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

NATC - Āhuatanga 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 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.
- 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-01	Preservation of natural character The preservation of the natural character of the surface freshwater bodies environment, its including wetlands, and lakes and rivers and their margins. ¹	
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 bodyies and their margins ² The use of wetlands, and lakes and rivers and their margins are managed to preserve their natural character.	
Policies		
NATC-P1	 Recognising natural character³ Recognise the following natural elements, patterns, processes and experiential qualities which contribute to the natural character values of <u>surface</u> freshwater bodies <u>and their</u> <u>margins</u>: 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 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 	
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: they freshwater bodies and their margins have high indigenous species and habitat values, where they support threatened, at risk, or regionally distinct indigenous species; the presence of distinctive geological features, such as fault traces, fossil localities, geoscience and geohistoric values, or represents a unique geomorphic process; cultural, spiritual or heritage associations of Ngāi Tūāhuriri to the freshwater body, including the ability to undertake customary practices; and importance of the freshwater body to provide access and connections to areas of recreational use. 	

¹ Forest and Bird [192.64, 192.65]. Natural Character of Freshwater Bodies s42A report.

 ² Forest and Bird [192.66]. Natural Character of Freshwater Bodies s42A report.
 ³ Forest and Bird [192.67, 414.134]. Natural Character of Freshwater Bodies s42A report.

	5. <u>recreational use associated with the experience of natural character</u> <u>elements, patterns and processes.⁴</u>
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, ⁵ 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: 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; avoiding, minimizing remedying or mitigating, in that order,⁶ indigenous vegetation clearance and modification which affects natural character⁷, including where associated with ground disturbance and the location of structures, near wetlands, and lakes and rivers and their margins; requiring setbacks of activities from wetlands, and lakes and rivers and their margins, including buildings, structures, impervious surfaces, plantation commercial⁶ forestry, woodlots and shelterbelts; and 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 Activities ⁹ 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.
NATC-P6	 New and existing structures within and over freshwater bodies Provide for Consider the provision of¹⁰ new structures, and upgrades to existing structures, on or over¹¹ the surface of freshwater where: public access to, and along, the freshwater body is maintained; the structure has a functional need or operational need to be located on or over¹² the surface of freshwater; the structure does not significantly¹³ compromise the use of the surface of freshwater for existing users;

⁴ Forest and Bird [192.68]. Natural Character of Freshwater Bodies s42A report.

⁵ Dairy Holdings Limited [420.18]. 'Memo to Hearings Panel on Response to Panel Minute 9 (Para 8) on NATC-P3 Wording' [22 September 2023].

⁷ Consequential to Forest and Bird [192.69]

⁸ s44A of RMA. Wrap Up Reply Report.

¹² Transpower [195.78]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

¹³ Transpower [195.78]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

⁶ Forest and Bird [192.69]

⁹ Fulton Hogan [41.53]. Natural Character of Freshwater Bodies and Coastal Environment Reply report. Note the Reply Report incorrectly identifies the title of NATC-P6 for this change.

¹⁰ Forest and Bird [192.70]. Natural Character of Freshwater Bodies and Coastal Environment Reply report. Footnote updated from Reply Report which incorrectly references cl 16, sch 1 RMA.

¹¹ Transpower [195.78]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report. Footnote updated from Reply Report which incorrectly references cl 16, sch 1 RMA.

4. the structure does not disturb have a significant adverse effect on ¹⁴ the habitat of
indigenous species or hinder passage of migratory fish species; 5. the structure avoids to the extent possible ¹⁵ creating new, or exacerbating existing
natural hazards, or river or stream bank erosion; and
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

NATC-R1	Planting of indigenous vegetation	
Scheduled Natural Character Freshwater Bodies Overlay	Activity status: PER	Activity status when compliance not achieved: N/A
NATC-R2	Planting of non-indigenous vegetation	
Scheduled Natural Character Freshwater Bodies Overlay	 Activity status: PER Where: planting is for one of the following purposes: a. erosion or flood control purposes where undertaken by or on behalf of the Regional Council or the District Council or their nominated contractor or agent; a. eros or grass within improved pasture; or b. planting is an agricultural crop or grass within improved pasture; or b. planting is being undertaken as part of a domestic garden; planting excludes all plants listed in the National Pest Plant Accord (reprinted with minor amendments February 2020), the DOC Consolidated List of Environmental Weeds in NZ (May 2008), and all organisms of Interest listed in the Canterbury Regional Pest Management Plan 2018-2038; and 	Activity status when compliance with NATC-R2 (1)(a) to (1)(c) not achieved: RDIS Matters of discretion are restricted to: NATC-MD1 - Planting vegetation within freshwater body setbacks NATC-MD2 - Maintaining and enhancing public access Activity status when compliance with NATC-R2 (2) not achieved: NC Activity status when compliance with NATC-R2 (3) not achieved: as set out in the relevant natural character standard Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.

¹⁴ Transpower [195.78]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report. Footnote updated from Reply Report which incorrectly references cl 16, sch 1 RMA. ¹⁵ Transpower [195.78]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

¹⁶ ECan [316.81]. Natural Hazards Right of Reply Report.

	3. the activity complies with NATC-S1. ¹⁷	
NATC-R3	Customary harvesting	
Scheduled Natural Character Freshwater Bodies Overlay	Activity status: PER	Activity status when compliance not achieved: N/A
NATC-R4	Culverts, weirs, Water intake structures	, siphon <mark>s</mark> and ancillary equipment ¹⁸
Scheduled Natural Character Freshwater Bodies Overlay	Activity status: PER Where: 1. any new <u>culverts, weirs,</u> water intake structures, siphon <u>s</u> or ancillary equipment such as pump sheds, electricity supply and pipework, are authorised or permitted by the Regional Council.	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.
NATC-R5	Public amenities	
Scheduled Natural Character Freshwater Bodies Overlay	 Activity status: PER Where: any individual building shall have a maximum building footprint of 75m²; the maximum height of any building shall be 5m; the maximum area of any impermeable surface is 10m²; there shall be only one public amenities building per site; and the activity complies with NATC-S1. 	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
NATC-R6	New or replacement fences and water troughs This does not apply to stock exclusion fences ¹⁹	
Scheduled Natural Character Freshwater	Activity status: PER Where: 1. the activity does not involve any indigenous vegetation clearance;	Activity status when compliance not achieved NATC-R6(1): RDIS Mattes of discretion are restricted to: ECO-MD2 - Species selected for planting

 ¹⁷ ECan [316.111]. Natural Character of Freshwater Bodies s42A report.
 ¹⁸ Amendments to NATC-R4 - Consequential amendment from Dean and Victoria Caseley [159.2, 159.3]. Natural Character of Freshwater Bodies s42A report.

¹⁹ Dean and Victoria Caseley [159.1]. Natural Character of Freshwater Bodies s42A report.

Bodies Overlay	 2. the activity is more than 5m from the bank of any river or stream, or the edge of a wetland or lake; and 3. the fence is a standard post and rail or wire fence, and is no less than 75% visually transparent. 		Activity status when compliance not achieved NATC-R6 (2) and (3): RDIS Matters of discretion are restricted to: NATC-MD3 - Specified structures within freshwater body setbacks Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.
NATC-R7	Addition to an existing building	or struct	ure
Scheduled Natural Character Freshwater Bodies Overlay	Activity status: PER Where: 1. any building or structure addir a maximum GFA addition of any continuous five year perio	10m ² in	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
NATC-R8	New structures within and over	freshwate	er bodies overlays and setbacks ²⁰
Scheduled Natural Character Freshwater Bodies Overlay	Matters of discretion are restricted to: NATC-MD2 - Maintaining and enhancing public access NATC-MD5 - Structures within and over freshwater bodies Advisory Note	Activity status when compliance not achieved: N/A	
; ; 	• 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		
	This rule applies to this activity not provided for in rules NATC-R4 to NATC-R8.		for in rules NATC-R4 to NATC-R8.
Scheduled Natural Character Freshwater Bodies Overlay			

²⁰ ECan [316.112,316.113], Bellgrove [408.20]. Natural Character of Freshwater Bodies s42A report.

Scheduled Natural Character Freshwater Bodies Overlay	Activity status: NC		Activity status when compliance not achieved: N/A
NATC-R10	The provision of flood mitig Chapter where located with Plantation <u>Commercial²¹</u> forestr	hin the free	
l I I	Advisory Note	otion	a is managed through the Nisture Liezards
	NATC-MD4 - Buildings, structures and impervious surfaces within freshwater body setbacks		
	4. the activity complies with NATC-S1 and NATC-S2. Matters of discretion are restricted to: NATC-MD2 - Maintaining and enhancing public access		

Activity Standards

 <u>shall meet all relevant rule criteria</u> <u>within the overlay.²¹</u> <u>Activities in SCHED2, SCHED3, SCHED4</u> <u>freshwater bodies shall meet all relevant</u> <u>rule criteria within the overlay and</u> <u>additional setback.</u> 	liscretion are restricted to: ID6 - Freshwater body setback assessment
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 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

²¹ s44A of RMA. Wrap Up Reply Report.

²² All changes to NATC-S1 attributed to Dean and Victoria Caseley [159.4]. Natural Character of Freshwater Bodies Reply Report. [Footnote updated from Reply Report which incorrectly references cl 16, sch 1 RMA for these changes.]

• Where a site <u>has more than one zoning the applicable zone setback will apply.</u> is divided by a <u>zone boundary, each part of the site shall be treated as a separate site.</u>

Table NATC-1: Freshwater body setbacks ²³

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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	<u>No additional setback applies</u> within the freshwater overlay in addition to the freshwater overlay 50m	<u>No additional setback applies</u> within the freshwater overlay in addition to the freshwater overlay 20m
NATC-SCHED2	20m <u>measured from the edge of</u> the overlay	10m <u>measured from the edge of</u> <u>the overlay</u>
NATC-SCHED3	10m <u>measured from the edge of</u> <u>the overlay</u>	5m <u>measured from the edge of</u> <u>the overlay</u>
UNSCHEDULED NATC-SCHED4 ²⁴	5m	5m

Figure NATC-1: Interpretation of banks of water bodies²⁵

²³ Consequential Dean and Victoria Caseley [159.4] for all changes to table. Natural Character of Freshwater Bodies Reply Report.

²⁴ Waimakariri District Council [367.44]. Natural Character of Freshwater Bodies s42A report.

²⁵ Dean and Victoria Caseley [159.4]. Including changes to the text in Figure NATC-1. Natural Character of Freshwater Bodies Reply Report.

Sm S	5m Waterline
Where the waterline position follows a meande shall be measured along a line that is nearly as p of the waterline, and at 3m intervals along Water bodies carrying a continuous low flow	practicable radial to the ourvature
Setback distance measured from point at which normal low flow water levels touch the bank Normal average flow water level	Setback distance measured from point at which a horizontal line above 0.6. above wert level togehes the back
Waterline position Waterline position	Waterline position Lowest invert level 0.6m at point of measurement
1. Exterior building materials which, when	Activity status when compliance not achieved:
	Activity status when compliance not achieved DIS
 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:	

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	 Planting vegetation within freshwater body setbacks How the planting of vegetation will affect restore the natural state of the freshwater body and it's its amenity values.²⁶ Changes to biophysical processes such as: loss of shading of the freshwater bodies; loss of detritus inputs into freshwater bodies; increasing risk of erosion and sedimentation; loss of ecological corridor; and fragmentation of indigenous habitats. Effects on Tinanga spawning, and trout and salmon habitat. Effects on cultural and spiritual values and mahinga kai.
NATC-MD2	 Maintaining and enhancing public access 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 Effects on natural character and amenity values. Effects on cultural and spiritual values, and mahinga kai. Effects on indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity. Effects on īnanga spawning, and trout and salmon habitat. 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. The extent to which the location and size of the structure will impede flood waters or restrict navigation. 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

²⁶ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]. Natural Character of Freshwater Bodies s42A report.

	 removal of structures where an esplanade reserve or esplanade strip is to be taken as part of any future subdivision. 8. The manner in which the structure is used to assist in restoration and rehabilitation initiatives.²⁷
NATC-MD4	Buildings, structures and impervious surfaces within freshwater body setbacks 1. Requiring the use of low impact or water sensitive design for buildings and structures.
	 The potential for streambank erosion from stormwater runoff from impervious surfaces.
	 Effects on indigenous vegetation, habitats of indigenous fauna and indigenous biodiversity.
	 Effects on natural character and amenity values, including: 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 incorrection of correction and other measures to reduce the visibility of
	 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. 8. <u>The manner in which the structure, building or impervious surface is used to assist</u> in restoration and rehabilitation initiatives.²⁸
NATC-MD5	 Structures within and over freshwater bodies 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:
	 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.
	 The extent to which the structure would create new, or exacerbate existing flood risk, or stream bank erosion. 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.

²⁷ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]. Natural Character of Freshwater Bodies s42A report. ²⁸ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]

	 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. 7. <u>The manner in which the structure is used to assist in restoration and rehabilitation initiatives.</u>²⁹
NATC-MD6	 Freshwater body setback assessment 1. Reduction in the setback width and any adverse effects on: 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 Ngãi Tūāhuriri, including values associated with traditional and contemporary uses and continuing ability of the freshwater body to support taonga species and mahinga kai activities; g. where Te Ngãi 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 h. the experience of the above elements, patterns and processes. 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.

Schedules

NATC-SCHED - Scheduled freshwater bodies

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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		

²⁹ Consequential from changes to NATC-O1, Forest and Bird [192.64, 192.65]. Natural Character of Freshwater Bodies s42A report.

Ōkuku River	
Pines Beach Wetland	
Silverstream	
Taranaki Stream	
Cust River	
Makerikeri/Makirikiri River	