

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

NATURAL CHARACTER

Introduction

The Council has a responsibility to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, ~~and lakes~~ and rivers and their margins; and the protection of them from inappropriate subdivision, use and development.

A range of land use and subdivision activities can have adverse effects on the natural character of rivers and wetlands. These include, but are not limited to subdivision; the construction of buildings and structures; earthworks and cultivation; ~~and the planting and removal of vegetation and the removal clearance of indigenous vegetation.~~¹ The provisions of this chapter seek to manage those activities within the riparian margins of rivers and wetlands to ensure that the elements, patterns, processes and experiential qualities that contribute to the natural character values of the District's rivers and wetlands are preserved. These riparian margins are defined, and the provisions in this chapter apply within these defined riparian areas. There are also provisions in the Ecosystems and Indigenous Biodiversity Chapter which apply to the clearance of indigenous vegetation within riparian areas.²

The provisions also seek to provide for land use activities which either enhance natural character values such as restoration planting and pest management practices; and/or enable the customary harvest of vegetation for mahika kai. Restoration and enhancement of natural character values is also encouraged and supported through plan rules or non-statutory methods.

Within the District, some specific areas have been identified in the Canterbury Land and Water Regional Plan as HNWB High Naturalness Water Bodies (HNWB), including the Havelock and Clyde Rivers, the upper Ōrāri River, Milford Lagoon and Ōrakipaoa Creek. The Rangitata River is also subject to³ the Water Conservation (Rangitata River) Order 2006 that identifies parts of the river as having outstanding characteristics and features. These parts of the river and its tributaries are identified in schedule 1 and 2 of the Water Conservation Order as having wild, scenic and other natural characteristics and amenity and intrinsic values. Accordingly, those parts of the Rangitata River and its tributaries, and the HNWB water bodies have been classified as HNWB High Naturalness Water Bodies in this District Plan.

The extent of these HNWB are shown on the planning maps. Because of their higher level of natural character values, a greater level of protection is provided through the provisions applying within the margins of these HNWB. All other waterbodies and wetlands within the District have varying degrees of natural character.

The rules within this Chapter enable the identification and assessment of natural character values on a case-by-case basis for activities requiring consent across the District. Provisions related to the preservation of the natural character of the coastal environment are included in the Coastal Environment Chapter.

The rules within this chapter also apply to Regionally Significant Infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure Chapter apply to the consideration of any resource consent required under the rules in this Chapter for Regionally Significant Infrastructure.

¹ Clause 10(2)(b) relating to Federated Farmers [182.117]

² Clause 10(2)(b) relating to Federated Farmers [182.117]

³ Clause 16(2)

Objectives

NATC-O1 Protection of natural character

The natural character of the ~~Timaru~~ District's wetlands and rivers and their margins is preserved and protected from inappropriate subdivision, use and development, and where possible restored and/or⁴ enhanced.

Policies

NATC-P1 Natural character values

Recognise that natural character values of wetlands and rivers and their margins are derived from:

1. ~~the extent to which these are in, or close to, their natural state in terms of:~~
 - a. ~~the occurrence of natural elements, patterns and processes; and;~~
 - b. ~~riparian and aquatic ecology and biodiversity; and~~
 - c. ~~ecological, geomorphic and hydrological processes; and~~
 - d. ~~the absence of human modification; and~~
2. ~~people's experience of the above elements, patterns and processes; and~~
3. ~~the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the water body to support taoka species and mahika kai activities.~~

Recognise the contribution of the following natural elements, patterns, processes and experiential qualities to the natural character values of wetlands, rivers, and their margins:

1. landforms and landscapes, biophysical, geologic, and morphological aspects; and
2. hydrological and fluvial processes, including erosion and sedimentation; and
3. indigenous biodiversity, habitats, and ecosystems; and
4. water flow and levels, colour and clarity, and water quality; and
5. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the waterbody to support taoka species and mahika kai activities; and
6. absence of man-made modification to their natural state; and
7. people's experience of the above elements, patterns, and processes.⁵

NATC-P2 Restoration and enhancement

Provide for and encourage the restoration and/or enhancement of the natural character of wetlands and rivers where:

1. the natural character is degraded, and restoration and/or enhancement will achieve long-term improvement in natural character values; and/or
2. it will assist in the establishment or restoration of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas; and/or
3. they provide existing trout or salmon habitat; and/or
4. it will enhance the taoka species and mahika kai and the ability of Kāti Huirapa to exercise kaitiaitaka; and/or
5. it will improve or establish connections between habitats and create corridors for indigenous species and their movement between areas; and/or
6. riparian margins provide a buffer from activities that may adversely affect the natural character values of the river or wetland; and/or
7. riparian margins provide spawning or other significant habitats for at-risk or threatened species.

⁴ Forest and Bird [156.119]

⁵ Forest and Bird [156.120]

NATC-P3	Incentives
Encourage and support the restoration and enhancements of natural character values through such measures as:	
<ol style="list-style-type: none"> 1. reducing or waiving consent application costs; and/or 2. providing funding, grants and other incentives; and/or 3. providing expert advice. 	
NATC-P4	Preservation of natural character from inappropriate subdivision, use and development
Preserves ⁶ the natural character values of riparian margins by only allowing subdivision, use and development that:	
<ol style="list-style-type: none"> 1. avoids, or if avoidance is not <u>practicable</u> <u>possible</u>⁷, minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1; <u>and</u> 2. maintains natural character values which have been modified but are highly valued; <u>and</u> 3. restores or enhances natural character values in circumstances identified in NATC-P2; and 4. avoids or, where that is not <u>practicable</u> <u>possible</u>⁸, does not exacerbate bank erosion.; <u>or</u> 5. <u>is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX5 Managing adverse effects of the National Grid</u>^{9, 10}. 	
NATC-P5	Anticipated activities in riparian margins
Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:	
<ol style="list-style-type: none"> 1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised; <u>and</u> 2. <u>vegetation clearance to remove pest species</u>¹¹ 3. <u>vegetation clearance for mahika kai purposes</u>¹²; 4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and 5. earthworks that are for the purpose of: <ul style="list-style-type: none"> a. <u>maintenance and repair of existing fences, tracks, roads, railways, stock water systems, irrigation systems</u>¹³ or <u>regionally significant infrastructure</u>¹⁵; <u>or</u> b. <u>the operation, maintenance, repair or minor up grade of the National Grid</u>¹⁶; or c. for limited new fencing and tracks. 	
NATC-P6	Buildings and structures in riparian margins
Ensure that the location, scale, design, and form of buildings and structures in riparian margins preserves natural character values.	

⁶ Clause 16(2)

⁷ Transpower [159.74]

⁸ Transpower [159.74]

⁹ Transpower [159.74]

¹⁰ TDC [42.35], Waka Kotahi [143.86], Transpower [159.74], OWL [181.75]

¹¹ Federated Farmers [182.117]

¹² Clause 10(2)(b) relating to Federated Farmers [182.117]

¹³ KiwiRail [187.58],

¹⁴ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

¹⁵ Waka Kotahi [143.87], Transpower [159.75]

¹⁶ Transpower [159.75]

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

NATC-R1	Vegetation clearance ¹⁷
Riparian margins of a river that is not an HNWB	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance only involves plant species identified in ECO-R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or</p> <p>PER-2 The vegetation clearance is for customary harvest provided for in ECO-R1.1 PER-3; or</p> <p>PER-3 The vegetation clearance is for the operation, maintenance or repair of the National Grid; or</p> <p>PER-4 The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads; or</p> <p>PER-5 The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or</p> <p>PER-6 The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022.</p> <p>Activity status when compliance not achieved with PER-1: Controlled</p> <p>Where:</p> <p>CON-1 The vegetation clearance is only for the purpose of natural hazard mitigation works and is carried out solely by the Canterbury Regional Council, Timaru District Council, or an agent authorised on their behalf.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. methods proposed to avoid or mitigate any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures proposed to assist with the preservation, maintenance, restoration or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. mitigation measures proposed to avoid or mitigate bank erosion; and <p>Activity status when compliance not achieved with PER-2, PER-3, PER-4, PER-5, PER-6 or CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the

¹⁷ Clause 10(2)(b) relating to Federated Farmers [182.117]

		<p>preservation, maintenance or enhancement of the natural character values of the area, particularly in and along an HNWB; and</p> <ol style="list-style-type: none"> 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or enhancement of the natural character of the area is proposed; and 5. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and 6. whether there is a functional need for the activity to locate in a riparian margin.
Riparian margins of an HNWB	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NATC-R21	<p>Vegetation planting</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The planting:</p> <ol style="list-style-type: none"> 1. includes indigenous species only; and 2. is to restore or enhance the natural character or ecological values of the riparian margin; or <p>PER-2</p> <p>The planting is within areas of cultivation <u>that</u> existed prior to 22 September 2022.</p>	<p>Activity status when compliance not achieved with PER-1: Controlled</p> <p>Where:</p> <p>CON-1</p> <p>The vegetation planting is for the purposes of natural hazard mitigation works, and is undertaken by (or on behalf of) a local authority only.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to minimise adverse effects on the overall natural character of an area by reference to the values listed in <u>Policy NATC-P1</u>; and 2. measures to restore or enhance the natural character of the area. <p>Activity status when compliance not achieved with PER-2 or CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the type and extent of planting proposed and the impact of this on natural character values; and 2. the extent of any adverse effects on the overall natural character of an area

		<p>by reference to the values listed in <u>Policy NATC-P1</u>; and</p> <ol style="list-style-type: none"> 3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in <u>HNWB high naturalness water bodies</u>; and 4. the extent to which alternative practicable options have been considered and their feasibility; and 5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 6. whether there is a functional need, <u>or in relation to infrastructure an operational need</u>,¹⁸ for the activity to locate in a riparian margin; and 7. <u>any benefits that the activity provides to the local community and beyond</u>.¹⁹
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NATC-R32	Earthworks	
<u>1. Riparian margins of a river that is not an High Naturalness Waterbody</u> B	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance and repair of existing fences, tracks, roads, <u>railways</u>²⁰, <u>stock water systems</u>, <u>irrigation systems</u>²¹ or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required to construct a new fence; or²²</p> <p>PER-3 The earthworks are required to construct a new track up to 3m in width; or</p>	<p>Activity status when compliance not achieved: Controlled</p> <p>Where:</p> <p>CON-1 The earthworks are for the purposes of natural hazard mitigation works, and are undertaken by (or on behalf of) a local authority.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures.

¹⁸ Transpower [159.78]

¹⁹ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

²⁰ KiwiRail [187.60]

²¹ Rangitata Dairies [44.10], Connolly, S [136.2]

²² Clause 16(2)

	<p>PER-4 The earthworks are required for the operation, maintenance or repair of the National Grid <u>regionally significant infrastructure</u>; or.^{23²⁴}</p> <p>PER-5 <u>The earthworks are associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R54.</u>²⁵</p> <p>Advice Note <u>This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry (NESCF).</u>²⁶</p>	<p>Activity status when compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 5. whether there is a functional need, <u>or in relation to infrastructure an operational need</u>,²⁷ for the activity to locate in a riparian margin; and 6. the extent to which appropriate erosion and sediment control measures are to be implemented; <u>and</u> 7. <u>any benefits that the activity provides to the local community and beyond;</u>²⁸ <u>and</u> 8. <u>where the building or structure is within a wai tapu overlay:</u> <ol style="list-style-type: none"> a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> b. <u>the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> c. <u>the potential adverse effects, including on sensitive tangible</u>
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²³ Evidence of Julia Crossman, paras 2.2 and 3.5

²⁴ Waka Kotahi [143.89]

²⁵ Te Kotare [115.30], Waipopo Huts [189.42]

²⁶ Port Blakely [94.10]

²⁷ Transpower [159.78]

²⁸ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54

		<p><u>and/or intangible cultural values; and</u></p> <p><u>d. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM site or area of significance; and</u></p> <p><u>e. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u></p> <p><u>f. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u></p> <ul style="list-style-type: none"> <u>i. affirm the connection between mana whenua and place; or</u> <u>ii. enhance the cultural values of the SASM site/area; or</u> <u>iii. provide for the relationship of Kāti Huirapa with their taoka; or</u> <p><u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance commensurate with the scale and nature of the proposal;</u></p> <p><u>g. where earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</u></p> <p><u>h. in respect of network utilities, the extent to which the proposed utility has functional needs or operational needs for its location.²⁹</u></p>
<p>2</p> <p>Riparian margins of an High Naturalness Waterbody</p> <p>B</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The earthworks are required for the maintenance and repair of existing fences, tracks, roads, <u>railways³⁰</u>, stock water</p>	<p>Activity status when compliance not achieved: Controlled</p> <p>Where:</p> <p>CON-1</p> <p>The earthworks are for the purposes of natural hazard mitigation works, and are undertaken by (or on behalf of) a local authority.</p>

²⁹ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

³⁰ KiwiRail [187.60]

	<p>systems, irrigation systems³¹ or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required for the operation, maintenance or repair of National Grid regionally significant infrastructure³².</p> <p>Advice Note This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the NESCF National Environmental Standard for Commercial Forestry.³³</p>	<p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> measures to manage adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and any measures to restore or rehabilitate the natural character of the area; and erosion and sediment control measures. <p>Activity status when compliance not achieved with CON-1: Discretionary</p>
NATC-R43	<p>Construction of fences</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The fence is a post and wire, <u>or</u> post and netting³⁴ fence only.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and the extent to which alternative practicable options and designs have been considered and their feasibility; and whether there is a functional need for the fence to locate in a riparian margin.
Riparian margins of a river that is not an <u>High Naturalness Waterbody</u> B	<p>Activity status: Discretionary</p>	<p>Activity status when compliance not achieved: Not applicable</p>
NATC-R54	<p>Buildings and structures excluding fences</p>	

³¹ Rangitata Dairies [44.10], Connolly, S [136.2]

³² Clause 10(2)(b) relating to Waka Kotahi [143.87, 143.89], Transpower [159.75]

³³ Port Blakely [94.10]

³⁴ Speirs, B [66.24]

<p>Riparian margins of a river that is not an High Naturalness Waterbody B</p>	<p>Activity status: Restricted Discretionary Permitted³⁵</p> <p>Where:</p> <p>PER-1</p> <p><u>The building or structure is a replacement of, or expansion to, an existing building or structure, and the footprint of the building or structure does not increase by more than 50m² or 25% (whichever is the lesser) from that existing at [date rule becomes operative].</u></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</u> 2. <u>whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and</u> 3. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> 4. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u> 5. <u>the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</u> 6. <u>whether there is a functional need for the activity to locate in a riparian margin.</u> 	<p>Activity status when compliance not achieved: Not applicable Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</u> 2. <u>whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and</u> 3. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> 4. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u> 5. <u>the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</u> 6. <u>whether there is a functional need, or in relation to infrastructure an operational need,</u>³⁶ <u>for the activity to locate in a riparian margin; and</u> 7. <u>any benefits that the activity provides to the local community and beyond; and</u>³⁷ 8. <u>where the building or structure is within a wai tapu overlay:</u> <ol style="list-style-type: none"> a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> b. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> c. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u>
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³⁵ Te Kotare [115.31] and Waipopo Huts [189.43]

³⁶ Transpower [159.78]

³⁷ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54

		<p>d. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM site or area of significance</u>; and</p> <p>e. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol</u>; and</p> <p>f. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u></p> <ul style="list-style-type: none"> i. <u>affirm the connection between mana whenua and place</u>; or ii. <u>enhance the cultural values of the SASM site/area</u>; or iii. <u>provide for the relationship of Kāti Huirapa with their taoka</u>; or iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance commensurate with the scale and nature of the proposal</u>;³⁸ and <p>g. <u>in respect of network utilities, the extent to which the proposed utility has functional needs or operational needs for its location</u>.³⁹</p>
Riparian margins of an High Naturalness Waterbody B	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
NATC R6	Subdivision of land containing a riparian margin	
All zones except the General Rural Zone and Rural Lifestyle Zones	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

³⁸ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

³⁹ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54

