

## Part 3

### Domains and topics

#### Domains

#### CE – Coastal environment

#### NCFLC – Natural character, features and landscapes in the Coastal environment

#### Objectives

##### **NCFLC-O1 Natural features and landscapes in the Coastal environment [RP, RCP, DP]**

See SRMR-CE-04.

Outstanding natural features and landscapes in Whakatū Nelson's Coastal environment are protected from inappropriate subdivision, use and development, and significant and other landscapes and features are maintained and enhanced.

##### **NCFLC-O2 Natural character of the Coastal environment [RP, RCP, DP]**

See SRMR-CE-03.

The natural character of Whakatū Nelson's Coastal environment is preserved and protected from inappropriate subdivision, use and development.

#### Policies

##### **NCFLC-P1 Natural features and landscapes in the Outstanding natural features and landscapes overlay in the Coastal environment [RP, RCP, DP]**

Protect Whakatū Nelson's natural features and landscapes that are within the Outstanding natural features and landscapes overlay in the Coastal environment from inappropriate subdivision, use and development by:

1. considering the potential for adverse effects of coastal activities and land subdivision, use and development on the characteristics, attributes and values described broadly in SRMR-CE-P7 and specifically in APP37 – Outstanding natural landscape and features; and
2. avoiding all adverse effects on the characteristics, attributes and values described broadly in SRMR-CE-P7 and specifically in APP37 – Outstanding natural landscape and features.

**NCFLC-P2 Natural features and landscapes outside the Outstanding natural features and landscapes overlay in the Coastal environment [RP, RCP, DP]**

Protect Whakatū Nelson's natural features and landscapes that are not within the Outstanding natural features and landscapes overlay in the Coastal environment from inappropriate subdivision, use and development by:

1. avoiding significant adverse effects of coastal activities and land subdivision, use and development, including adverse effects on:
  - a. the topography or geology of the landform, particularly where it is representative within Whakatū Nelson;
  - b. land cover, particularly any indigenous vegetation communities, wildlife or ecosystems which are representative or rare within Whakatū Nelson;
  - c. the extent to which the natural feature or landscape demonstrates its formative processes;
  - d. the predominance of nature in the landscape;
  - e. how striking the natural feature or landscape is, including its potential to be symbolic of an area due to recognisable scenic associations and memorable qualities;
  - f. the extent to which patterns of land cover and land use are in harmony with the underlying landform of the area and the presence or absence of significant discordant elements;
  - g. whether wildlife or other values are present at certain times of the day or year;
  - h. the degree to which the feature or landscape is valued by the local or wider community for its cultural and spiritual values, historic and heritage associations or its contribution to local identity; and
  - i. the degree to which the feature or landscape is valued by tāngata whenua for its cultural and spiritual values; and
2. avoiding, remedying or mitigating all other adverse effects of coastal marine activities and subdivision, land use and development.

**NCFLC-P3 Natural character of the Coastal environment [RP, RCP, DP]**

Preserve and protect the natural character of Whakatū Nelson's Coastal environment by:

1. avoiding all adverse effects of coastal marine activities, subdivision, land use and development, on the characteristics and values of areas of natural character within the Outstanding coastal natural character overlay described broadly in SRMR-CE-P3 and specifically in APP16 – Areas of outstanding natural character;
2. avoiding the significant adverse effects of coastal marine activities, subdivision, land use and development on the natural character of areas of the Coastal environment that are not within the Outstanding natural character in the Coastal environment overlay, including significant adverse cumulative effects on:
  - a. natural elements, processes or patterns;

- b. biophysical, ecological, geological or geomorphological aspects;
  - c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs or surf breaks;
  - d. the natural movement of water and sediment;
  - e. the natural darkness of the night sky;
  - f. places that are wild or scenic; and
  - g. experiential attributes, including the imposition of barriers to experiencing the sound and smell of the sea; and
3. avoiding, remedying or mitigating all other adverse effects of coastal marine activities, subdivision, land use and development on the natural character of areas of the Coastal environment that are not within the Outstanding natural character in the Coastal environment overlay.

**NCFLC-P4 Assessing the significance of adverse effects of activities on natural features and landscapes and natural character [RP, RCP, DP]**

Consider the following matters in assessing the significance of adverse effects of activities on natural features and landscapes and the natural character of the Coastal environment, and in determining the scope and likely effectiveness of measures to avoid, remedy or mitigate those adverse effects:

1. whether the proposed use or development has a functional or operational need to be sited in the particular location;
2. whether there are practicable alternative locations for the use or development;
3. whether there are alternative designs or methods of implementing the subdivision, use or development, including:
  - a. grouping or dispersing structures;
  - b. placing structures partially or entirely below the ground, foreshore or seabed or below the surface of the water at low tide;
  - c. locating structures away from positions where they would otherwise intrude above the skyline or impede long distance views when viewed from areas accessible to the public, including the Coastal marine area;
  - d. screening the activity with vegetation;
  - e. creating a vegetated backdrop to the activity;
  - f. moderating the scale, height, modulation, roof pitch, colour, reflectivity and other aspects of any structure's external appearance;
  - g. minimising artificial light spill from the activity;
  - h. minimising visual scarring caused by earthworks;
  - i. minimising the period over which bare soil will remain exposed; and
  - j. revegetating any exposed surfaces, using plant species for the purposes of revegetation that are common to the surrounding area and that are ecologically appropriate;

4. whether there are other potential means of integrating the activity within the natural character of the coast or surrounding natural feature or landscape; and
5. whether, for subdivision, future effects associated with the location and design of structures, vehicle accessways or parking, and above ground network utilities, can be avoided, remedied or mitigated by:
  - a. imposing conditions to specify where such activities can or cannot be located; and
  - b. using consent notices to require compliance with any of the methods set out in 3. and 4. above

**NCFLC-P5 Functional or operational need of activities [RP, RCP, DP]**

Recognise that certain activities have a functional or operational need to locate in the Coastal environment, including:

1. activities ancillary to or associated with existing farming, tourism, recreation and forestry operations;
2. cultural harvesting and traditional rites;
3. environmental restoration;
4. the operation, maintenance and minor upgrading of regionally significant infrastructure;
5. defences against natural hazards, including the effects of climate change; and
6. navigational aids.

**NCFLC-P6 Assessing the significance of adverse effects of activities with a functional or operational need [RP, RCP, DP]**

Consider the following matters in assessing the significance of the adverse effects of activities that have a functional or operational need to locate in the Coastal environment on natural features and landscapes and areas of coastal natural character, and in determining the scope and likely effectiveness of measures to avoid, remedy or mitigate those adverse effects:

1. the extent to which the landscape, feature or area has already been modified by land use, development and subdivision patterns;
2. the existing presence or absence of structures, including buildings and above ground infrastructure; and
3. the likelihood of cumulative effects arising from a concentration or increase in a particular activity.

**NCFLC-P7 Effects of development in the Nelson Haven [RP, RCP, DP]**

In the Nelson Haven (as shown on the planning maps as a significant landscape/feature), actual and potential adverse effects of development in the Coastal environment, on the special landscape values described in APP18 – Special landscape values associated with the Nelson Haven will be remedied or mitigated.

**NCFLC-P8 Effects of development at Tahunanui Beach [RP, RCP, DP]**

At Tahunanui Beach (as shown on the planning maps as a significant landscape/feature), actual and potential adverse effects of development in the Coastal environment, or of subdivision and development on the special landscape values described in APP17 – Special landscape values associated with Tahunanui Beach will be remedied or mitigated.

## Rules

### Rule interpretation and application

#### NCFLC-R1 [DP]

The rules that **apply** to activities in both the Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area) are contained in the activity status table as follows:

1. CE-NCFLC-R5 to CE-NCFLC-R8.

#### NCFLC-R2 [DP]

In addition to the rules set out in NCFLC-R1 above, activities are also subject to rules relating to structures in the underlying zone, and rules relating to earthworks and vegetation clearance in EW – Earthworks.

#### NCFLC-R3 [DP]

The rules that **apply** to activities in both the Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to the CMA – Coastal marine area of the CE – Coastal environment are contained in the activity status table of CMA – Coastal marine area.

#### NCFLC-R4 [DP]

The rules that **apply** to activities in the Outstanding natural features and landscapes overlay outside the Coastal environment are contained in the activity status table of NFL – Natural features and landscapes.

## Activity status

Rule	Use/Activity
NCFLC-R5	Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area): Structures
NCFLC-R6	Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area): Network utilities and electricity generation facilities.
NCFLC-R7	Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area):

	Earthworks
<b>NCFLC-R8</b>	Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area):  Vegetation clearance

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p><b>NCFLC-R5</b></p> <p><b>Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area):</b></p> <p><b>Structures</b></p> <p><b>[DP]</b></p> <p>Legal effect on notification: No</p>	<p>1. The construction or placement of a new structure, except for an above ground network utility or renewable electricity generation facility (refer to NCFLC-R6), is a <b>permitted activity</b>, provided that:</p> <p>a. no more than one new structure per allotment is proposed, in addition to any structures that existed at the date of the notification of the Nelson Plan; and</p> <p>b. the gross floor area of the structure is 50m<sup>2</sup> or less; and</p> <p>c. the maximum height of the structure is 7.5 metres; or</p> <p>d. the structure is located within an</p>	<p>2. Not applicable.</p>	<p>3. The construction or placement of a new structure, except for an above ground network utility or renewable electricity generation facility (refer to NCFLC-R6), which contravenes NCFLC-R5.1.a., NCFLC-R5.1.b. or NCFLC-R5.1.c. is a <b>restricted discretionary activity</b>, provided that:</p> <p>a. the gross floor area of the structure is less than 100m<sup>2</sup>.</p> <p>Discretion is restricted to the relevant matters set out in NCFLC-P4.</p> <p>4. The construction or placement of a new structure, except for an above ground network utility or renewable electricity</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	identified building area.		generation facility (refer to NCFLC-R6) as specified in the activity table for the relevant underlying zone, that contravenes NCFLC-R5.1.d. or NCFLC-R5.3.a. is a <b>discretionary activity</b> .
<p><b>NCFLC-R6</b></p> <p><b>Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the CE – Coastal environment (outside the CMA – Coastal marine area):</b></p> <p><b>Network utilities and electricity generation facilities</b></p> <p><b>[DP]</b></p> <p>Legal effect on notification: No</p>	<ol style="list-style-type: none"> <li>1. The maintenance, replacement or alteration of an existing above ground network utility or renewable electricity generation facility is a <b>permitted activity</b>.</li> <li>2. The construction or placement of an above ground network utility that is located within an identified network utility corridor is a <b>permitted activity</b>.</li> </ol>	<ol style="list-style-type: none"> <li>3. Not applicable.</li> </ol>	<ol style="list-style-type: none"> <li>4. The construction or placement of an above ground network utility that contravenes NCFLC-R6.2. is a <b>discretionary activity</b>.</li> <li>5. The construction or placement of a renewable electricity generation facility is a <b>discretionary activity</b>. Solar panels that comply with EIT-R41 are exempt from this rule.</li> </ol>
<p><b>NCFLC-R7</b></p> <p><b>Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay, where they apply to terrestrial areas of the</b></p>	<ol style="list-style-type: none"> <li>1. Earthworks are a <b>permitted activity</b> provided that: <ol style="list-style-type: none"> <li>a. they comply with EW-R9.1.b., EW-R9.1.c., EW-R9.1.d., EW-</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>3. Not applicable.</li> </ol>	<ol style="list-style-type: none"> <li>4. Earthworks that contravenes NCFLC-R7.1. is a <b>discretionary activity</b>.</li> </ol>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p><b>CE – Coastal environment (outside the CMA – Coastal marine area):</b></p> <p><b>Earthworks</b></p> <p><b>[DP]</b></p> <p>Legal effect on notification: No</p>	<p>R9.1.f. and EW-R9.1.g.; and</p> <p>b. the cumulative total extent of earthworks associated with a given project are no more than 150m<sup>3</sup> in volume per site in any consecutive 12 month period, and the cumulative total extent of earthworks associated with a given project are no more than 150m<sup>2</sup> in area per site in any consecutive 12 month period; and</p> <p>c. they involve the creation of permanent cut or fill faces of no more than 1 metre in height.</p> <p>2. The removal of rock from areas is a <b>permitted activity</b>.</p>		
<p><b>NCFLC-R8</b></p> <p><b>Outstanding natural features and landscapes overlay and the Outstanding coastal natural character overlay,</b></p>	<p>1. Vegetation clearance is a <b>permitted activity</b>, provided that it complies with EW-R14.1., and is associated with:</p>	<p>2. Not applicable.</p>	<p>3. Any vegetation clearance that contravenes or is not listed in NCFLC-R8.1., is a <b>discretionary activity</b>.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
<p>where they apply to terrestrial areas of the CE – Coastal environment (outside the CAM – Coastal marine area):</p> <p><b>Vegetation clearance</b></p> <p><b>[DP]</b></p> <p>Legal effect on notification: No</p>	<ul style="list-style-type: none"> <li>a. cultivation; or</li> <li>b. the replanting, maintenance and harvesting of woodlots; or</li> <li>c. cultural harvesting; or</li> <li>d. conservation planting; or</li> <li>e. sand dune restoration; or</li> <li>f. the removal of exotic vegetation.</li> </ul>		