

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

CE - Te taiao o te takutai moana - Coastal Environment

Introduction

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

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

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

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

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

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to the topic of the coastal environment include:

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

- Sites and Areas of Significance to Māori: this chapter has identified the coastal environment as a Ngā Wai.
- Any other District-wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

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

¹ Forest and Bird [192.84], Federated Farmers [414.158], Department of Conservation [419.115]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

² Forest and Bird [192.85]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

³ Mainpower [249.3]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

	<p>vegetation within identified coastal natural character areas;</p> <p>5. avoiding activities that damage the stability of coastal dune systems; and</p> <p>6. maintaining indigenous biodiversity, <u>where it is not already covered by ECO-P7</u>,⁴ including remnant vegetation and habitats of indigenous species.</p>
CE-P3	<p>Restoration of natural character</p> <p>Enable opportunities to restore and rehabilitate natural character within the coastal environment, such as through the removal of plant and animal pests, supporting initiatives for regeneration of indigenous vegetation and habitats, and providing for the natural regeneration of indigenous vegetation.</p>
CE-P4	<p>Ngāi Tūāhuriri cultural values</p> <p>Protect and maintain the values of Ngāi Tūāhuriri with respect to the coastal environment by:</p> <ol style="list-style-type: none"> 1. recognising and providing for the relationship between mana whenua and sites and areas of the coastal environment with cultural significance; 2. providing for access to the CMA for mahinga kai and other customary activities; 3. providing opportunities for Te Ngāi Tūāhuriri Rūnanga involvement in decision-making in relation to the coastal environment; 4. engaging with Te Ngāi Tūāhuriri Rūnanga where activities in the coastal environment have the potential to adversely affect identified sites and areas of significance to Māori, including any silent file area; and 5. considering the incorporation of mātauranga Māori in the design, development, or operation of activities in the coastal environment, where this will enhance recognition of the cultural and traditional relationship of mana whenua to the coastal environment.
CE-P5	<p>Public access to the Coastal Marine Area</p> <p>Maintain existing and provide for new public access where this does not create adverse effects on:</p> <ol style="list-style-type: none"> 1. indigenous flora and fauna; 2. dunes, estuaries or any water body located in the coastal environment; 3. sites of cultural significance; 4. public health or safety; and <p>the rights of private property owners, where these are significantly compromised.</p>
CE-P6	<p>Activities in the coastal environment</p> <p>Manage activities in the coastal environment by:</p> <ol style="list-style-type: none"> 1. providing for existing activities, or new activities where these do not conflict with natural character values; 2. limiting the further expansion or intensity of <u>plantation-commercial</u>⁵ forestry to preserve natural character values; and 3. ensuring that any new subdivision, use or development: <ol style="list-style-type: none"> a. is set back from the CMA boundary, and any identified coastal natural character area, to preserve natural character values and public access; b. maintains the character and extent of existing settlements near the coastal environment; and c. limits the prominence of built form and avoids creating strong visual contrasts.
CE-P7	<p>Infrastructure in the coastal environment</p> <p><u>Notwithstanding CE-P2</u>, R₁ recognise and provide for the maintenance, upgrade and development of <u>regionally significant</u> infrastructure that has a functional need or</p>

⁴ Forest and Bird [192.87]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

⁵ s44A of RMA. Wrap Up Reply Report.

operational need to be located in the coastal environment, where ~~this does not create~~ adverse effects to the identified coastal natural character areas are minimised⁶.

How to interpret and apply the rules

(1) The rules within the CE Chapter do not apply to energy and infrastructure activities⁷

Activity Rules

CE-R1	Use of motor vehicles	
Jockey Baker Creek - VHNC area Te Kōhanga Wetlands - HNC area Tūtaepatu Lagoon - HNC area Ashley River/ Rakahuri Saltwater Creek Estuary - ONC	Activity status: PER Where: 1. the motor vehicle is used for conservation activities, customary harvesting or is an emergency service vehicle.	Activity status when compliance not achieved: NC
CE-R2	Public amenities	
Coastal Environment Overlay	Activity status: PER Where: 1. any building or structure for public amenities shall be set back a minimum of 20m from any identified coastal natural character area, as listed in CE-SCHED1 or CE-SCHED2; 2. any individual building shall have a maximum building footprint of 75m ² ; and 3. the maximum height of any building shall be 4m; <u>and</u> 4. <u>the use of land for any</u>	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: CE-MD1 - Buildings and structures

⁶ Transpower [195.100, 195.101] (note the Reply report incorrectly identifies the submission point). Natural Character of Freshwater Bodies and Coastal Environment Reply Report. Consequential amendments made through the Joint Witness Statement – Energy and Infrastructure (Integration) [28 November 2023].

⁷ Transpower [195.101] (note the Reply report incorrectly identifies the submission point). Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

	<p><u>walking or cycling path for public amenities is</u></p> <p>a) <u>Limited to 2.5m maximum width;</u> and b) <u>Will comply with CE-S1 standards for bird-breeding periods⁸</u></p>	
<p>Te Kōhanga Wetlands - HNC area Tūtaepatu Lagoon - HNC area</p>	<p>Activity status: RDIS Matters of discretion are restricted to: CE-MD1 - Buildings and structures</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>Jockey Baker Creek - VHNC area Ashley River / Rakahuri Saltwater Creek Estuary - ONC</p>	<p>Activity status: DIS</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>CE-R3</p>	<p>Any building or structure</p>	
	<p><i>This rule does not apply to buildings or structures located in existing Residential Zones that are within 20m of identified coastal natural character areas.</i></p>	
<p>Coastal Environment Overlay</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> any building and/or structure shall be set back a minimum of 20m from any identified coastal natural character area, as shown on the planning map; any individual building shall have a maximum building footprint of 75m²; the maximum height of any building shall be 4m; and the painted exterior building and/or structure materials, which when graded using British Standard 	<p>Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: CE-MD1 - Buildings and structures</p>

⁸ Forest and Bird [192.93]. 'Memo to Hearings Panel on CE-R2 wording in respect of the coastal setbacks issue' [22 September 2023].

	<p>BS5252:1976 Framework for Colour Co-ordination for Building Purposes, meet the following standards:</p> <ul style="list-style-type: none"> a. where the materials are not used for a roof cladding, they are of a colour which has a reflectivity value of no more than: <ul style="list-style-type: none"> i. 60% for greyness groups A or B; ii. 40% for greyness group C. b. where the materials are used for a roof cladding, they are of a colour which has a reflectivity value of no more than 40% for greyness groups A, B or C. 	
<p>Te Kōhanga Wetlands - HNC Tūtaepatu Lagoon - HNC</p>	<p>Activity status: RDIS Matters of discretion are restricted to: CE-MD1 - Buildings and structures</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>Jockey Baker Creek - VHNC area Ashley River / Rakahuri Saltwater Creek Estuary - ONC</p>	<p>Activity status: DIS</p>	<p>Activity status when compliance not achieved: N/A</p>
<p>CE-R4 Plantation <u>Commercial</u>⁹ forestry</p>		
<p>Coastal Environment Overlay</p>	<p>Activity status: PER Where: 1. the activity shall be limited to plantation forestry existing prior to the enactment of the NESPF, that is set back at least 20m from any identified</p>	<p>Activity status when compliance not achieved: NC</p>

⁹ s44A(6) of RMA. Wrap Up Reply Report.

	coastal natural character area, as shown on the planning map. ¹⁰	
Jockey Baker Creek - VHNC Te Kōhanga Wetlands - HNC Tūtaepatu Lagoon - HNC Ashley River/ Rakahuri Saltwater Creek Estuary - ONC	Activity status: NC	Activity status when compliance not achieved: N/A
CE-R5	Construction of a new road	
Coastal Environment Overlay	Activity status: DIS	Activity status when compliance not achieved: N/A
Jockey Baker Creek - VHNC Te Kōhanga Wetlands - HNC Tūtaepatu Lagoon - HNC Ashley River/ Rakahuri Saltwater Creek Estuary - ONC	Activity status: NC	Activity status when compliance not achieved: N/A

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

¹⁰ Rayonier [171.1]. Coastal Environment s42A report and Reply Report.

<p><u>Tūtaepatu Lagoon - HNC</u> <u>Ashley River/ Rakahuri Saltwater Creek Estuary - ONC</u></p>	<p><u>disturb native breeding birds for the following identified species and breeding periods:</u></p> <table border="1" data-bbox="472 309 1034 757"> <tr> <td><u>Wrybill</u></td> <td><u>1 August – 28 February</u></td> </tr> <tr> <td><u>Banded Dotterel – Tuturiwhatu</u></td> <td></td> </tr> <tr> <td><u>Black Fronted Tern – Tarapiroe</u></td> <td></td> </tr> <tr> <td><u>Black Billed Gull – Tarāpuka</u></td> <td></td> </tr> <tr> <td><u>Black Stilt – Kaki</u></td> <td></td> </tr> <tr> <td><u>Pied Stilt – Poaka</u></td> <td></td> </tr> <tr> <td><u>South Island pied oystercatcher – Torea</u></td> <td></td> </tr> </table> <p>2. <u>If breeding birds are found, construction and maintenance activities will cease in that location until breeding season has completed and/or nesting is completed.</u> ¹¹</p>	<u>Wrybill</u>	<u>1 August – 28 February</u>	<u>Banded Dotterel – Tuturiwhatu</u>		<u>Black Fronted Tern – Tarapiroe</u>		<u>Black Billed Gull – Tarāpuka</u>		<u>Black Stilt – Kaki</u>		<u>Pied Stilt – Poaka</u>		<u>South Island pied oystercatcher – Torea</u>		<p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>CE-MD1 Buildings and structures and public amenities</u></p>
<u>Wrybill</u>	<u>1 August – 28 February</u>															
<u>Banded Dotterel – Tuturiwhatu</u>																
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Advice Notes

<p>CE-AN1</p>	<p>The Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Character area <u>and Jockey Baker Creek – Very High Natural Character Area¹² is are</u> located on both the landward side and seaward side of the CMA. Resource consent is required from. The District Council manages for any land use and subdivision activities occurring on the landward side of the CMA. The regional council manages land use activities For activities seaward of the CMA, resource consent must be given from the Regional Council.¹³</p>
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Matters of Discretion

<p>CE-MD1</p>	<p>Buildings and structures <u>and public amenities¹⁴</u></p> <ol style="list-style-type: none"> 1. The extent of indigenous vegetation clearance. 2. Measures to <u>minimise avoid, remedy, and mitigate</u> any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands. 3. The extent to which the proposal will integrate into, and be sympathetic to the landscape, including the scale, form, design and finish (materials) proposed and mitigation measures such as planting. 4. Mitigation measures to minimise the tsunami risk to people and property. 5. The extent to which the proposal would compromise existing public access to the
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¹¹ Forest and Bird [192.93]. 'Memo to Hearings Panel on CE-R2 wording in respect of the coastal setbacks issue' [22 September 2023].

¹² Note the addition of Jockey Baker Creek is not identified with track changes in the CE Reply Report.

¹³ CI 16(2), sch 1, RMA. Coastal Environment s42A report.

¹⁴ Forest and Bird [192.94]. Coastal Environment s42A report.

	<p>CMA.</p> <p>6. The use of natural elements such as landforms and vegetation within the site to mitigate the visibility of the proposal.</p> <p>7. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation.</p> <p>8. <u>Measures to avoid, remedy, and mitigate adverse effects on natural character values.</u>¹⁵;</p> <p>9. <u>Where there is a functional or operational need to locate infrastructure, or carry out maintenance, repair and upgrade of existing critical infrastructure, within the coastal environment</u>¹⁶</p> <p>10. <u>Adverse effects on breeding birds and their habitat, including measures such as stopping works upon discovery of nearby bird nesting sites and setbacks from known bird breeding areas</u>¹⁷.</p>
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Coastal Environment - Schedules

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

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

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

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

¹⁵ Forest and Bird [192.92, 192.93]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

¹⁶ Mainpower [249.6]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

¹⁷ Forest and Bird [192.92]. Memo to Hearings Panel on CE-R2 wording in respect of the coastal setbacks issue' [22 September 2023].

hydrological and geomorphological processes largely intact.

- [The Ashworth Spit contains sand dunes¹⁸](#)

Terrestrial Biotic Systems & Land Cover/Land Use

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

Perceptual/Experiential

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

Additional Comments

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

CE-SCHED2 - High Natural Character and Very High Natural Character Areas in the Coastal Environment

Jockey Baker Creek - Very High Natural Character

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

Natural Character Attributes

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

Additional Comments

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

Tūtaepatu Lagoon - High Natural Character

	Abiotic	Biotic	Experiential
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¹⁸ Forest and Bird [192.95]. Natural Character of Freshwater Bodies and Coastal Environment Reply Report.

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