affected by activities.*

***Policies 6.3.1 to 4** promote the protection of mahinga kai habitats and values, and the restoration of access to freshwater resources for cultural activities.*

***Policy 6.4.3** to enable Ngai Tahu to participate in policy formation and decision making.*

The Natural Character, Public Access and Sites of Significance to Maori Chapters contain policies that recognise the cultural significance of water bodies, maintain, restore or enhance cultural values and support access for Ngāi Tūāhuriri to undertake customary activities.

3.6 Any relevant management plans and strategies

The following management plans and strategies are relevant to this matter:

3.6.1 Canterbury Biodiversity Strategy

Canterbury Regional Council Biodiversity Strategy (2008) contains three goals intended to achieve the biodiversity vision for the Canterbury Region. Two of the goals are supported by the objectives and policy of the Natural Character Chapter. These involve the restoration of natural character of degraded indigenous habitats and ecosystems, and increased integration and sustainable use of indigenous species in modified environments including urban. This is supported by **Objective NATC-O2** and **Policy NATC-P4**.

3.6.2 Canterbury Water Management Strategy

Canterbury Water Management Strategy (2009) contains a series of principles that contribute towards a vision for water resource within the region including the preservation and enhancement of the natural character of Canterbury's rivers, streams, lakes and wetlands, and the indigenous flora and fauna and their habitats in rivers, streams, lakes, groundwater and wetlands.

3.7 Any other relevant legislation or regulations

The following legislation / regulations are relevant to this matter:

The Ngāi Tahu Claims Settlement Act 1998 (NTSCA) enshrines in law the agreements of the Deed of Settlement between the Crown and Ngāi Tahu. It records the Crown's apology and acknowledges the

injustices suffered by Ngāi Tahu. The Act recognises Ngāi Tahu as holding rangatiratanga within the Ngāi Tahu takiwā and creates Statutory Acknowledgements as legal instruments to recognise the cultural, spiritual, historical and traditional associations of Ngāi Tahu to specified areas.

The NTCSA requires the Waimakariri District the Council to have regard to Statutory Acknowledgements within its district when considering who may be adversely affected by a resource consent. The Council has established protocols to require engagement with Te Rūnanga o Ngāi Tahu in such circumstances.

3.8 Any plans of adjacent territorial authorities

The District Council is required to have regard to the extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities under Section 74(2)(c) of the RMA.

The District shares a boundary with Christchurch City, Selwyn District and Hurunui District Councils.

3.8.1 Christchurch City Council

Christchurch City Council (CCC) District Plan became operative on December 2017. The CCC District Plan has addressed Section 6(a) RMA through water body setbacks, similar to the proposed provisions. Policy direction promotes the protection of water bodies and their margins based on water body classification and corresponding setback distances.

Rules for city and settlement areas, rural areas and another natural areas are identified. Water body setbacks range from 5 to 30m depending upon the degree of naturalness and whether it is used for network purposes. Rules also restrict earthworks, buildings, structures, impervious surfaces, transport infrastructure and plantation forestry.

Overall, the management of setbacks and activities is consistent with the approach of the proposed provisions.

3.8.2 Selwyn District Council

Selwyn District Council (SDC) has reviewed their District Plan and have released their Proposed District Plan. The SDC Proposed Plan addresses natural character for freshwater bodies and their margins through a set of specific provisions and rules within a Natural Character Chapter.

The SDC proposed objective and policies are consistent with the content of the proposed provisions, seeking to preserve the natural character of freshwater bodies and their margins.

The proposed provisions also identify other matters including identification of natural character, its preservation, and enabling specific activities and structures that are anticipated within setback areas.

3.8.3 Hurunui District Council

The Hurunui District Council (HDC) District Plan was made operative in June 2018. Hurunui District Council does not directly address natural character issues within their operative plan, but have policies that control effects on natural values:

- **Policy 10.1** enables land use activities while protecting the natural, physical and cultural values of water bodies and their margins.
- **Policy 10.4** supports activities within the riparian margins that maintain and enhance the ecological and natural values of the water bodies.

- **Policy 11.1** is targeted at outstanding natural features and landscapes and lists a range of values that are similar to those listed within the Districts **NATC-P1**.

The proposed provisions are broadly consistent with the approach of HDC as they seek to manage water body (and margins) associated values, ecological and natural values.

4. KEY RESOURCE MANAGEMENT ISSUES

The resource management issues set out in this section have been identified using sources of information including (but not limited to) the following:

Water bodies are a significant natural and physical resource that make an important contribution to the well-being of the district. The preservation of the natural character of water bodies and their margins is required to be managed to provide for future generations. Loss of the attributes of natural character can adversely affect water quality, visual appearance, indigenous habitat and cultural and recreational values.

There resource management issues that need to be addressed in relation to natural character of water body and their margins are:

- The degradation in water quality associated with land use, point and non-point discharges,
- Encroachment of buildings, structures, impervious surfaces and certain land uses to the edge of water bodies and within their riparian margins,
- Loss of indigenous vegetation and habitat along water bodies and their margins,
- Adverse effects on spawning areas,
- Adverse effects on visual and landscape values,
- Adverse effects on mahinga kai and cultural and spiritual values.

5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS

5.1 Strategic Direction

Strategic Direction Chapter objectives are informed by the District Development Strategy, which directs growth and development. They give effect to the higher order documents, such as National Policy Statements and the RPS.

Objective 1 of the Strategic Direction Chapter (natural environment) requires that there is a net gain in indigenous biodiversity across the District. This is reflected in Policy NATC-P4, which minimises indigenous vegetation clearance and modification while promoting the restoration and rehabilitation of natural character and supporting the regeneration of biodiversity values.

The second part of the objective requires that natural features and character areas are identified and their values recognised and appropriately managed. This is reflected in policies NATC P1, P2 and P4, which recognise natural character qualities and identify and maps those qualities associated with water bodies, their margins and the preservation natural character qualities.

5.2 Zone / District-wide Subject

The natural character provisions are district wide.

5.3 Proposed Objectives and Policies

The objectives focus on the preservation, restoration and use of freshwater bodies and their margins. The objectives have been adapted from the NZCPS and uses the wording around the preservation of

natural character. The NPS-FM was not used to determine the objectives as the objectives and policies are not specifically related to natural character, unlike the NZCPS.

Objectives
<p><i>NATC-O1 Preservation of natural character</i></p> <p>The preservation of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins.</p>
<p><i>NATC-O2 Restoration of natural character</i></p> <p>Restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred.</p>
<p><i>NATC-O3 Use of water body margins</i></p> <p>The use of wetlands, and lakes and rivers and their margins are managed to preserve their natural character.</p>

The proposed policies deliver the objectives listed above and focus on recognising the natural character qualities, identifying and mapping them, recognising cultural values, the preservation of natural qualities and enabling identified structures. The natural character qualities are derived from Appendix 1b of the NPS-FM (2020).

Policies
<p><i>NATC-P1 Recognising natural character</i></p> <p>Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of freshwater bodies:</p> <ol style="list-style-type: none"> 1. freshwater bodies and their margins in their natural state or close to their natural state; 2. freshwater landforms and landscapes, biophysical, geologic and morphological aspects; 3. hydrological and fluvial processes, including erosion and sedimentation; 4. indigenous biodiversity, habitats and ecosystems; 5. water flow and levels, colour and clarity, and water quality; 6. the cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and 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.
<p><i>NATC-P2 Identify, map and schedule significant water body</i></p> <p>Continue the identification, mapping, and scheduling of freshwater bodies with one or more recognised natural character attributes, where the following apply:</p> <ol style="list-style-type: none"> 1. the 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 water 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.

NATC-P3 Customary practices within the water body and their margins

Recognise the cultural significance of wetlands, and lakes and rivers and their margins, to mana whenua, and manage the effects of land use activities through limiting the size, visual appearance, and location, to ensure they do not adversely affect taonga species, mahinga kai or customary harvesting, access, and other cultural values.

NATC-P4 Preservation of natural character values

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. minimising indigenous vegetation clearance and modification, 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 Structures within water body setbacks

Enable activities that have a functional need or operational need to be located within the freshwater body setbacks, provided that adverse effects on natural character values are avoided, remedied or mitigated.

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

Provide for new structures, and upgrades to existing structures, on 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 the surface of freshwater;
3. the structure does not compromise the use of the surface of freshwater for existing users;
4. the structure does not disturb the habitat of indigenous species or hinder passage of migratory fish species;
5. the structure avoids 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.

5.4 Proposed Methods

The proposed methods used to implement the policies are rules for water body setbacks of varying distances based upon the scheduling of the water body. The water body setbacks are used to identify the area over which the rules apply and are listed in section 5.4.4.

5.4.1 Activity Status Table

Freshwater body Classification	Freshwater body setback widths Rural, Open Space and Recreational Zones	Freshwater body setback widths Residential, Industrial, Commercial and Mixed Use, and Special Purpose Zones
NATC-SCHED 1	50m	20m
NATC-SCHED 2	20m	10m
NATC-SCHED 3	10m	5m
Unscheduled	5m	5m

This approach of having a schedule for all freshwater bodies within the district is similar to that used by Selwyn District Council and forms the basis of the approach by Christchurch City Council. Waterbody setbacks are also proposed in the Porirua City, New Plymouth District and Waikato District plans. Water body setbacks are also proposed in the MIMP as a mechanism to protect water bodies from various land use effects.

The basis for the setback distance values are based on a review of literature and impart the following benefits:

- 5m improves bank stabilisation,
- 10m reduce nutrient and contaminant inputs,
- 20m self-sustaining buffer, recreational, cultural, aesthetics and landscape gains,
- 50m biodiversity gains.

The freshwater body setbacks as proposed by other councils are:

Christchurch City Council – Setbacks of 5m to 30m for various waterbodies listed in the district plan, with variations for city, rural and natural area water bodies.

Selwyn District Council – Setbacks of 10m to 25m dependent upon the type of activities for the various water body schedules. A setback of 100m from the bank of any lake and any wetland adjoining a lake is proposed for all buildings and structures.

Waikato District Council – Setbacks of between 28 to 50m from the Waikato and Waipa Rivers, 23m from any other river and 23 to 32m from any lake or wetland.

New Plymouth District Council – 10m setback from significant water bodies and 5m for other freshwater bodies.

Porirua City Council – Setback of 20m from any water body greater than 3m in width, no setback for any water bodies less than 3m in width.

In addition to other councils, Ngāi Tahu through the Mahaanui Iwi Management Plan has proposed a series of setbacks of between 10 to 30m for urban and built environment, and 50m where space is available toward river mouths and in greenfield areas. Setback of 20m within rural waterways and 5m for well planted buffers along healthy waterways.

The approach taken in the Natural Character Chapter is similar to other councils. Other councils have used different setback distances for different classes of water bodies.

5.4.2 Rules

Proposed methods are set out in the Natural Character Chapter. These provisions should be read in conjunction with this evaluation report.

Permitted activity rules are proposed that will provide for the activities summarised in the following table, subject to compliance with definitions, activity standards and built form standards. The restricted discretionary and discretionary rules below require resource consent for some activities within water bodies and their margins.

Status	Rule
Permitted	NATC-R1 Planting of indigenous vegetation
Permitted	NATC-R2 Planting of non-indigenous vegetation
Permitted	NATC-R3 Customary harvesting
Permitted	NATC-R4 Water intake structure, siphon and ancillary equipment
Permitted	NATC-R5 Public amenities
Permitted	NATC-R6 New or replacement fences and water troughs
Permitted	NATC-R7 Addition to an existing building or structure
Restricted Discretionary	NATC-R8 New structures within and over freshwater bodies
Restricted Discretionary	NATC-R9 New building and structure
Non-complying	NATC-R10 Plantation forestry, woodlot and shelterbelts

Rules are proposed that enable the continuation of specified infrastructural and land use activities on private and crown land, where they do not result in adverse effects on the natural character of water bodies and their margins.

5.4.3 Matters of Control or Discretion

Matters are specified in relation to controlled or restricted discretionary activities that identify the matters which are able to be considered though resource consent are designed to guide the control or discretion regarding buildings, structures and impervious surfaces that are located within the water body setbacks which require a resource consent.

Number	Issue	Matters of Control or Discretion
NATC-MD1	Planting vegetation within freshwater body setbacks	<ol style="list-style-type: none"> 1. How the planting of vegetation will affect the natural state of the freshwater body and its amenity values. 2. Changes to biophysical processes such as: <ol style="list-style-type: none"> a) loss of shading of the freshwater bodies; b) loss of detritus inputs into freshwater bodies; c) increasing risk of erosion and sedimentation; d) loss of ecological corridor; and e) fragmentation of indigenous habitats. 3. Effects on īnanga spawning, and trout and salmon habitat. 4. Effects on cultural and spiritual values and mahinga kai.
NATC-MD2	Maintaining and enhancing public access	<ol style="list-style-type: none"> 1. Maintain and enhance existing public access to and along surface freshwater bodies, by managing the adverse effects of activities and development, where these would limit public access, or compromise the use or enjoyment of these areas.
NATC-MD3	Specified structures within freshwater body setbacks	<ol style="list-style-type: none"> 1. Effects on natural character and amenity values. 2. Effects on cultural and spiritual values, and mahinga kai. 3. Effects on indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity. 4. Effects on īnanga spawning, and trout and salmon habitat. 5. The extent to which the structure compromises the ability to undertake flood mitigation work, or maintenance of any river or lake by the District Council, Regional Council, the Crown, or their nominated contractor or agent. 6. The extent to which the location and size of the structure will impede flood waters or restrict navigation. 7. The extent to which the structure location in the setback is sufficient given the identified requirement for an esplanade strip or esplanade reserve, set out in SUB-S17, including whether a condition and associated covenant is proposed requiring removal of structures where an esplanade reserve or

		esplanade strip is to be taken as part of any future subdivision.
NATC-MD4	Buildings and structures or impervious surfaces within freshwater body setbacks	<ol style="list-style-type: none"> 1. Requiring the use of low impact or water sensitive design for buildings and structures, 2. The potential for streambank erosion from stormwater runoff from impervious surfaces, 3. Effects on indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity, 4. Effects on natural character and amenity values, including: <ol style="list-style-type: none"> a. the loss of indigenous vegetation that contributes towards an ecological corridor, b. restriction of public access where it is available, c. any change to the general landform, such as, slope or geomorphic features, as a result of earthworks, d. the incorporation of screening and other measures to reduce the visibility of any structure from the water body, 5. Effects on cultural and spiritual values, and mahinga kai, 6. Whether the structure location in the setback is sufficient given the identified requirement for an esplanade strip or esplanade reserve, set out in SUB-S17, including whether a condition and associated covenant is proposed requiring removal of structures where an esplanade reserve or esplanade strip is to be taken as part of any future subdivision; and 7. The extent to which any building or structure compromises the ability to undertake flood mitigation work, or maintenance of the any river, stream or wetland by the District Council, Regional Council, the Crown, or their nominated contractor or agent.
NATC-MD5	Building and structure reflectivity	<ol style="list-style-type: none"> 1. exterior building materials which, when graded using the British Standard BS5252:1976 Framework for Colour Co-ordination for Building Purposes, meet the following standards: <ol 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 per cent for greyness groups A or B. ii. 40 per cent for greyness group C. <ul style="list-style-type: none"> 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 per cent for greyness groups A, B or C; or <ul style="list-style-type: none"> 2. Unpainted natural timber or stained timber is used as exterior building materials, and: <ul style="list-style-type: none"> a. windows, window frames, bargeboards, or doors may be of any colour compliant with NATC-MD4.1 above.
NATC-MD6	Structures within and over freshwater bodies	<ul style="list-style-type: none"> 1. Whether the location and size of the structure will impede flood waters or restrict navigation; 2. The extent to which the structure compromises amenity values, ecological, cultural, or recreational values, including any natural character values associated with the surface of water, including: <ul style="list-style-type: none"> a. minimisation of the footprint, b. visual appearance of the structure and whether design features are sympathetic with the surrounding landscape, c. any impacts upon Īnaka spawning locations, 3. The extent to which the structure would create new, or exacerbate existing flood risk, or stream bank erosion; 4. The extent to which the structure would compromise public access to, or along the water body; and 5. The technical, functional or operational need for the structure to be located within or over the freshwater body.
NATC-MD7	Freshwater body setback assessment	<ul style="list-style-type: none"> 1. Whether the reduction in the setback width will have an adverse effect on: <ul style="list-style-type: none"> a. the extent to which water bodies and their margins in their natural state or close to their natural state; b. alteration of freshwater landforms and landscapes, biophysical, geologic and morphological aspects;

		<ul style="list-style-type: none"> c. the hydrological and fluvial processes, including erosion and sedimentation; d. indigenous biodiversity, habitats and ecosystems; e. water flow and levels, colour and clarity, and water quality; f. cultural values of the water body to Ngāi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability of the water body to support taonga species and mahinga kai activities; and g. the experience of the above elements, patterns and processes. <p>2. Whether the assessment of the natural character of freshwater bodies is undertaken by suitably qualified and experienced specialists in the various attributes of natural character.</p>
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5.4.4 Scheduled Water Bodies

A number of water bodies within the District have been assessed as to whether they contain natural character. This assessment is based on studies of the attributes that contribute towards natural character.

Those water bodies that have been identified as Schedule 1 have been assessed as part of the outstanding natural landscape assessment. Saltwater Creek has been included as it forms part of the Saltwater Estuary, which is an Outstanding Natural Feature / Outstanding Natural Landscape. The lower reaches contain reasonably wide property boundary setbacks, which are subjected to tidal variations.

Schedule 2 water bodies generally contain one or more natural character attributes that single it out as being different from other water bodies. The information used to identify these attributes might be specific to a certain reach of the water body and may not have assessed the water body as a whole. Land use within the wider catchment will affect those natural character attributes of the water bodies that are scheduled. This effect may be on water clarity and colour, which comprise part of the natural character assessment criteria.

Schedule 3 water bodies only includes the Whistler River and View Hill Creek, although other rivers may be added once assessment has been done. All unlisted freshwater bodies will fall into the unscheduled list.

Scheduled Water Body	Values
Waimakariri River (Schd 1)	Outstanding natural landscape, Cultural values, Ngā Wai, Ecological values (Wrybill, black-billed gull, white fronted tern and black fronted tern)
Ashley/Rakahuri River (Schd 1)	Outstanding natural landscape, Mahinga kai, High naturalness water body, Ngā Wai, Ecological values (Wrybill, black-fronted tern & Black billed billed, longfin eel and torrentfish)
Saltwater Creek (Schd 1)	Cultural values (source of Harakeke), Ecological values Longfin eel and Lamprey), Inanga spawning habitat, Ngā Wai
Broom Stream and Kingsdown Stream (Schd 2)	Ecological values (Kingsdown Wetland and Broom Stream Riparian Shrubland and Red Tussock Wetland)
Cam/Ruataniwha River (Schd 2)	Cultural values, Ngā Wai, Identified as priority river for esplanades, Ecological values contains nationally vulnerable fish Lamprey, Canterbury mudfish and longfin eel, , Mahinga kai
Coopers Creek (Schd 2)	Natural state, Mahinga kai
Eyre/Waiariki River (Schd 2)	Natural state, braided river system, Ngā Wai, Mahinga kai, trout
Kaiapoi River and Courtney Stream (Schd 2)	Bathing, Mahinga Kai, Cultural values, salmon spawning, trout habitat, Natural form and character
Little Ashley Creek (Schd 2)	Cultural values (associated with the connection to Waikuku Stream)
Ōkuku River (Schd 2)	Ecological values (Longfin eel), Ngā Wai, Natural state, salmon spawning, trout habitat, Natural form and character
Pines Beach Wetland (Schd 2)	Cultural values, Threatened plant species
Silverstream (Schd 2)	Mahinga kai, salmon spawning, Ecological values (longfin eel), Trout and Salmon spawning
Taranaki Stream (Schd 2)	Cultural values
Cust River (Schd 2)	Ecological values (Longfin eel, torrentfish, Lamprey and Koura), trout, priority for esplanades, Mahinga kai
Makerikeri/ Makirikiri River (Schd 2)	Cultural values, Ngā Wai, Natural form and character
View Hill Creek (Schd 3)	Natural state, Mahinga kai
Whistler River (Schd 3)	Natural state

Outstanding natural landscapes taken from the Waimakariri District Landscape Evaluation report (2018) by Boffa Miskell.

Natural state water bodies and salmon spawning sites were taken from those rivers and streams identified in the Canterbury Regional Council Plan Change 7 for the Land and Water Plan and associated Waimakariri Land and Water Solutions Programme reports.

Mahinga kai values taken from Ngāi Tūāhuriri and Tipa & Associates report (2016) Cultural Health Assessments & Water Management for the Rakahuri Waimakariri Zone and .

Cultural values taken from water bodies identified in the Ngāi Tūāhuriri Mahaanui Iwi Management Plan and Nga Wai identified freshwater bodies. The rivers listed are those identified as having an above average cultural use score.

Ecological values determined from ecological reports undertaken by Wildland Consultants, Golder Associates and Boffa Miskell, and are recorded as containing either critically threatened species or supports a highly diverse indigenous habitat.

5.4.5 Definitions

Relevant definitions that are included in the Natural Character Chapter include:

- Amenity values,
- Bed,
- Building,
- Freshwater,
- Impervious surface
- Indigenous vegetation,
- Mahinga kai,
- Mana whenua,
- Riparian margin,
- River,
- Setback
- Water,
- Water body setback,
- Waterbody, and
- Wetland.

6. SCALE AND SIGNIFICANCE EVALUATION

Section 32 (1)(c) of the RMA requires that a Section 32 report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed objectives, policies and methods.

The level of detail undertaken for the subsequent evaluation of the proposed objectives, policies and methods has been determined by this scale and significance assessment.

In particular, Section 32 (1)(c) of the RMA requires that:

- (a) Any new proposals need to be examined for their appropriateness in achieving the purpose of the RMA;
- (b) The benefits and costs, and risks of new policies and methods on the community, the economy and the environment need to be clearly identified and assessed; and
- (c) All advice received from iwi authorities, and the response to the advice, needs to be summarised.

Further, the analysis has to be documented to assist stakeholders and decision-makers understand the rationale for the proposed objectives, policies and methods under consideration.

In making this assessment regard has been had to a range of scale and significance factors, including whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Involve a matter of national importance in terms of Section 6 of the RMA;
- (c) Involve another matter under Section 7 of the RMA;
- (d) Raise any principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA;
- (e) Address an existing or new resource management issue;
- (f) Adversely affect people's health and safety;
- (g) Adversely affect those with particular interests including Maori;
- (h) Adversely affect a large number of people;
- (i) Result in a significant change to the character and amenity of local communities;
- (j) Result in a significance change to development opportunities or land use options;
- (k) Limit options for future generations to remedy effects;
- (l) Whether the effects have been considered implicitly or explicitly by higher order documents;
and
- (m) Include regulations or other interventions that will impose significant costs on individuals or communities.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

6.1 Evaluation of Scale and Significance

	Low	Medium	High
Degree of change from the Operative Plan		✓	
The overall intent has not changed, the difference is the proposed district plan now has a set of rules to achieve the policy objectives.			
Effects on matters of national importance			✓
The management of freshwater is important within New Zealand and new Central Government policy, NPS-FM, gives direction to regional and local councils on the management of the wider freshwater environment.			
Scale of effects geographically (local, district wide, regional, national)		✓	
The proposed provisions apply across the entire district, as all natural freshwater bodies will have a setback for buildings.			
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	✓		
For new buildings and certain activities there will be some effect. Overall the effect will be relatively minor given that most structures are set back for flood reasons.			

Scale of effects on those with specific interests, e.g., Mana Whenua, industry groups		✓	
There has been some feedback from mana whenua regarding the distance of feedbacks and providing for the protection of cultural values.			
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? Is it consistent, inconsistent or contrary to those?	✓		
The proposed policy meets the intent of the NPS-FM. The risk is around the variable nature of riparian margins along the length of rivers and applying a standard setback along the length.			
Likelihood of increased costs or restrictions on individuals, communities or businesses	✓		
There is likely to be some initial cost associated with the inability to utilise all of the site, although this may be offset against reduced costs associated with the effects from increased flooding as a result of climate change.			

6.2 Summary - Scale and Significance

In summary:

- The proposed Natural Character Chapter is in line with the national planning standards.
- The proposed chapter is a new chapter within the District Plan. While the District Plan previously had a chapter dealing with water quality issues, it did not directly address the margins of the water bodies or the effect on natural character of the water body.
- The proposed chapter meets the intent of Section 6(a) of the RMA, by preserving natural character of water body and avoiding, remedying or mitigating the effects of inappropriate subdivision, use and development along the edge of water body and their margins.

Overall the chapter will achieve Part 2 of the RMA.

- The policy and rules within the proposed chapter is broadly in line with the approach adopted by Christchurch City and Selwyn District Councils and give effect to the RPS.

Overall, the scale and significance of the proposal is assessed as being medium. Given this, the level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects anticipated from the implementation of the proposed provisions.

7. EVALUATION OF PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the District Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment. Below is a summary of the proposed objectives that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against those objectives in the operative plan.

7.1 Evaluation of Existing Objectives

Existing Objective/s	Appropriateness to achieve the purpose of the RMA
3.1.1 Preserve the natural character, and ecological values within the Waimakariri Gorge, and the Ashley River/Rakahuri.	<p>Relevance: The existing objective meets section 6(a) RMA. The objective recognises natural character for part of the Waimakariri River and the Ashley River, but does not state what the values of natural character are. Local land owners stated that natural character was peace and quiet, which was to be applied to control activities on the surface of the water bodies. Those attributes of natural character within the NPS-FM were not identified as part of the explanation for the objective.</p>
	<p>Reasonableness: The provision cannot be considered reasonable as there is no detail as to how this is to be assessed or applied. It appears that the provision is more suited to noise and its effect on amenity value rather than natural character.</p>
	<p>Achievability: There were no rules that supported the objective. The proposed methods to achieve the outcome, included establishing a baseline noise level for the gorge and surveying the adjacent landowners. The focus of the objective was to control jet boat activity on the two rivers, rather than protect natural character.</p>
3.2.1 The maintenance and enhancement of the natural character and ecosystems of water bodies, and their margins.	<p>Relevance: The existing objective meets the purpose of section 6(a) RMA. However, while it recognises that preservation of the natural character of water bodies is important, it does not protect it against inappropriate subdivision, use, and development. Natural character has not been defined with the supporting text for the objective.</p> <p>The objective reflects Objective 10.2.1 in the RPS. This enables development on beds and riparian zones of rivers and lakes while protecting significant values and enhancing values in appropriate locations.</p>
	<p>Reasonableness: While the provision can be considered reasonable for the purpose of providing some protection for natural character, these provisions only applied to continually flowing freshwater bodies wider than 4m. Those water bodies which could be considered to contain natural character were not identified.</p>
	<p>Achievability: The existing objective is partly achievable, as there are restrictions around vegetation clearance and earthworks setbacks from water bodies. However, this did not necessarily restrict subdivision, use or development of land or provide any protection of natural character.</p>
5.1.1 The protection of characteristics that contribute to the natural character of the outstanding landscapes and natural features.	<p>Relevance: The objective provides for section 6(a) of the RMA. While the objective focuses on the Ashley Gorge, it does include those areas that buffer the gorge and Lees Valley. It does not identify specific freshwater bodies.</p>
	<p>Reasonableness: The objective included advocacy with land owners in Lees Valley and a range of rules around planting of vegetation species, vegetation clearance, earthworks and subdivision. These were intended to protect prominent ridges within Lees Valley.</p>
	<p>Achievability: The rules were effective for the Lees Valley area and protecting the skyline. However, as the rules were not specific for</p>

Existing Objective/s	Appropriateness to achieve the purpose of the RMA
	freshwater bodies, there was not consideration of natural character attributes associated with the freshwater bodies.
6.1.1 Loss or degradation of the intrinsic values of indigenous ecosystems, including loss of areas of significant indigenous vegetation and significant habitats of indigenous fauna, arising from inappropriate subdivision, use and development. 6.3.1 Maintain, enhance and restore where appropriate waterways and roadsides as areas of indigenous vegetation, mahinga kai and habitats of indigenous fauna.	Relevance: The presence of indigenous vegetation and significant habitats of indigenous fauna forms part of any assessment of natural character. The two objectives meet section 6(c) and in part section 6(a) RMA. The natural character criteria listed in the NPS-FM includes the relative dominance of indigenous flora and fauna as a natural form and character attribute.
	Reasonableness: The provisions were considered to be reasonable, as they were intended to protect existing indigenous habitat areas. The policy provisions did not place undue constraints on development as it only applied to areas of significant ecological values. The restoration provisions mainly related to those areas owned by Council, for which guidelines were provided.
	Achievability: The objectives were supported by rules around earthworks near water ways, the setback of structures from water ways, the control on certain land use at identified sites, and the requirement to further identify areas that needed further investigation.

A more detailed list of relevant objective, policies and methods is appended (Appendix B)

7.2 Evaluation of Proposed Objectives

Proposed Objectives	Appropriateness to achieve the purpose of the RMA
NATC-O1 The preservation of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins.	Relevance: The objective meets the requirements of Section 6(a) of the RMA. The objective also meets Policy 1 of the National Policy Statement for Freshwater Management (2020) by giving effect to Policies 8 and 9. This is achieved through the policy NATC-P4 by preserving the natural character qualities through a range of protection mechanisms. Objective NATC-O1 is similar to 3.1.1 but covers a wider area of the district and has the ability to protect natural character values which are measurable and not just based on amenity.
	Reasonableness: The objective and policies will impose more restrictions on businesses and the community, through the introduction of various freshwater body setback. The objective gives a clear direction for decision makers, which is supported by the policies and rules within the chapter. While there are restrictions imposed, these are required to give effect to the Act and relevant higher order provisions (e.g. NPS-FM and Policy 7.3.1 of the RPS).
	Achievability: The objective to preserve natural character is achievable through; policies, rules and matters of discretion, and through other district wide and zone provisions which include consideration of natural character of waterbodies.
NATC-O2 Restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred.	Relevance: The objective meets the requirements of Section 6(a) of the RMA. The objective is also consistent with the intent of Policy 7.3.1 and Objective 12.2.2 of the RPS. The objective meets Policy 5 of the NPS-FM, through the promotion of the restoration of natural

Proposed Objectives	Appropriateness to achieve the purpose of the RMA
	character of freshwater bodies and their margins. This is similar to the existing Objective 3.2.1 of the District Plan.
	Reasonableness: The impacts upon businesses and the community would not be significant, as the areas that will have the natural character restored are those likely to be under local government or Crown ownership or where supported by land owners. The objective is intended to support those groups that are actively restoring the natural character, normally through planting of indigenous species.
	Achievability: The objective is able to be achieved with the support of funding from the Regional and District Councils, a range businesses and community support. The restoration works are presently being undertaken for various stretches of water bodies.
NATC-O3 The use of wetlands, and lakes and rivers and their margins are managed to preserve their natural character.	Relevance: The objective meets the requirements of Section 6(a) of the RMA. The objective is consistent with the RPS objective 10.2.1, which enables the use of river and lake beds and their riparian zones while protecting all significant values of those areas. The objective is also consistent with objective SD-O1.2 within the Strategic Direction chapter, with the identification of important natural character areas and their values recognised and appropriately managed.
	Reasonableness: The objective is required in order implement Section 6(a) RMA, the objective and policies of the NPS-FM, and the policies of the Iwi Management Plan. However, the impact upon businesses and the community will restrict the development of land immediately adjacent to freshwater bodies. The rules implementing the objective will impose a cost on development of land, however, this should be offset by reduction in flood risk, the provision of public space and improved amenity values.
	Achievability: The provisions are achievable as the requirements for resource consent are clear and the matters of discretion adequately described to ensure that they link to the related policies.

A more detailed list of relevant objective, policies, rules and activity standards is in Section 5.

7.3 Summary - Evaluation of Proposed Objectives

The proposed objectives will more effectively achieve the purpose of the RMA and the NPS-FM, than the existing objectives. This is because they clearly state the outcomes that are sought and state how they intend to protect and restore the natural character of freshwater. They are consistent with RMA, the NPS-FM, the RPS, and align with the policy direction in neighbouring districts.

8. EVALUATION OF PROPOSED POLICIES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the proposed policies and methods are the most appropriate way to achieve the proposed objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the proposed policies and methods in achieving the objectives, and summarising the reasons for deciding on the proposed policies and methods.

The level of detail undertaken for the evaluation of the proposed policies and methods has been determined by the preceding scale and significance assessment.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed policies and methods, including opportunities for economic growth and employment.

The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

8.1 Evaluation of Proposed Policies and Methods

(the following table)

Policy and method options to achieve the District Plan objectives relating to Natural Character of Freshwater Bodies	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<p>Option A: Proposed Approach</p> <p>Policy provides for the identification, mapping and preservation of freshwater bodies and their margins using a range of water body setbacks for those water bodies that have a range of qualities that contribute towards high natural character.</p> <p>There are 10 rules (NATC-R1 to NATC-R10) that provide for a range of permitted activities, discretionary activities for the placement of buildings, structures and impervious surfaces inside the water body setback areas.</p>	<p>Environmental: The preservation of the natural character of freshwater bodies is recognised in Section 6(a) of the RMA. The policies support improvement in water quality and quantity, indigenous habitat, and natural character values.</p> <p>Environmental benefits will extend beyond the immediate area with improvements anticipated in water quality and quantity, microclimate buffering and fish habitat.</p>	<p>Environmental: No direct or indirect costs have been identified.</p>	<p>The provisions that relate to set backs from freshwater bodies are all located in one place rather than being spread across a number of chapters of the District Plan. However, there are some provisions within other chapters that deal with specific issues.</p> <p>The provisions are likely to achieve the environmental benefits that they set out to achieve, leading to positive benefits outside of the immediate environment.</p> <p>The proposed provisions are not retrospective, which will mean where buildings and structures exist inside of the water body setbacks they will continue to remain and can be replaced within the existing footprint. However, where the structures and buildings are removed and new buildings and structures are constructed with a larger footprint, a resource consent will be required.</p>	<p>The provisions proposed have been fully researched and carefully evaluated and there is sufficient information available to support the proposed provisions.</p> <p>The risk of not acting is that further damage to the natural character of water bodies, continued degradation of water quality and increased potential risk from flooding and streambank erosion.</p> <p>The risk of not acting is that Council would not be meeting its statutory obligations under the RMA and the supporting policy documents, including the RPS, NPS-FM and MIMP.</p>
	<p>Economic: Positive economic benefits can result from a higher provision of environmental services. These are generally intangible things such as more pollinators, habitat for birds contributing towards pest control, and improved water quality.</p> <p>There are likely to be positive environment costs associated with the provision of environmental services associated with increased habitat for pollinators, insect control by avian fauna, nutrient and sediment impacts upon water quality and reduction in erosion potential of riparian margins</p>	<p>Economic: Restrictions for building or placing structures within setbacks may result in a loss of unrestricted enjoyment of the land. While there will be some economic gains associated with environmental services that will benefit the landowner, this will be dependent upon the values that individuals attribute towards the environment and wider social good.</p>		

All freshwater bodies will be scheduled within the district plan.	Social: The wider community of Waimakariri has the opportunity to recognise and understand the importance of freshwater bodies. Social benefits associated with the policy include higher amenity values associated with clearer water quality, indigenous vegetation and ecosystems, improved mental health through engagement with nature.	Social: Social costs could be associated with the perceived loss of opportunity of building or using land for something that is regulated inside the waterbody setback.	The approach will achieve the proposed objective in an efficient and effective manner implementing the statutory requirements of the RMA to protect natural character and focusing on the management of adverse effects, while enabling activities, facilities and structures that will not have adverse effects to be undertaken.
	Cultural: Freshwater bodies are considered to be taonga and the preservation of good water quality and quantity is important. Their importance is recognised within the NPS-FM and Ngāi Tahu in the Iwi Management Plan. Improved water quality has a positive effect upon mahinga kai. ³	Cultural: There are no cultural costs associated with the proposed approach.	

Opportunities for economic growth and employment

The proposed policy will not result in any appreciative economic growth or employment associated with its implementation. There will be indirect economic and social gains associated with enhanced mahinga kai, increased health and well-being associated with community groups involved with planting and habitat restoration works.

Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would result in some additional time and cost to the section 32 evaluation processes. The evaluation in this report identifies where there will be additional costs associated with assessing the natural character of freshwater bodies, assessment of existing freshwater bodies and whether greater or lesser levels of protection are required for certain reaches, and greater level of qualification of the various attributes of natural character. However, given the strong statutory direction and the approach being adopted in adjoining district council areas that represents current practice, the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable given the lack of detailed information available for all of the freshwater bodies.

³ Environment Canterbury. Mahinga kai: A guide for rural consultants and auditors.

Options less appropriate to achieve the objective				
Option B: Status Quo	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<p>The existing policy 3.2.1 requiring the maintenance and enhancement of the natural character and ecosystems of water bodies, and their margins, partially meets the intent of Section 6(a) of the RMA. This was not however supported by any rules or methods that give effect to the outcomes that it wanted to achieve.</p> <p>This option is not recommended.</p>	<p>Environmental: The policy has not resulted in any substantive environmental benefits as it was not supported by any rules or methods that would enable the policy to be achieved. No monitoring or qualitative assessment was undertaken during the term of the district plan.</p>	<p>Environmental: The existing policy results in environmental costs through being ineffective in achieving any positive environmental outcomes.</p>	<p>The existing policies are not effective in meeting its statutory obligations under the RMA and the supporting policy documents, including the NPS-FM, RPS and Mahaanui Iwi Management Plan. The policies are not specific enough to protect natural character and are not supported by methods that are restrictive enough to protect the natural character of freshwater bodies.</p> <p>This is demonstrated by the ongoing degradation of water quality and ecosystems within the district.</p> <p>However, there have been some gains where new subdivisions have resulted in the taking of esplanade reserves, resulting in a setback of around 15-20m.</p>	<p>Under the present policy there has been a continual degradation of water quality and loss of natural character.</p> <p>An assessment of the effectiveness of the policies undertaken in 2016 found that while there was minimal development within the core outstanding landscapes, there was no evidence of any advocacy being undertaken or landscape or natural character assessments being undertaken.</p> <p>It is unsure whether this is a reflection of assessment given to the policies at resource consent stage or the lack of methods to implement the policies.</p>
	<p>Economic: The direct economic costs of the policy to landowners will be less as there are no restrictions placed on land development along the margins of freshwater bodies.</p>	<p>Economic: The cost of the existing policy is minimal as there are no rules or methods that would implement the policy. Landowners are able to undertake development immediately adjacent the margins of water bodies without any controls. The ongoing loss of indigenous vegetation associated with riparian margins will also result in reduced environmental services, resulting in increased cost to replace the effects received from those benefits.</p>		
	<p>Social: Separate to any the lack of restrictions placed on landowners, there are no social benefits to the wider public, as development is</p>	<p>Social: The social cost of the existing policy is neutral. While it allowed for unrestricted development of water body</p>		

	allowed to continue without restriction along the margins of water bodies.	margins for landowners, it does not provide for any social benefit associated with environmental services to the wider community.		
	Cultural: There are no cultural benefits associated with the existing policy direction.	Cultural: The policy does not improve water quality or protect natural character values of water bodies and allowed for the ongoing loss of mahinga kai habitat and mana of Ngāi Tūāhuriri.		
Opportunities for economic growth and employment				
The existing policy does not result in any appreciative economic growth or employment associated with its implementation.				

Option C:	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
Remove existing policies and remain silent on the issue.	Environmental: The proposed approach of doing nothing will not result in any environmental benefits. There will be a continued loss of natural character of the freshwater bodies and a continuing reduction in water quality.	Environmental: The environmental cost of the do nothing policy will result in an ongoing loss of indigenous habitats and natural character attributes. There will be an ongoing decline in water quality that will reduce the ability to take surface water for irrigation and stock watering purposes, resulting in an increase pressure on groundwater resources. The degradation of water quality will also result in a reduction in freshwater invertebrates and biodiversity. As a result this will also affect mahinga kai and other aquatic ecosystem services.	The do nothing approach is not effective in meeting its statutory obligations under the RMA and the supporting policy documents, including the NPS-FM, RPS and Mahaanui Iwi Management Plan.	The do nothing approach does not meet the District Council's statutory obligations under the Section 6(a) of the RMA, the NPS-FM, RPS and MIMP. The risk is that both the Central Government and the Regional Council criticises the District Council and enforces it to reconsider its position from a governance perspective.
	Economic: The economic benefits will be unfettered development up to the edge of water bodies. This may have split benefits, allowing for buildings and structures to be located without site constraints resulting in lower costs. However, this may alternatively result in an increase in engineering cost due to mitigating flood and any erosional risk.	Economic: The costs associated with the policy are likely to be mixed, with positive benefits associated with complete utilisation of land, and costs associated with ongoing degradation of water quality, which will require investment in areas outside of this policy, and the potential increase in flooding		

		risk to any buildings and structures.		
	Social: Separate to any the lack of restrictions placed on landowners, there will be no social benefits to the wider public, as development will be allowed to continue unfettered along the margins of water bodies which would reduce any potential for public access in the future.	Social: There is likely to be a social cost. This is associated with the ongoing loss of access to riparian margins, destruction of indigenous habitats and mahinga kai in the margins.		
	Cultural: There are no identifiable cultural benefits of the do nothing approach.	Cultural: The cultural cost will be the loss of mahinga kai opportunities, impacts upon Wai māori and loss ability to exercise kaitiakitanga.		
Opportunities for economic growth and employment				
There are no perceived opportunities for economic growth and employment for the do nothing approach. The only potential benefit could be enabling greater utilisation of land for individual properties, but this needs to be weighed up against the negative environmental, cultural and social costs.				
Option D	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
Greater restrictions on developments having larger setbacks and more restrictions on development.	Environmental: There is likely to be more environmental benefits associated with greater regulations. This would be associated with improved water quality, ecosystems, a reduction in flood risk, and contribution towards improved social wellbeing. In addition there would also be improvements in environmental	Environmental: The environmental costs associated with maintaining the setback areas. These areas will require greater levels of plant pest maintenance than if property owners were allowed to develop and mow closer to the edge of the water body.	Greater restrictions should result in a high degree of effectiveness of achieving the desired environmental outcome for the protection of natural character values. The proposed approach will not be as efficient to achieve the desired outcome. Larger areas of land within the water body setbacks will require	The risk of greater restrictions on development near water bodies can be considered in two parts. The first being positive and leading to improved water quality, ecosystems and environmental health, and the second part being a reduction in the development potential of private land.

	services, and a potential increase in public access.	Should the setbacks be planted in indigenous vegetation the cost per linear metre are approximately \$15 allowing for 4 rows to be planted, but excluding maintenance costs ⁴ .	lots of maintenance to ensure that plant and animal pests are controlled.	While there will be significant long term benefits of having large setbacks from freshwater bodies for the environment, there would also be pushback from land owners who would object to the loss of ability to have unrestricted use all of their land. Council would not want to be seen as out of step with the policy direction taken by the rest of the country.
	Economic: The economic benefits are through the provision of ecosystem services ⁵ , an increase in mental health and social well-being ⁶ , and improved water quality. Investigations found that there were net economic benefits of between 2 to 8 times for establishing riparian margins and fencing off waterways for farming alone ⁷ . The economic benefits of fencing off waterways from stock has been well established by MfE & MPI ⁸ , but are not as well established for the urban environment.	Economic: There will be a direct economic impact upon the ability to development all of a site as part of the subdivision.	This proposal will most likely create a certain degree of public opposition, as it will be perceived as an impingement on property rights.	
	Social: Social benefits would generally be positive given there would be more open space, visual amenity values and where provided better access to water bodies for	Social: No direct or indirect social costs have been identified		

⁴ Ministry for Primary Industries, 2016. Stock Exclusion Costs Report. MPI Technical Paper No: 2017/11.

⁵ Department of Conservation, 2009. Conservation and the delivery of ecosystem services: a literature review. Science for Conservation 295.

⁶ Department of Conservation, 2015. The Nature of Well-being: How nature's ecosystem services contribute to the wellbeing of New Zealand and New Zealanders.

⁷ Department of Conservation, 2015. The Nature of Well-being: How nature's ecosystem services contribute to the wellbeing of New Zealand and New Zealanders.

⁸ Ministry for the Environment and Ministry for Primary Industries, 2016. National Stock Exclusion Policy: Analysis of the costs and benefits of excluding stock from New Zealand waterways.

	mahinga kai and recreation purposes.			
	Cultural: the cultural benefits would be associated with increased mahinga kai, improved access to water bodies and improvements in the mauri of the water, spiritual values and cultural wellbeing ⁹ .	Cultural: No direct or indirect cultural costs have been identified.		

Opportunities for economic growth and employment

The two alternative approaches are at opposite ends of the spectrum and would have opposing impacts from an environmental, economic and development perspective. Long term benefits of the proposed option will result in greater levels of protection of natural character attributes, such as landforms, erosion and sedimentation features, indigenous biodiversity where restoration activities has been undertaken, mahinga kai and public access to water bodies. The negative aspects of the proposed option is the impacts upon property rights and is likely to result in an ongoing request for council to purchase land that is subjected to any restrictions. The larger the land area the greater the risk of this occurring.

In the short term there would be substantial costs associated with enforcing the setbacks, and maintaining the land area free of plant and animal pests and restoration of indigenous vegetation. There would also likely be opposition from land owners and property developers that would lose the ability to intensively develop all of the land. While the proposed provisions will result in restrictions through some properties, this has been balanced with the environmental benefits gained.

⁹ Ministry for the Environment, 2006. A cultural health index for streams and waterways: A tool for nationwide use.

8.2 Summary - Evaluation of Proposed Policies and Methods

The proposed policy and methods will enable Council to achieve its legislative requirements for the preservation of natural character, while improving water quality, indigenous ecosystems and the visual amenity of the water bodies, without being too restrictive on reasonable use of land. While there will be some restrictions, this has been weighed up against the net environmental gains, the protection of natural character values, and increased protection of buildings and structures from the effects of fluvial processes, such as flooding and erosion.

The combination of natural character policy, rules, the activity standard, assessment matters, provides a framework of methods to manage buildings, structures, impervious surfaces and land use within the freshwater body setbacks, while preserving and restoring the natural character of freshwater bodies and their riparian margins. If proposed activities comply with the permitted criteria within the rules, a resource consent is not be required.

9. SUMMARY

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposed approach having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that the proposed approach is the most appropriate option as:

- (a) It aligns with the National Planning Standards because provision is made for ***natural character***, the purposes of which align with the National Planning Standards;
- (b) Specific objectives, policies, rules, standards, definitions and assessment matters enable, provide for or manage the activities, facilities and structures that usually occur near freshwater bodies, while ensuring that any associated effects are appropriately managed, according to the predominant character, amenity values, role and function of each zone;
- (c) The proposed approach will provide direction and guidance to decision makers regarding the intended outcomes for the ***natural character***;
- (d) The proposed approach will preserve the natural character of wetlands, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development, and achieve section 6(a) of the RMA.

Overall, it is considered that the proposed provisions are the most appropriate, given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the proposed provisions. The risks of acting are also clearly identifiable and limited in their extent.

Appendix A: Consultation Summary

Specific consultation processes:

Date	Group	Subject Matter
22/02/20	Department of Conservation	Bulk and location of structures and setbacks for riparian margins
Feedback and response		
Sent information to DOC, did not receive any response.		
Date	Group	Subject Matter
16/03/20	Fish and Game	Natural Character draft chapter
Feedback and response		
Had a meeting and numerous emails to discuss policy. Supportive of policies. Concern expressed about travelling irrigators crossing streams and the loss of habitat in Lees Valley from pasture conversion.		
Date	Group	Subject Matter
28/8/20	Development Plan Review Committee	Natural Character draft chapter
Feedback and response		
Supportive of policies. Question about the level of rivers scheduled.		
Date	Group	Subject Matter
4/9/20	Ngāi Tūāhuriri and Mahaanui Kurataiao Ltd	Natural Character draft chapter provisions See section 2.7
Feedback and response		
Provided direct feedback on the draft chapter. All except one change was implemented. Additional feedback from MKL was sought on the one issue that was not changed. It was stated that there was no additional information to justify the change and that it should not be implemented.		
Date	Group	Subject Matter
19/3/21	Environment Canterbury	Natural Character draft chapter – First schedule comments
Feedback and response		
Request to amend NATC-R8 and 9 to allow certain uses of buildings as restricted discretionary and other uses as non-complying. The purpose of the rule is to encourage buildings and structures to be setback from the edge of freshwater bodies in order to preserve the natural character. The rule is not intended to control the use of buildings and structures. While some do have a functional need to be there, making most of the buildings and structures non-complying would be too restrictive on property rights and would likely		
Date	Group	Subject Matter
17/3/21	Selwyn District Council	Natural Character draft chapter – First schedule comments
Feedback and response		
Feedback regarding policies, rules and schedule within proposed plan. Some feedback was regarding where policy sits within the plan or identification policies that they thought were repetitions. Deliberate decisions were made to put policies in certain places.		
Feedback on rules relating to eco-sourcing, tikanga, customary harvesting and plantation forestry restriction. Most were rejected as the feedback did not show an understanding of some RMA concepts or the consistency with neighbouring district plans.		

Appendix B: Operative District Plan Policy and Methods

Objectives
<p>3.1.1 <i>Preserve the natural character, and ecological values within the Waimakariri Gorge, and the Ashley River/Rakahuri.</i></p> <p>3.2.1 <i>The maintenance and enhancement of the natural character and ecosystems of water bodies, and their margins.</i></p> <p>4.1.1 <i>Promote sustainable land management practices that avoid or mitigate environmental impact such as soil loss, soil structure deterioration, soil nutrient depletion, land contamination, and non-point pollution of waterways.</i></p> <p>5.1.1 <i>The protection of characteristics that contribute to the natural character of the outstanding landscapes and natural features.</i></p> <p>6.1.1 <i>Safeguard indigenous biological diversity and ecosystem integrity, and recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p> <p>6.3.1 <i>Maintain, enhance and restore where appropriate waterways and roadsides as areas of indigenous vegetation, mahinga kai and habitats of indigenous fauna.</i></p> <p>12.1.1 <i>Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.</i></p> <p>18.1.1 <i>Sustainable management of natural and physical resources that recognises and provides for:</i></p> <ul style="list-style-type: none"> a. <i>changes in the environment of an area as a result of land use development and subdivision;</i> b. <i>changes in the resource management expectations the community holds for the area; and</i> c. <i>the actual and potential effects of subdivision, use and development.</i>
Policies
<p>3.1.1.3 <i>Avoid, remedy or mitigate adverse effects on the environment arising from activities in relation to the surface of the Ashley River/Rakahuri.</i></p> <p>3.2.1.1 <i>Avoid, remedy or mitigate the adverse effects of land use activities on the:</i></p> <ul style="list-style-type: none"> a. <i>water quality;</i> b. <i>natural character of water bodies and their margins;</i> c. <i>ecosystems of water bodies and their margins;</i> d. <i>habitat of trout and salmon;</i> e. <i>significant amenity and recreational values of rivers and their margins; and</i> f. <i>mahinga kai resources, wahi taonga of significance to Maori, and the mauri of water.</i> <p>4.1.1.2 <i>Within the High Country, promote sustainable land management practices that avoid adverse impacts on the environment by:</i></p> <ul style="list-style-type: none"> a. <i>maintaining the life-supporting capacity of the soil and ecosystems; and</i> b. <i>maintaining a robust and intact vegetation cover.</i> <p>4.1.1.3 <i>Land use activities should avoid, remedy, or mitigate adverse effects on environments susceptible to degradation such as river and stream margins, aquatic habitats, wetlands, coastal dunes, areas of significant indigenous vegetation and significant habitat of indigenous fauna.</i></p>

6.1.1.5 Avoid, remedy or mitigate the adverse effects of activities on the intrinsic values of indigenous ecosystems, including effects on:

- a. integrity, form, functioning and resilience; and*
- b. indigenous vegetation, habitats and indigenous fauna.*

15.1.1.2 Within the urban environment subdivision, land use, development and protection should avoid, or mitigate adverse effects on:

- d. urban water bodies, and downstream effects on rural water bodies;*

18.1.1.1 Growth and development proposals should provide an assessment of how:

- the use, development, or protection of natural and physical resources affected by the proposal will be managed in a sustainable and integrated way; and*
- the adverse effects on those resources and the existing community will be avoided, remedied, or mitigated.*

In particular, proposals should not be inconsistent with other objectives and policies in the District Plan, and show how and the extent to which they will:

- a. protect areas of significant indigenous vegetation and habitats of indigenous fauna including vegetation and habitat sites listed in Appendix 25.1;*
- b. protect the outstanding landscape area as defined in the District Plan Maps;*
- e. maintain and enhance the environmental characteristics of adjoining zones, and the environment of the zone within which the proposal is located, as set out in Policies 14.1.1.2, 14.1.1.3, 14.1.2.1, 15.1.1.1, 16.1.1.1, 16.1.1.3, 16.1.1.4, 16.1.1.5, 16.1.1.6 16.1.1.8, 16.1.1.9, 17.1.1.2, 17.1.1.3 and 17.1.1. 5;*
- g. provide access to and along rivers, open spaces and reserves;*
- o. protect surface water quality and quantity;*
- p. protect wahi taonga;*
- r. avoid adverse effects on significant plants and protect those notable plants listed in Appendix 29.1;*
- x. avoid or mitigate for adverse impacts on the habitat of trout and salmon.*

Methods

- *Investigations of aquatic ecosystems and the ecosystems of their associated river margins.*
- *Investigate environmental standards in the District for the impacts of land use on water bodies.*
- *As a condition on a consent, esplanades can be required along water bodies to provide a buffer to the effects of development.*
- *Controls on the standard of fencing for sites on which goats are kept within two kilometres of, or within, the Outstanding Landscape Area.*
- *Controls on vegetation clearance and earthworks next to water bodies.*