

## Appendix 2: Recommended Amendments

### 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 <del>and includes coastal lakes which may be in the coastal marine area.</del> <sup>77</sup>

### CE-Overview

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 <del>intensive</del> <u>farming activities</u><sup>78</sup> often extends close to the edge of the backshore.....</p>

### CE-Policies

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<b>CE-P2</b>	<p>Preserve <u>and protect</u><sup>79</sup> 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"> <li>1. outstanding natural character as described in Appendix CE-SCHED2;</li> <li>2. high and very high natural character as described in CE-SCHED3; and</li> <li>3. other areas with natural character.</li> </ol>
<b>CE-P3</b>	<p>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, <u>including by:</u></p> <p>a. <del>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; and</del><sup>80</sup></p>

<sup>77</sup> DPR-0379:026 Jill Thomson

<sup>78</sup> DPR-0212:088 ESAI

<sup>79</sup> DPR-0427:066 DoC

<sup>80</sup> DPR-0446:112 Transpower, DPR-0427:067 DoC

	<p>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> <ol style="list-style-type: none"> <li>retaining a sense of remoteness and wildness;</li> <li>other than within Rakaia Huts township, maintaining a very low density of buildings and structures;</li> <li>ensuring natural and physical coastal processes are not impeded by land use and development;</li> <li>retaining and enhancing areas of indigenous vegetation <u>and habitats of indigenous fauna</u>;<sup>81</sup></li> <li>protecting important breeding, feeding and resting places for wetland and coastal birds, including waders;</li> <li>maintaining the stability of the coastal dune systems;</li> <li>enabling limited earthworks outside of the Te Waihora/Lake Ellesmere HNC; and</li> <li>enabling existing farming operations, where these do not conflict with identified natural character values.</li> </ol>
<b>CE-P6</b>	Enable opportunities to restore, <del>and</del> rehabilitate <u>and enhance</u> natural character. <sup>82</sup>
<b>CE-P8 (New)</b>	<p><u>When considering CE-P1 – CE-P7 in respect of proposals for important infrastructure, recognise:</u></p> <ol style="list-style-type: none"> <li><u>the operational or functional requirements for the location proposed; and</u></li> <li><u>site, route or method selection that serves to minimise the effects on the environment; and</u></li> <li><u>design measures and management methods to mitigate adverse effects.</u><sup>83</sup></li> </ol>
<b>CE-P9 (New)</b>	<u>Enable activities that have a public benefit and are small in scale.</u> <sup>84</sup>

## CE-Rules

<b>CE-R2 Plantation Forestry, Horticultural Planting, Woodlot, Shelterbelt Activity</b>		
Coastal Environment Overlay	<p><b>Activity status:</b> RDIS</p> <p>1. <u>The establishment of a new, or expansion of an existing, plantation forest, horticultural planting, woodlot or shelterbelt</u> <del>Plantation Forestry, Horticultural planting, Woodlots, Shelterbelts</del><sup>85</sup></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>it is not located in an area with Outstanding Natural Character or the Te Waihora/Lake Ellesmere High Natural Character; or</li> <li>it is not located in an area with Very High Natural Character</li> </ol>	<p><b>Activity status when compliance not achieved:</b></p> <ol style="list-style-type: none"> <li>When compliance with CE-R2.1a is not achieved: NC</li> <li>When compliance with CE-R2.1b is not achieved: DIS</li> </ol>

81 DPR-0407:056 Forest and Bird

82 DPR-0427:069 DoC

83 DPR-0427:067 DoC DPR-0446:123 Transpower

84 DPR-0427:067 DoC

85 DPR-0439:011 Rayonier

	<b>Matters for discretion:</b> 2. The exercise of discretion in relation to CE-R2.1. is restricted to the following matters: a. <u>CE-MAT1</u> Plantation Forestry, Horticultural Planting, Woodlots and Shelterbelts	
<b>CE-R3 Buildings and Structures</b>		
Coastal Environment Overlay	<b>Activity status:</b> PER 1. Public Amenity <del>Buildings</del> <sup>86</sup>  <b>Where:</b> a. the building or structure is not located in the Te Waihora/Lake Ellesmere High Natural Character area.  <b>And this activity complies with the following rule requirements:</b> <u>CE-REQ1</u> Height <u>CE-REQ2</u> Building footprint <u>CE-REQ5</u> Building appearance	<b>Activity status when compliance not achieved:</b> 2. When compliance with CE R3.1.a. is not achieved: NC 3. When compliance with any rule requirement is not achieved: Refer to <u>CE Rule Requirements</u>
Coastal Environment Overlay	<b>Activity status:</b> PER 4. Ancillary structures  <b>Where:</b> a. the ancillary structure is not located in the Te Waihora/Lake Ellesmere High Natural Character area.  <b>And this activity complies with the following rule requirements:</b> <u>CE-REQ5</u> Building appearance	<b>Activity status when compliance not achieved:</b> 5. When compliance with CE R3.4.a. is not achieved: NC 6. When compliance with any rule requirement is not achieved: Refer to <u>CE Rule Requirements</u>
Coastal Environment Overlay	<b>Activity status:</b> PER 7. Building and/or structure, other than Public Amenity <del>Buildings</del> <sup>87</sup> <u>and ancillary structures</u> , <sup>88</sup>  <b>Where:</b> a. it is not located in any High Natural Character area, other than the Te Waihora/Lake Ellesmere High Natural Character area; or	<b>Activity status when compliance not achieved:</b> 8. When compliance with CE-R3.7.a. is not achieved: RDIS 9. When compliance with CE-R3.7.b. is not achieved: NC 10. When compliance with any rule requirement is not achieved: Refer to <u>CE Rule Requirements</u>

86 DPR-0207:039 SDC

87 DPR-0207:039 SDC consequential

88 DPR-0207:040 SDC

	<p>b. it is not located in any Outstanding Natural Character, Very High Natural Character areas or the Te Waihora/Lake Ellesmere High Natural Character area.</p> <p><b>And this activity complies with the following rule requirements:</b>  <u>CE-REQ1</u> Height  <u>CE-REQ2</u> Building footprint  <u>CE-REQ3</u> Building coverage  <u>CE-REQ4</u> Building appearance</p>	<p><b>Matters for discretion :</b>  11. The exercise of discretion in relation to CE-R3.8 and CE-R3.10 is restricted to the following matters:  a. <u>CE-MAT2</u>  b. <u>NH-MAT4</u></p>
<b>CE-R5 Earthworks</b>		
Coastal Environment Overlay	<p><b>Activity status:</b> PER</p> <p>1. Earthworks</p> <p><b>Where:</b></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 <u>underground infrastructure, drains</u>, fence lines, roads or tracks; or</p> <p>b. are for the purpose of installation of underground <u>infrastructure network utilities</u>,<sup>89</sup> and ancillary structures; or</p> <p>c. any fill, excavation or removal is no more than:</p> <p>i. 250m<sup>3</sup> per hectare; and</p> <p>ii. 250m<sup>2</sup> per hectare</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 <u>underground infrastructure, drains</u>, fence lines, roads or tracks, or</p> <p>c. are for the purpose of installation of underground <u>infrastructure utility networks</u><sup>90</sup> and ancillary structures, excluding access roads; or</p> <p>d. any fill, excavation or removal is no more than:</p> <p>i. 100m<sup>3</sup> per hectare; and</p>	<p><b>Activity status when compliance not achieved:</b></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 R5.3a, CE R5.3b, CE R5.3c, CE R5.3d and CE 5.4a is not achieved: NC <del>except earthworks subject to CE-R5.7</del></p>

89 DPR-0212:090-091 ESAI DPR-0422:223 NCFF

90 DPR-0212:090-091 ESAI DPR-0422:223 NCFF

	<p>ii. 100m<sup>2</sup> per hectare</p> <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><b>Activity status:</b> NC</p> <p>7. Earthworks, other than earthworks subject to <u>CE R5.4</u></p> <p>-</p> <p><b>Where:</b></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><b>Activity status when compliance not achieved:</b></p> <p>8. When compliance with CE R5.7 is not achieved: PR <sup>91</sup></p>

## SUB-Rules

SUB-R25 Subdivision and the Coastal Environment		
Coastal Environment Overlay	<p><b>Activity Status:</b> DIS</p> <p>1. Subdivision within: the General Rural Zone. This rule does not apply to any subdivision under <u>SUB R15</u>.</p> <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><b>Where:</b></p> <p>a. Every site created is outside every:</p> <p>a. Outstanding Natural Character area of the Coastal Environment Overlay;</p> <p>b. Very High Natural Character area of the Coastal Environment Overlay; and</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>3. When compliance with any of SUB R25.1. or SUB R25.2. is not achieved: NC</p> <p><u>N/A</u><sup>92</sup></p>

<sup>91</sup> DPR-0212:092 ESAI DPR-0422:224 NCF

<sup>92</sup> DPR-0212:085-087 ESAI DPR-0422:214 NCF

	c. High Natural Character area of the Coastal Environment Overlay. <u>This rule does not apply to any subdivision under SUB-R15.</u>	
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## 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. 500m<sup>2</sup> for every 20 ha of site area or a maximum of 2,000m<sup>2</sup> per property <u>that is located within the coastal environment overlay</u> (whichever is the lesser), except in areas with High Natural Character.</p> <p>b. 300m<sup>2</sup> for every 20 ha of site area, or a maximum of 2,000m<sup>2</sup> per property <u>that is located within the coastal environment overlay</u>, (whichever is the lesser) in areas with High Natural Character excluding the Te Waihora / Lake Ellesmere High Natural Character Area</p> <p><u>Note: In instances where only part of the site is within the coastal environment overlay, the building or structure coverage must comply with the zone standard as it applies across the whole site but not exceed the building and structure coverage in CE-REQ3 within that part of the site covered by the coastal environment overlay.</u><sup>93</sup></p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with any of CE-REQ3.1 is not achieved: RDIS</p> <p><b>Matters for discretion:</b></p> <p>3. The exercise of discretion in relation to CE-REQ3.2 is restricted to the following matters:</p> <p>a. <a href="#">CE-MAT4</a></p>

<sup>93</sup> DPR-0212:093 ESAI DPR-0422:225 NCFF