

THIS SECTION HAS RULES THAT HAVE LEGAL EFFECT. PLEASE CHECK THE EPLAN TO SEE WHAT THE LEGAL EFFECT IS OR SUBJECT TO APPEAL.

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

Introduction

The RMA requires the District Plan to provide for the preservation of the natural character of freshwater bodies and their margins, and protection from inappropriate subdivision, use, and development. In order to preserve and restore natural character, freshwater body setbacks are imposed for buildings, structures, impervious surfaces, and non-indigenous vegetation. The planting of freshwater body setbacks with indigenous vegetation is encouraged.

The NPSFM uses the concept of Te Mana o te Wai, that recognises that protecting the health of freshwater protects the health and well-being of the wider environment. As part of Te Mana o te Wai, the NPSFM objectives prioritises the health and well-being of water bodies and freshwater ecosystems, over the health needs of people (such as drinking water), which is over the ability of people and communities to provide for their social, economic, and cultural well-being, for now and in the future.

Most natural freshwater bodies are mapped and those with attributes that form part of the natural character are scheduled. Not all freshwater bodies have been investigated. Those investigated have only been for a limited number of attributes, such as high ecological values, cultural or spiritual values, or are close to their natural state, and only for a limited area. All natural freshwater bodies are important and even if they are not presently scheduled, it does not mean that they do not have natural character values. These will be investigated during the life of the District Plan.

~~The provisions in this chapter have been justified where required by a s77J qualifying matter assessment contained in the relevant section 32 evaluation report under the RMA.~~

~~Rules NATC-R1,R4,R5,R7,R8,R9,R10, and their supporting standards, figures, and tables have immediate legal effect under s86B(3)(d).¹²~~

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter and zone chapters, other District Plan chapters that contain provisions that may also be relevant to natural character of freshwater bodies include:

- Coastal Environment: this chapter contains provisions relating to natural character features identified in the coastal environment in accordance with the NZCPS.
- Earthworks: this chapter contains provisions relating to any earthworks situated within the natural character of scheduled freshwater bodies setbacks.
- Sites and Areas of Significance to Māori: this chapter identifies the cultural values for a number of freshwater bodies that are scheduled in this chapter.
- Natural Hazards: this chapter has provisions that relate to the construction of stopbanks and other hazard mitigation infrastructure within the natural character of scheduled freshwater bodies setbacks.
- Natural Features and Landscapes: this chapter has policy and rules relating to a range of activities along the Waimakariri River and Ashley River/Rakahuri.

¹ V1

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- Ecosystems and Indigenous Biodiversity: this chapter contains provisions that control the clearance of indigenous vegetation across the District.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
NATC-O1	Preservation of natural character The preservation of the natural character of the surface freshwater environment, its wetlands, and lakes and rivers and their margins.
NATC-O2	Restoration of natural character Restoration of the natural character of surface freshwater bodies and their margins where degradation has occurred.
NATC-O3	Use of freshwater body margins The use of wetlands, and lakes and rivers and their margins are managed to preserve their natural character.
Policies	
NATC-P1	Recognising natural character Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of freshwater bodies: <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.
NATC-P2	Identify, map and schedule significant freshwater bodies Continue the identification, mapping, and scheduling of freshwater bodies with one or more recognised natural character attributes, where the following apply: <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 freshwater body, including the ability to undertake customary practices; and 4. importance of the freshwater body to provide access and connections to areas of recreational use.
NATC-P3	Customary harvesting and Ngāi Tūāhuriri values within the freshwater body and their margins Recognise the cultural significance of wetlands, 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.

<p>NATC-P4</p>	<p>Preservation of natural character values Preserve the natural character values of wetlands, and lakes and rivers and their margins, and protect those values by:</p> <ol style="list-style-type: none"> 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.
<p>NATC-P5</p>	<p>Structures within surface freshwater 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.</p>
<p>NATC-P6</p>	<p>New and existing structures within and over freshwater bodies Provide for new structures, and upgrades to existing structures, on the surface of freshwater where:</p> <ol style="list-style-type: none"> 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.

Activity Rules

<p>NATC-R1</p>	<p>Planting of indigenous vegetation</p>	
<p>Scheduled Natural Character Freshwater Bodies Overlay</p>	<p>Activity status: PER This rule has immediate legal effect³⁴</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>NATC-R3</p>	<p>Customary harvesting</p>	

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<p>Scheduled Natural Character Freshwater Bodies Overlay</p>	<p>Activity status: PER</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>NATC-R4 Water intake structure, siphon and ancillary equipment</p>		
<p>Scheduled Natural Character Freshwater Bodies Overlay</p>	<p>Activity status: PER Where: 1. any new water intake structures, siphon or ancillary equipment such as pump sheds, electricity supply and pipework, are authorised or permitted by the Regional Council. This rule has immediate legal effect⁵⁶</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NATC-MD3 - Specified structures within water body setbacks Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified.</p>
<p>NATC-R5 Public amenities</p>		
<p>Scheduled Natural Character Freshwater Bodies Overlay</p>	<p>Activity status: PER Where: 1. any individual building shall have a maximum building footprint of 75m²; 2. the maximum height of any building shall be 5m; 3. the maximum area of any impermeable surface is 10m²; 4. there shall be only one public amenities building per site; and 5. the activity complies with NATC-S1. This rule has immediate legal effect⁷⁸</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NATC-MD2 - Maintaining and enhancing public access NATC-MD4 - Buildings, structures and impervious surfaces within freshwater body setbacks</p>
<p>NATC-R7 Addition to an existing building or structure</p>		
<p>Scheduled Natural Character Freshwater Bodies Overlay</p>	<p>Activity status: PER Where: 1. any building or structure addition has a maximum GFA addition of 10m² in any continuous five year period. This rule has immediate legal effect⁹¹⁰</p>	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NATC-MD2 - Maintaining and enhancing public access NATC-MD4 - Buildings, structures and impervious surfaces within freshwater body setbacks</p>

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NATC-R8 New structures within and over freshwater bodies		
Scheduled Natural Character Freshwater Bodies Overlay	<p>Activity status: RDIS Matters of discretion are restricted to:</p> <p>NATC-MD2 - Maintaining and enhancing public access</p> <p>NATC-MD5 - Structures within and over freshwater bodies</p> <p>This rule has immediate legal effect¹¹</p>	Activity status when compliance not achieved: N/A
<p>Advisory Note</p> <ul style="list-style-type: none"> The provision of flood mitigation works is managed through the Natural Hazards Chapter where located within the freshwater body setback area. 		
NATC-R9 New building or structure		
<i>This rule applies to this activity not provided for in rules NATC-R4 to NATC-R8.</i>		
Scheduled Natural Character Freshwater Bodies Overlay	<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> any individual building shall have a maximum building GFA of 75m²; the maximum height of any building or structure shall be 5m; any new impermeable surface is a maximum of 10m²; and the activity complies with NATC-S1 and NATC-S2. <p>Matters of discretion are restricted to:</p> <p>NATC-MD2 - Maintaining and enhancing public access</p> <p>NATC-MD4 - Buildings, structures and impervious surfaces within freshwater body setbacks</p> <p>This rule has immediate legal effect¹²¹³</p>	Activity status when compliance not achieved: DIS
<p>Advisory Note</p>		

¹¹ Removed as s80H RMA identifying markup

¹² V1

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	<ul style="list-style-type: none"> The provision of flood mitigation works is managed through the Natural Hazards Chapter where located within the freshwater body setback area. 	
NATC-R10	Plantation forestry, woodlot or shelterbelts	
Scheduled Natural Character Freshwater Bodies Overlay	Activity status: NC This rule has immediate legal effect¹⁴¹⁵	Activity status when compliance not achieved: N/A

Activity Standards

NATC-S1 Setback standards for the natural character of freshwater bodies	
1. Activities shall be outside of the setback distance specified in Table NATC-1. This standard has immediate legal effect¹⁶	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: NATC-MD6 - Freshwater body setback assessment
Advisory Notes <ul style="list-style-type: none"> Schedule freshwater bodies are listed in NATC-SCHED; Measured from the bank of rivers and streams or edge of wetlands and lakes of the freshwater bodies as identified in the relevant schedule and shown on the planning map (for measurement interpretation see Figure NATC-1); and Where a site is divided by a zone boundary, each part of the site shall be treated as a separate site. 	

Table NATC-1: Freshwater body setbacks

~~This table and figure has immediate legal effect¹⁷¹⁸~~

Freshwater body classification	Freshwater body setback widths Rural Zones, Open Space and Recreation Zones	Freshwater body setback widths Residential Zones, Industrial Zones, Commercial and Mixed Use Zones, and Special Purpose Zones
NATC-SCHED1	50m	20m
NATC-SCHED2	20m	10m
NATC-SCHED3	10m	5m
UNSCHEDULED	5m	5m

¹⁴ V1

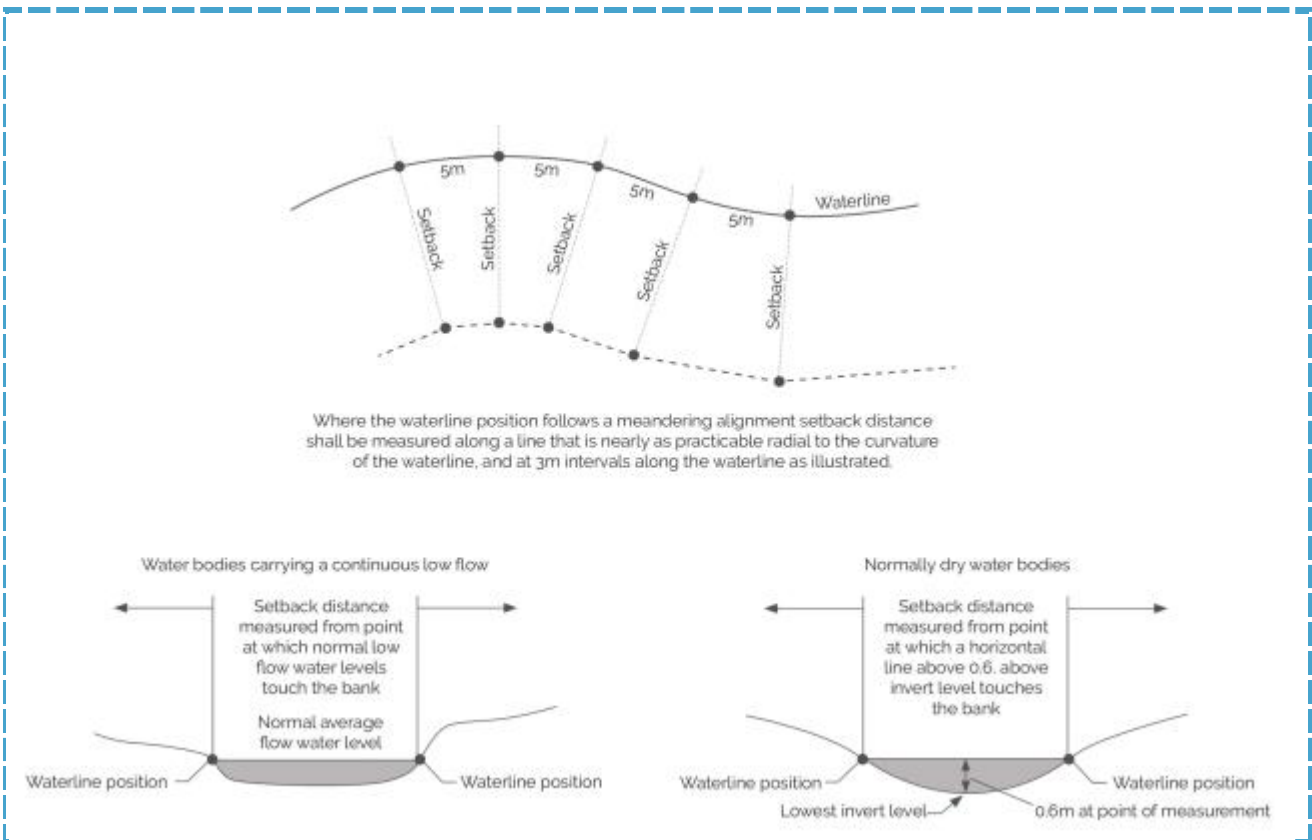
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Figure NATC-1: Interpretation of banks of water bodies



NATC-S2 Building and structure reflectivity

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:

- a. where the materials are not used for a roof cladding, they are of a colour which has a reflectivity value of a maximum of:
 - i. 60% for greyness groups A or B;
 - ii. 40% for greyness group C;
- b. where the materials are used for a roof cladding, they are of a colour which has a reflectivity value of a maximum of 40% for greyness groups A, B or C;

Activity status when compliance not achieved: DIS

Exemptions

- NATC-S2 (1) does not apply to:
 - natural timber as exterior building materials; or
 - windows, window frames, bargeboards, stormwater guttering, downpipes or doors which may be of any colour.

Advice Notes

NATC-AN1	It is advised that applicants consult with Te Ngāi Tūāhuriri Runanga and consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities on sites adjoining water bodies which have cultural, spiritual and/or historic values and interests or associations of importance to Ngāi Tūāhuriri, providing opportunities for Ngāi Tūāhuriri to exercise their customary responsibilities as mana whenua and kaitiaki in respect of riparian margins.
NATC-AN2	The rules do not apply to any artificial water courses, including but not limited to water races or drains, under the control of the District Council, Regional Council or the Crown, ponds and artificial lakes, or within any ephemeral flow path where there is no defined channel.

Matters of Discretion

NATC-MD1	<p>Planting vegetation within freshwater body setbacks</p> <ol style="list-style-type: none"> 1. How the planting of vegetation will affect the natural state of the freshwater body and it's 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	<p>Maintaining and enhancing public access</p> <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	<p>Specified structures within freshwater body setbacks</p> <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	<p>Buildings, structures and impervious surfaces within freshwater body setbacks</p> <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.

	<ol style="list-style-type: none"> 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; and 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. 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.
<p>NATC-MD5</p>	<p>Structures within and over freshwater bodies</p> <ol style="list-style-type: none"> 1. The extent to which 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: <ol 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; and c. any impacts upon īnanga 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 freshwater body. 5. The technical, functional or operational need for the structure to be located within or over the freshwater body. 6. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation.
<p>NATC-MD6</p>	<p>Freshwater body setback assessment</p> <ol style="list-style-type: none"> 1. Reduction in the setback width and any adverse effects on: <ol style="list-style-type: none"> a. the natural state of freshwater body margins; b. freshwater landforms and landscapes, biophysical, geologic and morphological aspects; 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 freshwater 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;

	<p>g. where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation; and</p> <p>h. the experience of the above elements, patterns and processes.</p> <p>2. Any assessment of the natural character of freshwater bodies that undertaken by a suitably qualified and experienced specialist in the various attributes of natural character.</p>
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Schedules

NATC-SCHED - Scheduled freshwater bodies



This schedule has immediate legal effect¹⁹

NATC-SCHED1 (Main branch)	NATC-SCHED2 (Main branch)	NATC-SCHED3 (Main branch)	UNSCHEDULED (Tributaries)
Waimakariri River	Broom Stream and Kingsdown Stream	Whistler River	Any freshwater body not listed in SCHED1, SCHED2 or SCHED3
Ashley River/Rakahuri	Cam/Ruataniwha River	View Hill Stream	
Saltwater Creek (outside coastal environment overlay)	Coopers Creek		
	Eyre/ Waiariki River		
	Kaiapoi River and Courtney Stream		
	Little Ashley Creek		
	Ōkuku River		
	Pines Beach Wetland		
	Silverstream		
	Taranaki Stream		
	Cust River		
	Makerikeri/Makirikiri River		

¹⁹ Removed as s80H RMA identifying markup