

COASTAL ENVIRONMENT

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1 Scope of Report

- [1] This Recommendation Report relates to the Coastal Environment chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The Hearing Panel members for the Coastal Environment chapter were:
- Yvette Couch-Lewis
 - Malcolm Lyall
 - Gary Rae (Chair)
 - Andrew Willis
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were:
- Coastal Environment chapter, 2 June 2022, Jon Trewin
 - Coastal Environment chapter, 16 December 2022, Jon Trewin
- [4] The above reports were also informed by technical information provided by Mr James Bentley, landscape expert from Boffa Miskell Limited.
- [5] Prior to the hearing the reporting officer also provided a report entitled 'Officer's Response to Questions from The Hearings Panel'.
- [6] The Hearing Panel's recommended amendments to the notified provisions of the Coastal Environment chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [7] We note that some of the numbering of individual clauses in the rule and rule requirement provisions will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [8] Readers should also note that we have, at their request, amended all references to 'Trustpower' to 'Manawa Energy'.
- [9] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

2 Hearing and Submitters Heard

- [10] A combined hearing was held on the Natural Features and Landscapes and the Coastal Environment chapters with submitters for the CE Chapter being heard on 5 July 2022. The submitters who appeared at the hearing (either in person or via Zoom) are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

Sub #	Submitter	Original	Further
DPR-0032	Christchurch City Council	✓	✓

Sub #	Submitter	Original	Further
DPR-0367	Orion NZ Limited ¹	✓	
DPR-0422	Federated Farmers of NZ - North Canterbury (NCFF)	✓	✓
DPR-0446	Transpower NZ Limited	✓	

[11] Some of the submitters had expert witnesses appear on their behalf. The witnesses we heard from are listed in Appendix 2. Tabled evidence we received is also listed in Appendix 2. Copies of all evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.

[12] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether they were represented by expert witnesses.

3 Sub-topic Recommendations

[13] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.

3.1 Definitions

[14] For the following submitters and their submission points on these provisions we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	060
DPR-0379	Jill Thomson	026
DPR-0427	DoC	018

[15] The request by HortNZ for a separate definition for 'Ancillary Rural Earthworks' has been addressed through the report of the Panel on the Earthworks chapter, and we note that the submitter did not appear to present further evidence on this at the Coastal Environment hearing. We agree there is no need for a definition of 'Coastal Environment' as requested by DoC's submission, and we heard no evidence to counter that.

[16] We agree that an amended definition of 'hapua' is appropriate and responds to the submission point of Jill Thomson and this change does not require a s32AA evaluation.

3.2 General Submissions on the Coastal Environment chapter

[17] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	088
DPR-0358	RWRL	415
DPR-0363	IRHL	435
DPR-0374	RIHL	481
DPR-0384	RIDL	514
DPR-0422	NCFF	217

¹ Commissioner Lyall recused himself from considering and deliberating on Orion's submissions due to a conflict of interest

Sub #	Submitter	Submission Points
DPR-0427	DoC	070

- [18] We agree that it is not appropriate to preclude limited or public notification for controlled and restricted discretionary activities on a chapter wide basis. The RMA contains a specific process for determining notification on a case-by-case basis and in our view that statutory process should only be circumvented where there is absolute certainty that potential adverse effects will not affect any other party. Having made this finding, we assess requests for non-notification for individual rules on their merits but in this case concur with the officer that they are not appropriate in such a broad fashion, and unsubstantiated by evidence, across all rules in this chapter.
- [19] We generally accept the points made in submission by ESAI and NCCF regarding the description in the Overview of 'intensive farming' being inappropriate and favour the amendment requested by ESAI, as supported by the Section 42A Report author. The minor change in wording does not require a s32AA evaluation.

3.3 Objectives

3.3.1 CE-O1

- [20] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which supported CE-O1 as notified and requested no amendments.

Sub #	Submitter	Submission Points
DPR-0260	CRC	134
DPR-0353	Hort NZ	197
DPR-0422	NCCF	218
DPR-0427	DoC	064
DPR-0446	Transpower	111

3.3.2 CE-O2

- [21] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which supported CE-O2 as notified and requested no amendments.

Sub #	Submitter	Submission Points
DPR-0260	CRC	135
DPR-0427	DoC	065

3.4 Policies

3.4.1 CE-P1

- [22] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which supported CE-P1 as notified and requested no amendments.

Sub #	Submitter	Submission Points
DPR-0353	Hort NZ	200

Sub #	Submitter	Submission Points
DPR-0367	Orion ²	033
DPR-0422	NCFF	219

3.4.2 CE-P2

- [23] For the following submitters and their submission points we generally agree with the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0260	CRC	136
DPR-0427	DoC	066

- [24] This results in a minor amendment in order to give effect to NZCPS Policy 13 and the requirement to preserve and protect natural character. A change is also required consequential to our recommended restructuring of the policy framework to give effect to new Policy CE-P8 for National Grid infrastructure (see section 3.4.3 of this Decision Report).
- [25] These minor changes requires no s32AA evaluation.

3.4.3 CE-P3

- [26] For the following submitters and their submission points we agree with the recommendations of the Section 42A Report author, including in the Reply Report.

Sub #	Submitter	Submission Points
DPR-0260	CRC	138
DPR-0353	Hort NZ	196
DPR-0367	Orion ³	034
DPR-0407	Forest & Bird	056
DPR-0427	DoC	067
DPR-0446	Transpower	112

- [27] Transpower's submission point was to exempt activities associated with the National Grid from CE-P3. In its place the submitter proposed a new policy specific to the National Grid, which is to 'seek to avoid' adverse effects on outstanding natural character and avoid, remedy, or mitigate effects on other values in the coastal environment. We heard reasons in support of that submission by Ms McLeod, consultant planner for Transpower. The main thrust of her evidence was to ensure the provisions will give effect to the NPS-ET.
- [28] The Section 42A Report accepted there is a need for a new policy to better reflect the intent of the PDP to provide for important infrastructure whilst ensuring appropriate safeguards to assess the potential adverse effects of this activity. The changes recommended by the officer at that time were to delete clause 'a' from CE-P3 and insert a new policy CE-P8 that mirrored parts EI-P2 in the Energy and Infrastructure chapter including the operational or functional requirements of that infrastructure to locate in outstanding natural landscapes.
- [29] Following the presentation of evidence at the hearing by Ms McLeod, the officer in the Reply Report retained the recommendation to amend CE-P3, but also then recommended a

² Commissioner Lyall recused himself from considering and deliberating on Orion's submissions due to a conflict of interest

³ As above

restructuring and amended wording for the new policy CE-P8. This was to maintain consistency with the recommendations in the Reply Reports for the ECO and NFL chapters to rely upon EI-P2 for consideration of the effects of development of important infrastructure. The recommended changes to EI-P2 would then effectively exempt the effects of important infrastructure on the identified natural character values described in CE-SCHED2 and 3 of the CE chapter, and those effects would be managed by the EI chapter.

- [30] However, the Reply Report also recommended some changes would be required to EI-P2 in order to further address the tensions between higher order documents (i.e. the NZCPS, NPS-ET and CRPS). The Reply Report noted that the NZCPS requires the avoidance of adverse effects on outstanding natural character and outstanding natural landscapes and features in the coastal environment and this has been interpreted in strict terms through previous court decisions. However, the NPS-ET creates tension by requiring an enabling approach to electricity transmission infrastructure, principally outside of the coastal environment. Ms McLeod's evidence also acknowledged this tension. We accept it is the role of the PDP to provide a framework for decision makers to be able to reconcile these higher order documents when assessing proposals for important infrastructure in the Coastal Environment.
- [31] In considering the evidence on this, we do not consider it is appropriate, in the Coastal Environment in particular, to defer the consideration of effects of important infrastructure to the EI Chapter where in terms of EI-P2 there is a 'minimise effects' approach. We are conscious of the very clear direction provided by the NZCPS, in particular, to avoid adverse effects on natural character and outstanding natural landscapes and features in the coastal environment. It is however necessary to give effect to the NPS-ET which enables electricity transmission infrastructure including in the Coastal Environment.
- [32] Accordingly, we consider the appropriate response is to:
- amend CE-P3 to delete the reference to enabling activities and development where they have an operational or functional need to locate in these areas (as recommended by the Section 42A Report author and as supported by Ms McLeod and by the submitter Department of Conservation);
 - amend CE-P3, CE-P4, and CE-P5 to exclude National Grid infrastructure from those policies;
 - include new CE-P8 exclusively for National Grid infrastructure which has a 'seek to avoid' approach, consistent with the NPS-ET, in relation to Outstanding Natural Landscapes, areas of Outstanding, High and Very High Natural Character, and areas of significant indigenous vegetation and habitats of indigenous fauna; and
 - include within new CE-P8 what we understand from Ms McLeod's evidence are some of the relevant considerations for interpreting the 'seek to avoid' language when assessing proposals for National Grid (and also as recommended in the Section 42A Report).
- [33] Structural amendments are also required to be made to CE-P2, CE-P3, CE-P4, and CE-P5 in order to make this amended policy framework work.
- [34] We consider this is an appropriate response to resolving the tension between these higher level documents and will maintain consistency in the general approach with our recommendations on the EI and NFL chapters. Whilst the National Grid activities have been

given special attention (as required by the NPS-ET) we still consider a high bar has been set for these activities to locate in the Coastal Environment.

- [35] We note also that DoC's submission point was to delete clause 1(a) from CE-P3. Whilst our recommendation is to delete that clause it also includes a new policy (CE-P8) that relates only to the National Grid infrastructure, and so this may be considered to grant partial relief to this submitter.
- [36] In terms of s32AA, we adopt the evaluation in Section 5 of the Reply Report in terms of the general direction we have taken in providing an appropriate policy framework for reconciling potentially conflicting policy direction in higher order documents.

3.4.4 CE-P4

- [37] For the following submitters and their submission points we agree with the recommendations of the Section 42A Report author, including in the Reply Report, which results in no amendment to CE-P4.

Sub #	Submitter	Submission Points
DPR-0260	CRC	137
DPR-0427	DoC	034
DPR-0446	Transpower	113

- [38] A change is also required consequential to our recommended restructuring of the policy framework to give effect to new Policy CE-P8 for National Grid infrastructure (see section 3.4.3 of this Recommendation Report). Therefore our recommendation is to 'accept in part' the CRC and the DoC submission points which were to retain CE-P4 as notified.

3.4.5 CE-P5

- [39] For the following submitters and their submission points we agree with the recommendations of the Section 42A Report author, including in the Reply Report.

Sub #	Submitter	Submission Points
DPR-0260	CRC	139
DPR-0446	Transpower	121

- [40] We note the recommendation of the ECO Hearings Panel was to amend ECO-R1 to give effect to CRC's relief, which would have the effect that the ECO rules apply to all Significant Natural Areas as defined, not just those listed in ECO-SCHED4. Consistent with that, we agree that an amendment is required to be made to CE-P5.1, which is essentially a consequential amendment.

3.4.6 CE-P6

- [41] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which results in one minor amendment to CE-P6 in response to DoC's submission point, to include reference to enhancement of natural character values.

Sub #	Submitter	Submission Points
DPR-0260	CRC	140
DPR-0427	DoC	069

3.4.7 CE-P7

- [42] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author, which supported CE-P7 as notified and requested no amendments.

Sub #	Submitter	Submission Points
DPR-0260	CRC	141

3.4.8 Proposed New Policy

- [43] For the following submitter and their submission point we generally agree with the recommendations of the Section 42A Report author, including in the Reply Report, with respect to acceptance in part for the following submission point.

Sub #	Submitter	Submission Points
DPR-0446	Transpower	123

- [44] However we have recommended some amendments to the Reply Report's recommended wording for the new policy, as explained under CE-P3 above, as part of a package of changes to the CE chapter provisions with respect to the National Grid.

3.5 Rules**3.5.1 CE-R1 Mahinga Kai**

- [45] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which supported CE-R1 as notified and requested no amendments.

Sub #	Submitter	Submission Points
DPR-0422	NCFE	220
DPR-0427	DoC	139

3.5.2 CE-R2 Plantation Forestry, Horticultural Planting, Woodlot, Shelterbelt Activity

- [46] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that this results in a minor change to the notified provision. Some additional comment is provided below.

Sub #	Submitter	Submission Points
DPR-0032	CCC	026
DPR-0212	ESAI	089
DPR-0353	Hort NZ	198
DPR-0422	NCFE	221
DPR-0427	DoC	071
DPR-0439	Rayonier	011

- [47] As described in the Section 42A Report, the PDP takes a graduated approach to managing natural character in the coastal environment, recognising the direction in the NZCPS. In that regard, plantings proposed in outstanding natural character or the highly important Te Waihora/Lake Ellesmere High Natural Character area are a non-complying activity, and in areas of very high natural character a discretionary activity. For all other areas within the

coastal environment, the rule mandates a restricted discretionary activity. We agree that in general this is appropriate, and that the inclusion of plantation forestry in the rule is also consistent with the NES-PF which allows district plans to be more stringent where the matter relates to Policy 13 of the NZCPS.

[48] However, in the Reply Report, the officer advised that:

*“Based on Mr Bentley’s advice, I therefore agree with ESAI that restrictions on horticultural plantings and shelterbelts can be lifted and become permitted activities in the CE Overlay, with the exception of areas that are identified as having high, very high or outstanding natural character values. These areas are subject to higher levels of protection under the NZCPS, are largely unmodified or have a limited amount of modification, and horticultural planting and shelterbelts should be restricted in these generally uncultivated areas”.*⁴

[49] We consider the amendments recommended to CE-R2 in the Reply Report, as based on Mr Bentley’s expert advice, are an appropriate response to the submissions of ESAI and NCFF.

[50] In terms of s32AA, we adopt the evaluation in the Section 5 of the Reply Report.

3.5.3 CE-R3 Buildings and Structures

[51] For the following submitters and their submission points we generally agree with the recommendations and reasons of the Section 42A Report author, but do not consider a change to CE-R3 is required. Some additional comment is provided below.

Sub #	Submitter	Submission Points
DPR-0032	CCC	039- 041
DPR-0207	SDC	039, 040
DPR-0367	Orion ⁵	035
DPR-0422	NCFF	222
DPR-0427	DoC	074, 075
DPR-0446	Transpower	124

[52] We accept the changes recommended to be made to CE-R3 to address the submission points made by SDC.

[53] We also agree that the definition of ‘ancillary structure’ includes poles up to a height of 8m and 1m in diameter which is permitted under CE-R3.4 and that this would apply to Orion’s infrastructure. Therefore, we see no need to make a change to exempt network utility poles from CE-R3.4.

[54] In the Reply Report, attention was drawn to Transpower having proposed amendments to EI-REQ5 and EI-REQ12 to resolve any inconsistencies along similar lines to that proposed for ONL and VAL by the submitter. The officer agreed with the principle that the National Grid (and important infrastructure in general) be a discretionary activity rather than a non-complying activity, but that in areas of Outstanding Natural Character (and Outstanding Natural Landscapes) in the Coastal Environment, a non-complying activity status is more compliant with the direction in NZCPS Policy 13 and 15. We consider this is appropriate and it would then be for (new) CE-P8 and CE-P8A to provide an appropriate policy framework, reconciling the

⁴ Reply Report, paragraph 2.8 (based on discussion in paragraph 2.7).

⁵ Commissioner Lyall recused himself from considering and deliberating on Orion’s submissions due to a conflict of interest

NP-SET and the NZCPS. We accept that scope for these changes comes primarily from Transpower's relief seeking a discretionary activity at most for activities associated with the National Grid and changes to CE-P3 in the CE Chapter. ESAI have also, through general submission point (DPR-0212:056), sought that there is a rationalisation of provisions and maps particularly in the area around Lake Ellesmere/Te Waihora and the mouths of the Rakaia and Selwyn Rivers.

- [55] In terms of s32AA of the RMA, we adopt the author's evaluation contained in the Section 42A Report and in the Reply Report.

3.5.4 CE-R4 Mineral Extraction

- [56] For the following submitter and their submission point which supported CE-R4 as notified, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0032	CCC	042

3.5.5 CE-R5 Earthworks

- [57] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report.

Sub #	Submitter	Submission Points
DPR-0032	CCC	043
DPR-0212	ESAI	090 - 092
DPR-0260	CRC	142
DPR-0353	Hort NZ	199
DPR-0422	NCFF	223, 224
DPR-0427	DoC	077, 078

- [58] The Reply Report noted that whilst not addressed in the Section 42A Report, Kāinga Ora, in general relief sought across the PDP, had requested that all of the earthworks provisions are consolidated into the Earthworks chapter to give effect to the National Planning Standards. In response, the recommendation, which we accept, was to locate the rule triggers in the same chapter (i.e. the Earthworks chapter) with appropriate cross referencing to a rule requirement located in the CE chapter. This would be more compliant with the National Planning Standards.
- [59] The evidence from the Section 42A Report author, and from statements from ESAI and NCFF were that some allowance should also be made for earthworks required for underground infrastructure consisting of pipes, cables and drains associated with farming which are not classed as network utilities.
- [60] We also concur with the deletion of prohibited activity status (and replacement with NC status) for the earthworks standard in CE-R5.8 for earthworks within 10 metres of the bed of Te Waihora/Lake Ellesmere for the reasons stated in the Section 42A Report.
- [61] In terms of s32AA of the RMA, we adopt the author's evaluation contained in the Section 42A Report.

3.5.6 SUB-R25 Subdivision and the Coastal Environment

- [62] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	085 - 087
DPR-0260	CRC	128
DPR-0414	Kāinga Ora	119
DPR-0422	NCFF	214

- [63] We consider the Section 42A Report author's response to submission points by ESAI and NCFF, regarding subdivision in the coastal environment, is appropriate.
- [64] This will result in SUB-R25 being amended to delete the discretionary activity status for subdivision in the coastal environment outside of mapped natural character (reverting to the underlying zoning activity status, unless another more restrictive overlay applies) and subdivision in the mapped natural character overlay being amended from non-complying to a discretionary activity status.
- [65] In terms of s32AA of the RMA, we adopt the author's evaluation contained in the Section 42A Report.

3.6 Rule Requirements

3.6.1 CE-REQ3 Building Coverage by Buildings and Structures

- [66] For the following submitters and their submission points we generally agree with the recommendations and reasons of the Section 42A Report author, including in the Reply Report, however we do not consider changes are required to CE-REQ3.

Sub #	Submitter	Submission Points
DPR-0212	ESAI	093
DPR-0422	NCFF	225

- [67] We agree with the officer's interpretation of the rule. That is,

"If the building is in the Coastal Environment then the building coverage rules of the Coastal Environment Overlay will apply (taking into account the site area covered by the overlay) and if the building is outside of the overlay then the building coverage requirements of the underlying zone apply (GRUZ or MPZ) taking into account the whole site area."

- [68] We consider this does not require an extensive explanation in the rule, as it is self-evident.

3.7 Schedules

3.7.1 CE-SCHED1 Coastal Environment Qualities and Values

- [69] For the following submitters and their submission points, which supported CE-SCHED1 and requested no changes, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0032	CCC	024

Sub #	Submitter	Submission Points
DPR-0427	DoC	079

3.7.2 *CE-SCHED2 Outstanding Natural Character Areas – Natural Character Qualities and Values*

- [70] For the following submitter and their submission point, which supported CE-SCHED2 as notified and requested no changes, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0427	DoC	080

3.7.3 *CE-SCHED3 High and Very High Natural Character Areas – Natural Character Qualities and Values*

- [71] For the following submitters and their submission points, which supported CE-SCHED3 as notified and requested no changes, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0032	CCC	025
DPR-0427	DoC	081

3.7.4 *CE-SCHED4 Coastal Environment Indigenous Vegetation Areas, Habitat and Taxa*

- [72] For the following submitter and their submission point, which supported CE-SCHED4 as notified and requested no changes, we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0427	DoC	082

4 Other Matters

- [73] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:

- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
- the Hearing Panels considering rezoning requests, and
- the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP

- [74] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair⁶ and Deputy Chair⁷ of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.

⁶ Who is also the Chair of the IHP.

⁷ Who chaired one stream of hearings.

- [75] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.
- [76] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.

Appendix 1: Recommended Amendments

Note to readers: Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

Amendments to the PDP Text

Part 1 – Introduction and General Provisions

Interpretation

Definitions	
HAPUA	A shallow lake <u>located in the coastal environment</u> at the termination of a river, separated from the sea by a bank of sand or shingle and includes coastal lakes which may be in the coastal marine area. ⁸

Part 2 – District Wide Matters

General District Wide Matters

CE – Coastal Environment

CE-Overview
<p>....</p> <p>To the south-west of Te Waihora/Lake Ellesmere is Coopers Lagoon/Muriwai, a coastal lagoon with significant wetlands that provide important habitat for indigenous fauna. Further to the south-west is the Rakaia River mouth and its associated hapua-type lagoon which also provides important bird habitat. The Rakaia Huts is a small settlement located close to the southern bank of the Rakaia Lagoon, used for holidaying with some permanently occupied residential units. Generally, the hinterland is highly modified and intensive farming activities⁹ often extends close to the edge of the backshore.....</p>

⁸ DPR-0379.026 Jill Thomson

⁹ DPR-0212.088 ESAI

CE-Objectives and Policies

CE-Policies	
CE-P2	<p>Preserve <u>and protect</u>¹⁰ the natural character qualities and values of areas within the terrestrial part of the coastal environment that have:</p> <ol style="list-style-type: none"> 1. outstanding natural character as described in Appendix CE-SCHED2; 2. high and very high natural character as described in CE-SCHED3; and 3. other areas with natural character; <p><u>by managing the adverse effects of activities in accordance with CE-P3 to CE-P9.</u>¹¹</p>
CE-P3	<p><u>For all activities and structures other than National Grid infrastructure:</u>¹²</p> <ol style="list-style-type: none"> 1. Avoid adverse effects of activities on natural character in areas of Selwyn's coastal environment that have been identified as having outstanding natural character as described in CE-SCHED2. including by: <ol style="list-style-type: none"> a. only enabling activities and development in areas with outstanding natural character that have an operational or functional need to locate in these areas; or have a public benefit and are small in scale; and¹³ 2. Avoid significant adverse effects and manage other adverse effects of activities on natural character in all other areas of Selwyn's coastal environment; including by: <p>...</p> <ol style="list-style-type: none"> d. retaining and enhancing areas of indigenous vegetation <u>and habitats of indigenous fauna</u>;¹⁴ <p>...</p>
CE-P4	<p><u>For all activities and structures other than National Grid infrastructure:</u>¹⁵</p> <p>Avoid the clearance of indigenous vegetation within those areas, habitats and taxa listed in CE-SCHED4.</p>
CE-P5	<p><u>For all activities and structures other than National Grid infrastructure:</u>¹⁶</p> <p>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <ol style="list-style-type: none"> 1. Significant Natural Areas identified on the Planning Maps and listed in ECO SCHED4¹⁷ that are outside of areas, habitats and taxa listed in CE-SCHED4. <p>....</p>

¹⁰ DPR-0427.066 DoC

¹¹ Consequential to amendments made as result of DPR-0446.112 Transpower and DPR-0427.067 DoC

¹² Consequential to amendments made as result of DPR-0446.112 Transpower and DPR-0427.067 DoC

¹³ DPR-0446.112 Transpower and DPR-0427.067 DoC

¹⁴ DPR-0407.056 Forest and Bird

¹⁵ Consequential to amendments made as result of DPR-0446.113 Transpower and DPR-0427.067 DoC

¹⁶ Consequential to amendments made as result of DPR-0446.121 Transpower and DPR-0427.067 DoC

¹⁷ DPR-0260.139 CRC

CE-P6	Enable opportunities to restore, and rehabilitate and enhance natural character. ¹⁸
CE-P8	For National Grid infrastructure, seek to avoid adverse effects on Outstanding Natural Landscapes, areas of Outstanding, High and Very High Natural Character ¹⁹ ; and areas of significant indigenous vegetation and habitats of indigenous fauna ²⁰ including by considering: <ol style="list-style-type: none"> 1. <u>the operational or functional requirements for the location proposed;</u> 2. <u>whether the site, route or method selection minimises adverse effects on natural character; and</u> 3. <u>the adequacy of the design measures and management methods to mitigate adverse effects on natural character.</u>²¹
CE-P9	Enable activities that have a public benefit and are small in scale. ²²

CE-Rules

CE-R2	Plantation Forestry, Horticultural Planting, Woodlot, Shelterbelt Activity	
Coastal Environment Overlay	<p>Activity status: PER</p> <p><u>1.A The establishment of a new, or expansion of an existing horticultural planting or shelterbelt</u></p> <p>Where:</p> <p>a. <u>it is not located in an area with Outstanding Natural Character or the Te Waihora/Lake Ellesmere High Natural Character;</u></p> <p>b. <u>it is not located in an area with Very High Natural Character; or</u></p> <p>c. <u>it is not located in an area with High Natural Character.</u>²³</p>	<p>Activity status when compliance not achieved:</p> <p>4B. When compliance with CE-R12.A.a and CE-R2.11 is not achieved NC.</p> <p>5C. When compliance with CE-R12.B.b and CE-R2.12 is not achieved: DIS</p> <p>6D. When compliance with CE-R12.C.c is not achieved: RDIS</p> <p>Matters for discretion :</p> <p>7E. The exercise of discretion in relation to CE-R12.D6 is restricted to the following matters:</p> <p>a. <u>CE-MAT1 Plantation Forestry, Horticultural Planting, Woodlots and Shelterbelts.</u></p> <p>3. When compliance with CE-R2.1a is not achieved: NC</p> <p>4. When compliance with CE-R2.1b is not achieved: DIS²⁴</p>
Coastal Environment Overlay	Activity status: RDIS	<p>Activity status when compliance not achieved:</p> <p>3 When compliance with CE-R2.1.a is not achieved NC.</p> <p>4. When compliance with CE-R2.1.b is not achieved: DIS</p>

¹⁸ DPR-0427.069 DoC¹⁹ DPR-0446.112 Transpower, also Chorus DPR-0101.006 from the EI Chapter.²⁰ DPR-0427.067 DoC and DPR-0446.123 Transpower²¹ DPR-0427.067 DoC and DPR-0446.123 Transpower²² DPR-0427.067 DoC²³ DPR-0212.089 ESAI²⁴ DPR-0212.089 ESAI

	<p>1. The establishment of a new, or expansion of an existing plantation forest or woodlot²⁵ Plantation Forestry, Horticultural planting, Woodlots, Shelterbelts²⁶</p> <p>Where:</p> <ul style="list-style-type: none"> a. it is not located in an area with Outstanding Natural Character or the Te Waihora/Lake Ellesmere High Natural Character; or b. it is not located in an area with Very High Natural Character. <p>Matters for discretion:</p> <p>2. The exercise of discretion in relation to CE-R2.1. is restricted to the following matters:</p> <ul style="list-style-type: none"> a. CE-MAT1 Plantation Forestry, Horticultural Planting, Woodlots and Shelterbelts 	
CE-R3	Buildings and Structures	
Coastal Environment Overlay	<p>Activity status: PER</p> <p>1. Public Amenity-building²⁷</p> <p>Where:</p> <p>...</p>	...
Coastal Environment Overlay	<p>Activity status: PER</p> <p>4. Ancillary structures</p> <p>Where:</p> <ul style="list-style-type: none"> a. the ancillary structure is not located in the Te Waihora/Lake Ellesmere High Natural Character area. <p>And this activity complies with the following rule requirements:</p> <p>...</p>	...
Coastal Environment Overlay	Activity status: PER	...

²⁵ DPR-0212.089 ESAI

²⁶ DPR-0439.011 Rayonier

²⁷ DPR-0207.039 SDC

	<p>7. Building and/or structures, other than Public Amenity buildings²⁸ and ancillary structures,²⁹</p> <p>Where:</p> <p>...</p>	
CE-R5³⁰	Earthworks	
Coastal Environment Overlay	<p>Activity status: PER</p> <p>1. Earthworks</p> <p>-</p> <p>Where:</p> <p>2. The earthworks are outside of Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</p> <p>a. are for the purpose of maintenance and repair of existing, fence lines, roads or tracks; or</p> <p>b. are for the purpose of installation of underground and ancillary structures; or</p> <p>c. any fill, excavation or removal is no more than:</p> <p>i. 250m² per hectare; and</p> <p>ii. 250m² per hectare</p> <p>-</p> <p>3. The earthworks are in Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</p> <p>a. are not in the Te Waihora/Lake Ellesmere High Natural Character area, other than earthworks subject to CE-R5.4; or</p> <p>b. are for the purpose of maintenance and repair of existing, fence lines, roads or tracks; or</p> <p>c. are for the purpose of installation of underground and ancillary structures, excluding access roads; or</p> <p>d. any fill, excavation or removal is no more than:</p> <p>i. 100m² per hectare; and</p> <p>ii. 100m² per hectare</p>	<p>Activity status when compliance not achieved:</p> <p>5. When compliance with CE-R5.2.a., CE-R5.2.b. and CE-R5.2.c. is not achieved: DIS.</p> <p>6. When compliance with CE-R5.3.a., CE-R5.3.b., CE-R5.3.c., CE-R5.3.d. and CE-R5.4.a. is not achieved: NC, except earthworks subject to CE-R5.7</p>

²⁸ DPR-0207.039 SDC consequential

²⁹ DPR-0207.040 SDC

³⁰ To give effect to relief in Kainga Ora's submission (no submission point number). Moved to a rule requirement.

	<p>4 The earthworks are in the Te Waihora/Lake Ellesmere High Natural Character area; and</p> <p>a. are carried out by or under the supervision of the Council or Canterbury Regional Council for the opening and closing of Te Waihora/Lake Ellesmere to maintain lake levels.</p>	
Coastal Environment Overlay	<p>Activity status: NC</p> <p>7. Earthworks, other than earthworks subject to CE-R5.4</p> <p>-</p> <p>Where:</p> <p>The earthworks are within 10 metres of the bed of Te Waihora/Lake Ellesmere and below 1.2 metres above the 1937 Lyttelton vertical datum, and where it is for the following purposes:</p> <p>a. polderisation for fish farming or for research into fisheries;</p> <p>b. stopbanks or drains that existed on 27 June 1986; and</p> <p>c. earthworks associated with the maintenance of outlets of rivers, streams, drains and stopbanks that existed on 27 June 1986.</p>	<p>Activity status when compliance not achieved:</p> <p>8. When compliance with CE R5.7 is not achieved: PR³¹</p>

CE-Rule Requirements

CE-REQ3	Building coverage by buildings and structures	
Coastal Environment Overlay	<p>1 The maximum area of a site that can be covered by buildings or structures is:</p> <p>a. 500m² for every 20 ha of site area or a maximum of 2,000m² per property (whichever is the lesser), except in areas with High Natural Character.</p> <p>b. 300m² for every 20 ha of site area, or a maximum of 2,000m² per property, (whichever is the lesser) in areas with High Natural Character excluding the Te Waihora / Lake Ellesmere High Natural Character Area.</p>	...
CE-REQ5	<u>Earthworks</u>³²	
Coastal Environment Overlay	<p><u>1 The earthworks are outside of Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</u></p>	<u>Activity status when compliance not achieved:</u>

³¹ DPR-0212.092 ESAI and DPR-0422.224 NCFF

³² To give effect to relief in Kainga Ora's submission (no submission point number). Moved to a rule requirement.

	<ul style="list-style-type: none"> a. <u>are for the purpose of maintenance and repair of existing underground infrastructure, drains, fence lines, roads or tracks; or</u> b. <u>are for the purpose of installation of underground infrastructure,³³ and ancillary structures; or</u> c. <u>any fill, excavation or removal is no more than:</u> <ul style="list-style-type: none"> i. <u>250m³ per hectare; and</u> ii. <u>250m² per hectare</u> 	<u>2. When compliance with CE-REQ5.1.a, CE-REQ5.1.b and CE-REQ5.1.c is not achieved: DIS.</u>
<u>Coastal Environment Overlay</u>	<p><u>2 The earthworks are in Outstanding Natural Character, Very High Natural Character and High Natural Character areas; and</u></p> <ul style="list-style-type: none"> a. <u>are not in the Te Waihora/Lake Ellesmere High Natural Character area, other than earthworks subject to CE-R5.4; or</u> b. <u>are for the purpose of maintenance and repair of existing underground infrastructure, drains, fence lines, roads or tracks, or</u> c. <u>are for the purpose of installation of underground infrastructure³⁴ and ancillary structures, excluding access roads; or</u> d. <u>any fill, excavation or removal is no more than:</u> <ul style="list-style-type: none"> i. <u>100m³ per hectare; and</u> ii. <u>100m² per hectare</u> 	<p><u>Activity status when compliance not achieved:</u></p> <p><u>4. When compliance with CE-REQ5.3.a, CE-REQ5.3.b, CE-REQ5.3.c and CE-REQ5.3.d is not achieved: NC</u></p>
<u>Coastal Environment Overlay</u>	<p><u>3 The earthworks are in the Te Waihora/Lake Ellesmere High Natural Character area; and</u></p> <ul style="list-style-type: none"> a. <u>are carried out by or under the supervision of the Council or Canterbury Regional Council for the opening and closing of Te Waihora/Lake Ellesmere to maintain lake levels.</u> 	<p><u>Activity status when compliance not achieved:</u></p> <p><u>6. When compliance with CE-REQ5.5.a is not achieved: NC³⁵</u></p>

SUB – Subdivision

SUB-Rules

SUB-R25	Subdivision and the Coastal Environment	
<u>Coastal Environment Overlay</u>	<p><u>Activity Status: DIS</u></p> <p><u>1. Subdivision within: the General Rural Zone. This rule does not apply to any subdivision under SUB-R15.</u></p>	<p><u>Activity status when compliance not achieved:</u></p> <p><u>3. When compliance with any of SUB-R25.1. or SUB-R25.2. is not achieved: NC</u></p> <p><u>N/A³⁶</u></p>

³³ DPR-0212.090 and 091 ESAI and DPR-0422.223 NCCF

³⁴ DPR-0212.090 and 091 ESAI and DPR-0422.223 NCCF

³⁵ DPR-0212.092 ESAI and DPR-0422.224 NCCF

³⁶ DPR-0212.085, 086 and 087 ESAI and DPR-0422.214 NCCF

<p>2. Subdivision of General Land in the Māori Purpose Zone. This rule does not apply to any subdivision under <u>SUB-R15</u>.</p> <p>Where:</p> <p>a. Every site created is outside every:</p> <p>i <u>aa.</u> Outstanding Natural Character area of the Coastal Environment Overlay;</p> <p>ii <u>b.</u> Very High Natural Character area of the Coastal Environment Overlay; and</p> <p>iii <u>c.</u> High Natural Character area of the Coastal Environment Overlay.</p> <p>This rule does not apply to any subdivision under <u>SUB-R15</u>.</p>	
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EI – Energy and Infrastructure

EI-Rule Requirements

EI-REQ5	Earthworks
Coastal Environment Overlay	<p>3. All earthworks occurring outside of a land transport corridor shall comply with CE-R5 [Earthworks] <u>CE-REQ5.1, CE-REQ5.3 and CE-REQ5.5 Earthworks</u></p> <p>Activity status when compliance not achieved:</p> <p>2. When compliance with EI-REQ5.1 is not achieved <u>EI-REQ5.3 is not achieved and is:</u></p> <p><u>a. in an Outstanding Natural Character area: NC</u></p> <p><u>b. outside of an Outstanding Natural Character area: DIS</u></p> <p>Refer to CE-R5.³⁷</p>
EI-REQ12	Structures in Special Areas
Coastal Environment Overlay	<p>3. All activities occurring outside of a land transport corridor shall comply with CE-R3 Buildings and structures <u>CE-R3.1 and CE-R3.4 and CE-R3.7 Buildings and structures.</u></p> <p>Activity status when compliance not achieved:</p> <p>4. When compliance with any of EI-REQ12.3 is not achieved <u>and is:</u></p> <p><u>a. in an Outstanding Natural Character area: NC</u></p> <p><u>b. in a Very High Natural Character area or the Te Waihora/Lake Ellesmere High Natural Character area: DIS</u></p> <p><u>Where outside of these areas, refer to CE-R3 Buildings and structures</u>³⁸.</p>

³⁷ DPR-0446.112 Transpower and DPR-0212.056 ESAI³⁸ DPR-0446.112 Transpower and DPR-0212.056 ESAI

EW – Earthworks

EW-Rule Requirements

EW-R2	Earthworks
All Zones, except GRAZ and DPZ	<p>Activity status: PER</p> <p>1. All other Earthworks not covered by EW-R1.</p> <p>And this activity complies with the following rule requirements:</p> <p>...</p> <p><u>CE-REQ5 – Earthworks in the Coastal Environment.</u>³⁹</p>

³⁹ Kāinga Ora, consequential

Appendix 2: List of Appearances and Tabled Evidence

Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0032	Christchurch City Council	Kirk Lightbody Jeremy Head	Planning Landscape
DPR-0367	Orion NZ Limited	Jo Appleyard Gerry Heyes Melanie Foote	Legal Company Planning
DPR-0422	Federated Farmers	Dr Lionel Hume	Policy
DPR-0446	Transpower NZ Limited	Ainsley McLeod	Planning

Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0212	Ellesmere Sustainable Agriculture Incorporated (ESAI)	Carey Barnett	Environmental