

Report on a Publicly Notified Resource Consent Application

(Section 42A)

Application Reference:	RMA/2023/3243
Applicant:	Christchurch City Council
Site address:	South New Brighton Park and Southshore Spit estuarine margins and adjoining land
Legal Description:	Various (see Appendix 1)
Proposal:	South New Brighton Park and Southshore inundation protection works and coastal erosion protection works
Zoning:	District Plan: Open Space Community Parks Zone Open Space Coastal Zone Specific Purpose (Flat Land Recovery) Zone Residential Suburban Zone Specific Purpose (Ōtākaro Avon River Corridor) Zone (stockpile site only) City Plan: Conservation 1A Living 1
Overlays and map notations:	High Flood Hazard Management Area Fixed Minimum Floor overlay within a Flood Management Area Flood Management Area Liquefaction Management Area Coastal Environment Avon Heathcote Estuary/Te Ihutai and Environs Site of Ecological Significance (Site reference SES/LP/14 in Appendix 9.1.6.1) ONF36.0 Outstanding Natural Feature - Te Ihutai / Avon-Heathcote Estuary (ONF-36:0, as defined in Appendix 9.2.9.1.1(a)(viii)) Area of at least High Natural Character in the Coastal Environment - Avon-Heathcote Estuary/ Te Ihutai (HNC34:0 as identified in Appendix 9.2.9.8 of the District Plan Natural Character in the Coastal Environment (NCCE1.0 as identified in Appendix 9.2.9.2.9 of the District Plan) Ngā Wai Coast ID 78 Ngā Wai Coast ID 96 Ngā Tūranga Tūpuna
Activity status:	District Plan: Non-complying City Plan: Discretionary
Submissions:	182 (three late) see list in Appendix 2 166 in support 11 in opposition 5 are 'neutral' 40 of these submitters seek to be heard

Date of Hearing:	8-11 December 2025
Recommendation:	Grant subject to conditions

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Preamble

1. My name is Janice Carter. I am employed as a Senior Associate at Barker and Associates, and I am based in the Christchurch Office. I have been employed by the Christchurch City Council as a consultant planner for this project. I hold a MSc (Hons) degree in Resource Management. I am a full member of the New Zealand Planning Institute and have 30+ years of experience working in the planning and resource management field.
2. This report has been prepared with advice from the Council staff and consultant specialists detailed below. Where this has been in the form of a report or memorandum, this has been attached as an appendix. Advice that has been received less formally (i.e. via email) has not been attached but can be made available on request.

Name	Position/Company	Appendix Reference
Mr Jeremy Head	Consultant Landscape Architect	Appendix 4
Dr Shane Orchard	Consultant Ecologist, Waterlink	Appendix 5
Mr Andrew Crossland	Ecologist (Avifauna), CCC	Appendix 7
Ms Iris Brookland	Senior Technical Engineer Land Drainage, CCC	NA
Mr Jonathan Hansen	Arborist, CCC	NA
Mr Liqi Chen	Transport Network Planner, CCC	NA
Ms Yvonne McDonald	Senior Subdivision Engineer, CCC	NA
Ms Agnes Vander Erf	Environmental Health Officer, CCC	NA
Bruce Gabites	Senior Scientist Natural Hazards Science, Environment Canterbury	Appendix 8

3. In addition, RFI response peer reviews from Environment Canterbury (ECan) ecologists Melanie Burns¹ and Philip Grove² have been provided by both ECan and the Applicant.
4. I have visited the site on numerous occasions, and I am familiar with it.
5. As the Applicant is the Christchurch City Council commissioners have been appointed to hear the application jointly with the ECan applications. This report addresses the required consents required under the Christchurch District Plan and coastal hazard provisions still in effect in the Christchurch City Plan.
6. This report reviews the application for resource consent and addresses the relevant information and issues raised. Any further changes to the proposal and mitigation may affect the conclusions of this report. Where feasible, I will comment on the implications of any changes should these be made during the course of the hearing.
7. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the panel of Commissioners. It should not be assumed that the Panel of Commissioners will reach the same conclusion or decision having considered all the evidence to be brought before it by the applicant and submitters.

¹ Melanie Burns (ECan Senior Scientist – Water Ecology)

² Philip Grove (ECan Senior Scientist – Water Ecology Science)

Proposed activity

8. The Christchurch City Council (hereinafter referred to as 'the Applicant') has applied for land use consent to enable the construction and operation of inundation and erosion protection features along the estuarine margins of South New Brighton Park (SNBP) and the Southshore Spit.
9. While the indicative project locations are shown in Figure 1 below, the detailed project extent is shown on the updated engineering consent plans provided with the Request for Information (RFI) Response dated 19 February 2025.

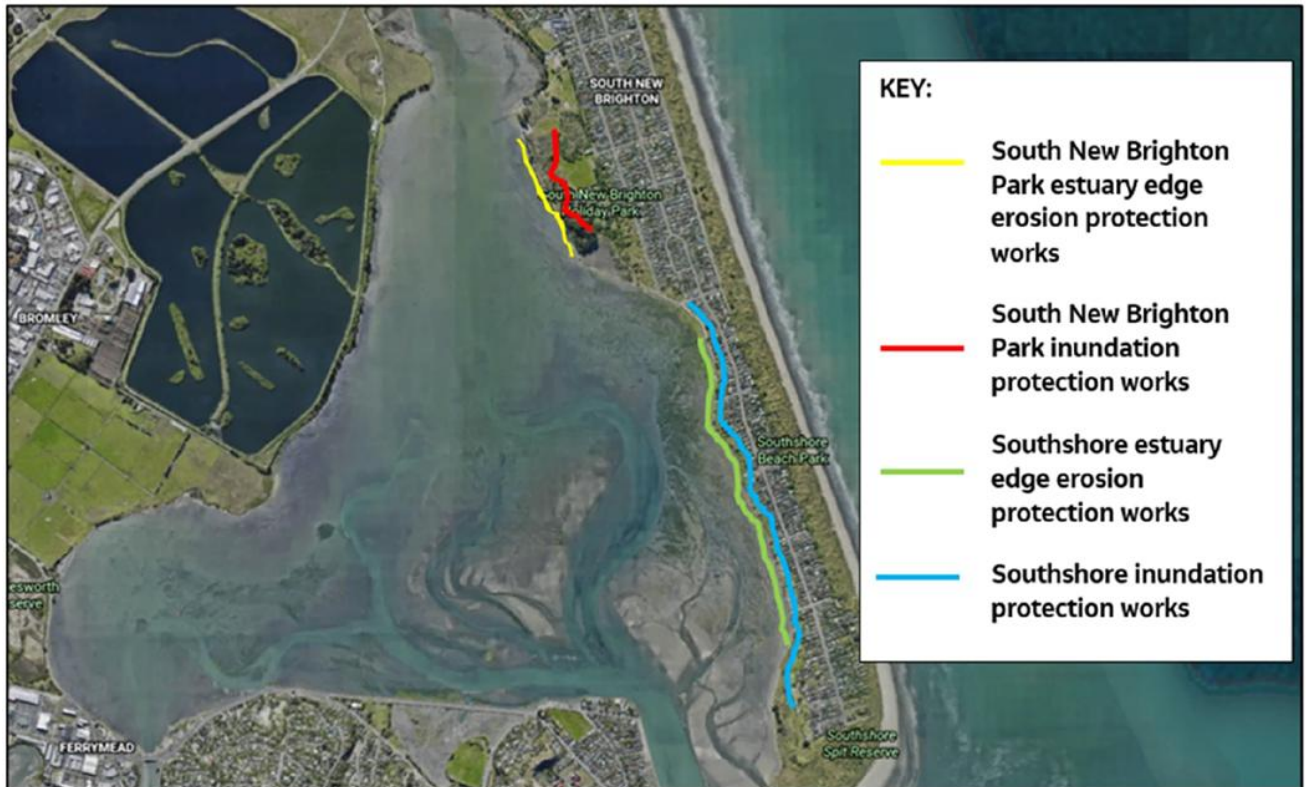


Figure 1: Indicative Project Locations (Source: Application Documents)

10. The inundation and coastal erosion protection features generally include an inundation bund, ranging from 0.3m to 1.0m above ground level, and erosion protection structures including a cobble beach, rock revetment and gabion baskets. The Applicant has confirmed that all existing erosion protection structures will be removed. The bund will integrate a shared path in the SNBP, extending down the Southshore estuary coast. Access will be provided at road ends in Southshore, including 4³ steps from the path to the estuary bed.
11. The proposal is outlined in detail on pages 24-31 and within Section 4 of the Applicant's Assessment of Environmental Effects (AEE) and in RFI Responses dated 19 February 2025, 6 May 2025 and 29 May 2025. Additional information regarding the stockpiling of material at Owles Terrace as an ancillary activity to the proposed works is detailed within the Memorandum prepared by Aurecon, dated 19 February 2025.
12. For the purposes of this report, these descriptions have been adopted, but in brief, the main features include:
 - Approximately 1,580 metres of coastal erosion protection structures at Southshore, from Godwit Street to south of Tern Street in the form of engineered cobble beaches and rock revetments.
 - Approximately 560 metres of coastal erosion protection structures at SNBP in the form of gabion baskets and engineered cobble beaches.

³ Revised plans from the Applicant dated 21 October 2025 show stepped access points to the estuary reduced to two.

- Approximately 2,050 metres of inundation bund at Southshore, with a 3m wide shared user track formed along the bund crest and tying into an existing inundation bund along Caspian Street and into high ground south of Tern Street.
 - Approximately 640 metres of inundation bund at SNBP, tying into high ground at its northern and southern extents.
 - Alteration to road ends at Caspian, Godwit, Heron, Penguin, Plover and Tern Streets as required to implement the Erosion Protection and Inundation Bund features.
 - Provision of stormwater swales with connection to existing stormwater pipe assets along Ebbitide Street.
 - Provision of public access to the estuary (limited now to 2 access points at Godwit and Tern Streets, and to be discussed later in this report).
 - A specific design for the revetment/bund and walkway addressing private property at 44a Rocking Horse Road.
 - Removal of 2,441 trees located within council reserve at SNBP and in SP(FLR) zone at Southshore and replacement planting of 4,882 trees.
 - All existing coastal erosion protection structures are proposed to be removed, with removal and reinstatement occurring progressively to minimise exposure of the coastline to storm damage (amendment to application - RFI Response received 6 May 2025 and confirmed by Applicant on 1 July 2025).
 - A construction duration of between 12 and 15 months for Southshore and around 5 months for SNBP.
13. The inundation bund and coastal erosion protection structures are intended to provide erosion and tidal inundation protection along the Southshore and SNBP estuary edge over a 20-year period. This protection level is based on current sea levels and a design storm scenario of a 2% Annual Exceedance Probability (AEP) extreme estuary water level event, combined with waves generated by a 2% AEP south-west or westerly wind event blowing across the estuary (with freeboard). The inundation bund is designed to a crest level of 11.5m Christchurch Drainage Datum (CDD), allowing for 100mm of settlement and construction/survey tolerances to achieve a minimum long term crest level of 11.4m CDD. The crest level of 11.4m CDD post settlement provides approximately 280mm freeboard above the 2% AEP extreme estuary level of 11.12m CDD adopted. The erosion protection works are set to a design RL of 11.3m, except at 44a Rocking Horse Road where the project requires a lowered path of 10.4m RL.
 14. The AEE states that this 20-year design period was chosen to allow time for decisions with communities on longer-term adaptive planning responses to climate change and sea level rise to be made and any actions from these decisions to be implemented.
 15. Decommissioning of structures at the end of the 20-year consent period is not included as part of this application, with decisions on longer-term adaptive planning responses to climate change not yet made. Further consents are likely to be required for any decommissioning project if that is the chosen outcome.
 16. Gabion baskets are proposed at SNBP as a measure to protect archaeological shell midden sites. The proposal also includes a comprehensive landscape plan which incorporates coastal planting, habitat enhancement and tree replacement. Community amenities such as a nature play place are also included. The viewing platform at Tern Street identified in the original application documents has been withdrawn from the proposal.
 17. The proposal includes stockpiling and transporting materials as an ancillary activity for the broader hazard mitigation works. This involves storing construction materials on a separate site near the work area, as the project requires large volumes of material and rock. Due to the site's sensitivity, storing such large quantities within the project area is not suitable. The proposed stockpile site has been identified at 80 Owles Terrace and forms part of this application.
 18. Following a site visit to SNBP with ECan officers on 16 July 2025, the Applicant has nominally proposed a soft beach edge trial area at SNBP to replace cobble beach. No firm details or plans of the proposal has been provided

by the Applicant at the time of writing this report and I understand the Applicant was seeking expert advice from a coastal engineer.

Background

19. This application for resource consent was received on 4 December 2023. Requests for further information were issued to the Applicant on 9 February 2024⁴ and a response to that request was received on 19 February 2025, a further clarification request was sent on 19 March 2025, and a partial response was received on 6 May 2025 with the final response received on 29 May 2025. Commissioner Gina Sweetman determined that the application be publicly notified on 28 July 2025. The application was publicly notified on 7 August 2025 and the submission period closed on 4 September 2025. A total of 179 submissions were received during this period, and three submissions were received late and accepted by the Commissioners – of the total (182), 166 are in support, 11 in opposition and 5 did not state a position or stated they were neutral. Refer **Appendix 3** for the location of submitters.
20. Due to the concurrent applications with both ECan and CCC, responses to requests for information from ECan were also provided to me by the applicant in the processing of this application and are therefore also considered to form part of the application for resource consent from CCC.

Description of the site and existing environment

21. The application site is located at South New Brighton Park (74 Beatty Street), sites in Southshore from Ebbitide Street along the Estuary Edge, including sites on Penguin Street, Plover Street, Tern Street, Heron Street, Rocking Horse Road, and a remote stockpile site at 80 Owles Terrace.
22. The application site and surrounding environment are described in section 3 of the AEE submitted with the application. I consider that this description is accurate and it should be read in conjunction with this report. I note the following information regarding the site description and surrounding environment.
23. The project area is situated within a low-lying coastal environment between the Avon Heathcote Estuary and the Pacific Ocean, spanning two distinct sections along the estuarine shoreline. The northern section is located within South New Brighton Park, a large recreational space serving Christchurch's eastern coastal suburbs. This area lies between residential properties along Estuary Road and the intertidal flats. The Pleasant Point Yacht Club and its associated boat ramp are also located within this section. The southern section of the project is within a narrow strip of former residential land between Godwit Street and Tern Street in Southshore. Cleared following the Canterbury Earthquake Sequence (CES), this land is now publicly accessible and primarily used for recreation.
24. Before the CES, many properties in the project area at Southshore had informal coastal protection structures, including seawalls, concrete debris, rubble, and fill, with some incorporating ramps for estuary access. The earthquakes caused widespread damage, leading to the red-zoning and demolition of nearly all properties along the estuary edge from Ebbitide Street to the Southshore Spit. Following property demolition, these damaged structures were left in place but have since deteriorated due to ongoing erosion and subsidence. Over the past 14 years, structural failures have contributed to repeated inundation, allowing salt meadow habitat to establish in previously dry areas.

⁴ A s37 extension of time was granted by delegated officer on 31 January 2024 due to the complexity of the application, to double the 20 working day period for processing to 40 working days (noting this predated the notification decision).

25. At SNBP, many of the pre-existing erosion protection structures, such as gabion baskets and reno mattresses, failed during the earthquakes, resulting in overtopping and erosion. While remnants of the gabion baskets and reno mattresses remain, they no longer provide protection against coastal erosion and inundation.
26. Along the Southshore edge between the estuary and retained housing, Toitū Te Whenua Land Information New Zealand (LINZ) established an inundation bund to address subsidence as a result of the CES. The subsidence meant that Southshore and South New Brighton were more exposed to inundation risk from the estuary during storm tides. The LINZ bund was constructed of topsoil present at the site and is still visible along the Southshore edge.
27. The residence at 44a Rocking Horse Road is the only residential property that remains in the Specific Purpose (Flat Land Recovery) Zone in the application area following demolition of dwellings and land clearances 'red zoned' after the CES.
28. The project area also includes the site located at 80 Owles Terrace, New Brighton, which will be used for the purposes of stockpiling material. The description of this site is provided in the Aurecon Memorandum⁵, as part of the RFI Response dated 19 February 2025. I adopt the Applicant's description of that site.

Existing Environment/Modified Environment

29. As mentioned above existing coastal hazard protection structures are located on the estuary edge (reno mattresses, rock revetment, walls, rubble, bund etc). These existing structures comprise a mixture of consented and unconsented structures and have been documented by the applicant in responses to RFI's (dated 19 February 2025, 6 May 2025 (part response) and 29 May 2025). I consider that these structures form part of the existing environment. My reasoning is provided below.
30. From the Applicant's RFI response dated 19 February 2025, I note the following (noting the CRC references are resource consents from ECan):

Within the South New Brighton project area, the following activities are identified as having been authorised by resource consent:

- *Reno mattress shoreline protection along the South New Brighton Park edge, authorised by CRC930700.*
- *Disturbance of the foreshore and placement of structures (stormwater outlet and boardwalk) near the South New Brighton Campground, authorised by CRC951916.*
- *Construction of a timber boardwalk and tidal protection works/structures around the Ebbside Street Carpark, authorised by CRC922853, replaced by CRC000123.*
- *Disturbance of the CMA including the construction of an informal pathway, planting and protection of residential properties, between the end of Godwit and Heron Streets, authorised by CRC981649.*
- *Repairs to stormwater outfall structures between Estuary Road and Silt Lane including erosion protection measures, authorised by CRC145555.*
- *Construction of a stormwater outfall and associated erosion protection, located at the Pleasant Point Yacht Club, authorised by CRC191613.*
- *Construction of a boat ramp, occupation of the CMA and installation of erosion protection structures (reno mattress) associated with the Pleasant Point Yacht Club, authorised by CRC1556492.*
- *Repairs to the landscape bund, widening of existing bund and erosion protection works (rock armouring) in the CMA at the end of Heron Street and 44A Rocking Horse Road, authorised by CRC193248.*
- *De Minimis authorisation of a landscape structure, adjacent to the former residential property located at 11A Kingfisher Lane, authorised by CRC084411.*

Within the Southshore residential project area structures relating to former residential properties are likely unconsented.

⁵ RFI Response dated 19 February 2025

LINZ Bund

The landscape bund installed after the CES, was formed by the Canterbury Earthquake Recovery Authority (CERA) using the relevant powers afforded to it under legislation in place at the time. The legal status of the bund has been difficult to determine, with various resource consent applications or Officer's reports acknowledging the bund but not requiring a retrospective consent to be sought...The landscape bund is assessed as forming part of the modified post-earthquake environment.

31. It is noted that CCC consent RMA/2019/134 also provides for tidal flood mitigation retrospective emergency bund works, and proposed stabilisation, widening and erosion protection works at Jellicoe Salt Marsh, road ends of Godwit, Heron, Penguin, Plover and Tern Streets, an area extending south of Tern Street, and private properties of 44A and 78 Rocking Horse Road, Southshore and South New Brighton.
32. A fuller assessment of the structures considered to be consented is included in the RFI Response dated 19 February 2025 – Appendix B.
33. I have also taken into consideration that the existing unconsented coastal protection structures were not placed on the estuary edge by the Applicant. Without the applicant's proposal these structures will likely remain in place and are unlikely to be removed. They will have a continued effect on the estuary edge.
34. This view has been confirmed by legal advice received to the effect that:
 - No agency is going to require removal of the unconsented structures;
 - The difficulty of envisaging a fictional environment that would exist if unlawful structures had never been present. Noting that the physical characteristics of the site have changed over (presumably) several decades as a result of numerous people erecting structures at various times, some lawful some not. In other words, it would not be straight forward to conceptualise the fictional environment that would exist if the unlawful structures had not been built.
35. Overall, the legal advice is that the effects assessment should accept that the existing structures are part of the existing environment.⁶

⁶Email correspondence dated 11 April 2025, Brent Pizzey, Senior Legal Counsel, CCC.



Figure 2: Photograph of existing consented reno mattress shoreline protection, with erosion behind, along the South New Brighton Park edge. (Source: Application Documents).

District Plan and National Environmental Standards – Relevant rules and activity status

Christchurch District Plan

36. The site is zoned Open Space Community Parks Zone, Open Space Coastal Zone, Specific Purpose (Flat Land Recovery) Zone, and very small areas of the Residential Suburban Zone (access legs only) in the Christchurch District Plan (the District Plan). The site is also zoned Conservation 1A in the Christchurch City Plan, with a very small part being Living 1 Zone. The descriptions below are taken from relevant District Plan policies and the zone description from the City Plan.
37. The Open Space Community Parks Zone is to enable formal and informal recreation activities and ensure provision of accessible neighbourhood parks with a predominance of open space capable of accommodating amenity tree planting, landscaping, and small-scale public amenities.
38. The Open Space Coastal zone is to protect the natural environment of the sandy beaches and rocky shorelines of the Christchurch City coast while providing for restoration and enhancement of indigenous flora and fauna and compatible coastal recreation activities.
39. The Specific Purpose (Flat Land Recovery) Zone provides for the interim management of red-zoned land. The zone anticipates a largely open environment that recognises the natural hazard risks affecting the properties in the area and maintains the longer-term potential of the area to contribute to the recovery and future enhancement of Christchurch.
40. In addition to the District Plan zone rules, a number of overlays apply to the proposal area. These are outlined at the beginning of this report.
41. The Conservation 1A Zone in the Christchurch City Plan provides for the recognition and protection of areas of significant natural flora and fauna and seeks to prevent these areas being subject to the adverse effects of inappropriate use or development, particularly disturbance of the land surface and of vegetation.

42. The proposed works (inundation bund, rock revetments and gabion baskets) are consistent with the definition of “building” in the District Plan (and City Plan). This definition includes “any structure or part of a structure, whether permanent, moveable or immovable”. The RMA defines a structure as “any building, equipment, device or other facility made by people and which is fixed to land”. I consider that the proposed works (inundation bund, rock revetments and gabion baskets) are structures as defined by the RMA and a building as defined by the District and City Plan.
43. Relevant objectives and policies are discussed in detail in a later section of this report.
44. The proposal requires resource consent for a non-complying activity under the following rules in the District Plan:

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
5.4.1.5 – RD2	5.4.1.1 P11, P13 & P18	Earthworks (filling and excavation) that are not a permitted activity under P11 (which only permits filling and excavation associated with the maintenance of flood protection works; the proposed activity is new flood protection works) and P13 (volume of earthworks). The stockpiling activity at 80 Owles Terrace exceeds the permitted standard specified in Rule 5.4.1.1 P18. Consent is therefore required for this activity under 5.4.1.5a RD2.	5.4.1.5a RD2 a-b	No clause
5.4.6.3 – NC2 (new buildings)	-	The proposed works are buildings (by definition) and are located within the High Flood Hazard Management Area. New buildings are not a permitted activity within the High Flood Hazard Management Overlay.	N/A	No clause
8.9.2.3 – RD1	8.9.2.1 P1(a)	The proposed stockpile works at Owles Terrace are located in the Specific Purpose (Ōtākaro Avon River Corridor) Zone which has a specified volume of 100 m ³ / ha in any 12 months, depicted in Table 9. This volume cannot be met.	Rule 8.9.4	May be limited notified, but shall not be publicly notified

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
8.9.2.3 – RD4		Earthworks within 20m of coastal hazard mitigation works.	8.9.4.1 8.9.4.3 8.9.4.4 8.9.4.5 8.9.4.9	May be limited notified, but shall not be publicly notified
8.9.2.4 – D1	8.9.2.4 – D1 (Table 9)	The proposal exceeds the specified volume limit for any earthworks within an overlay identified in Table 9. The proposal encroaches into ONF 36.0 which has a volume limit of nil. This cannot be complied with and is a discretionary activity.	N/A	May be limited notified, but shall not be publicly notified
8.9.2.5 – NC2	-	The proposal involves the modification, alteration or removal of sand dunes and vegetation on sand dunes within 50 metres of Mean High Water Springs which is a non-complying activity.	N/A	May be limited notified, but shall not be publicly notified
9.1.4.1.5 – NC1	9.1.4.1.1 P1	Indigenous vegetation clearance provided for by Rule 9.1.4.1.1 P1, which does not meet the activity specific standards is a non-complying activity.	N/A	No clause
9.2.4.1 – NC2	-	Any building located within ONF 36.0 is a non-complying activity.	N/A	No clause
9.2.6.1 – D1	-	Any building within an Area of Natural Character in the Coastal Environment is a discretionary activity (NCCE1.0).	N/A	No clause
9.2.6.1 – NC1	-	Any building located within areas of a least high natural character is a non-complying activity (HNC34).	N/A	No clause
13.11.4.1.3 – RD9	13.11.4.1.1 P9	The hazard management or mitigation works are located within an Outstanding Natural Feature, an area of High Natural Character in the coastal environment, and a	13.11.4.3 RD9 a - g	No Clause

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
		Site of Ecological Significance (SES/LP/14).		
13.11.4.1.5 – NC1	-	Any activity not provided for as a permitted, controlled, restricted discretionary, discretionary or prohibited activity is a non-complying activity. Public amenities including the proposed walking track and playground in the Specific Purpose (Flat Land Recovery) Zone are a non-complying activity.	N/A	No Clause
14.4.1.4.a – D1	-	The construction of flood protection/coastal erosion protection works is not provided for as a permitted, controlled, restricted discretionary, or non-complying activity in the Residential Suburban Zone and is therefore a discretionary activity.	N/A	No Clause
18.4.1.2 – C1	-	New buildings and structures (including stop banks) for the purposes of flood and/or bank erosion mitigation and/or protection, where undertaken by the Council, the CRC, or the Crown is a controlled activity in the Open Space Community Parks Zone.	18.4.1.2 C1 a - d	No clause
18.9.1.3 – RD1	18.9.1.1 P8, P10	The planting of exotic vegetation or native plants of non-local origin for replacement planting purposes, is not captured by the activity specific standards in 18.9.1.1 P8 or P10 and is a restricted discretionary activity.	18.10.24 a – d 18.10.25 a - f	Shall not be limited or publicly notified
18.9.1.3 – RD2	-	Indigenous vegetation clearance in the Open Space Coastal Zone is a restricted discretionary activity.	18.10.24	Shall not be limited or publicly notified
18.9.1.5 NC1	-	Any activity not provided for as a permitted, controlled,	N/A	No clause

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
		restricted discretionary, discretionary or prohibited activity is a non-complying activity. The flood protection/coastal erosion protection works are a non-complying activity.		

45. For completeness I note the following global resource consents the Applicant has relied upon for the project, noting the applicant has confirmed they will comply with the conditions of these consents:
- RMA/2021/2094 – a global resource consent under the National Environmental standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ('NES-CS'); and
 - RMA/2021/2059 – A global resource consent enabling tree removals in parks and works within the vicinity of trees.
As a result, earthworks and the removal of trees that do not comply with Rule 9.4.4.1.1 (P6 and P12) and require consent as a restricted discretionary activity pursuant to Rule 9.4.4.1.3 (RD4 and RD8) will rely on this global consent held by Council.
46. Overall, the proposal must be considered as a **non-complying activity** under the District Plan.

Proposed Plan Change 14

47. Proposed Plan Change 14 (PC14) was notified on 17 March 2023 and includes residential and commercial intensification provisions directed by the National Policy Statement on Urban Development 2020 (NPS-UD) and the Medium Density Residential Standards in Schedule 3A of the RMA (as modified by the proposed sunlight access qualifying matter). The Independent Hearings Panel's recommendations on PC14 were released on 30 July 2024, and the Council made decisions on recommendations relating to NPS-UD Policy 3 areas (i.e. in and around commercial centres) on 18 September and 2 December 2024. Final Decisions of the Minister for Policy 3 areas were publicly notified and incorporated into the District Plan on 19 June 2025. Further decisions on additional areas were made in September 2025, with both the new areas and existing Policy 3 areas renamed 'Urban Intensification Areas'. The sites the subject of this application are not located in an Urban Intensification Area.
48. An investigation was conducted into the qualifying matters introduced by PC14, specifically the Coastal Hazard High Risk Management Area, Coastal Hazard Medium Risk Management Area, and Tsunami Risk Management Area Overlays, and their relevance to this application. As notified, the SP(FLR) zone is included in the Tsunami Management area, and the Open Space Community Parks Zone (OSCP) and Open Space Coastal Zone (OSC) are included in the Tsunami Management Area and the High Floodplain Hazard Management Area. The spit tip is included in these areas as well as the Low Public Transport Access qualifying matter, and Coastal Hazards Medium Risk Management area. The existing District Plan ONF, SES, Sites of Ngai Tahu Cultural Significance are also proposed qualifying matters. 80 Owles Tce in the Specific Purpose (Open Space Avon River Corridor) (SP(OARC)) zone is also identified as being in the Tsunami Management Area. A decision has not yet been made on Plan Change 14 outside of Urban Intensification areas, but it is noted that the IHP recommendation removes these overlays from the OSCP, OSC, SP(OARC) and SP(FLR) zones. The Council right of reply includes the Tsunami Management Area over some of the proposal area but the relevant recommended provisions (policies and rules) relate only to the Residential Suburban (RS) and Residential Suburban Density Transition (RSDT) zones. As such, I have not considered Plan Change 14 further in this assessment, other than noting the hazard-prone nature of the area, as well as the overlays that signify the cultural, ecological and landscape importance.

Proposed Plan Change 7 – Managing significant indigenous vegetation

49. Proposed Plan Change 7 has immediate legal effect and has been considered under the District Plan provisions assessed in this report.

Christchurch City Plan

50. The City Plan remains in force with respect to coastal hazards. The site includes land zoned C1A in the City Plan. Rules 5-2.3.1(d) and 9-5.2.4 are potentially applicable in this instance.
51. Rule 9-5.2.4 states that any filling or excavation, or the erection of buildings within 20m of the coastline (MHWS) is a restricted discretionary activity. The Council's discretion is limited to the assessment matters under 9-5.9.2 as they relate to coastal hazards. I note that the rule is unclear whether the coastline is to be taken as something other than MHWS with respect to the C1A Zone, or whether this is intended as an exemption for the C1A zone altogether:

Rule 5.2.4 Development Standard

(a) Any filling or excavation, or the erection of buildings shall be a discretionary activity within the setbacks specified below:

Waterway category/coastline	Setback
... Coastline (means the line of mean high-water springs except in Conservation 1A Zone refer to Part 5)	... 20m

52. The 'reasons for the rule' would support the latter:

'Most of the city's coastline is already protected within conservation zones and subject to separate rules, but a 20m setback has been required on other parts of the city's coastline to ensure a minimum buffer for ecological, access, recreation and erosion protection reasons.'

53. Consequently, I have not applied this City Plan setback rule of 20m from the coastline for earthworks and buildings to the C1A zone for this proposal. As discussed earlier in this report, there is, however, a small portion of the C1A that is very narrow and likely less than 20m wide, adjacent to the Living 1 zone, which out of an abundance of caution, has been included as an area requiring consent as a **restricted discretionary activity** pursuant to 9-5.2.4(a).
54. Under Rule 5-2.3.1(d), however, the erection of any building in the C1A zone is a **discretionary activity** under the City Plan provisions that remain operative.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

55. These standards seek to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and if necessary, the land is remediated or contaminants contained to make the land safe for human use.
56. The NES controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The application site is identified as HAIL land therefore the provisions of the NES apply. The Applicant has prepared a Detailed

Site Investigation (DSI) and is relying on RMA/2021/2094 - global resource consent held by the Council under the NES. The Applicant also proposes the preparation of a Contaminated Site Management Plan (CSMP) as required under the global consent for this proposal.

Overall activity status

57. Overall, the application must be assessed as a non-complying activity (being the most restrictive activity status).

Submissions

58. 182 submissions were received on this application, three of which were late⁷. Of the total, 166 submissions are in support, 9 in opposition, and 5 are neutral.
59. The Ministry of Education requested an extension of time until 9 September 2025 and this was granted by the Commissioners on the 5th September 2025 pursuant to s37 and 37A of the RMA. This submission was received late and an extension of time was granted by the Commissioners on 12 September 2025. The two other late submissions from Rangi Hawkins and Estella Robb were accepted with a s37 time extension by the Commissioners on 24 October 2025.
60. Copies of all submissions have been provided to the Hearings Panel. I have utilised the submission numbers allocated to the submissions as shown in the left-hand column of the spreadsheet provided to the Commissioners. The list of submitters and the submission number allocated can be found in **Appendix 2**.
61. The reasons for the submissions in support are summarised as follows:
- Both South New Brighton Park and Southshore are in dire need of coastal erosion protection structures in order to provide erosion and total inundation protection.
 - Works to the estuary edge and seawall may provide flood risk relief and maybe lower insurance or at least make it a safer area to live.
 - This damage has been left unresolved since 2011 and has harmed wellbeing and left the community fourteen years behind other suburbs in its recovery.
 - Years of neglect can be corrected, and the asset can be future-proofed for the next generations.
 - Will improve public access to the estuary, encouraging recreation, education, and a deeper connection between Southshore residents and their natural environment.
 - The project backs infrastructure that balances protection with natural character.
 - The Council has carefully considered environmental and cultural factors— minimising impacts on saltmarshes, seagrasses, coastal bird populations, and iwi heritage, including middens. The consultation and design adjustments demonstrate a balanced and respectful approach
 - The estuary remains a place of deep cultural and environmental significance to Christchurch’s landscape and identity.
 - Use of natural materials (cobble beaches, rock revetments) and integration of planting plans reduce ecological impact and complement the estuarine habitat.
 - Hope project goes ahead so our community can continue to connect with and enjoy the estuary.
 - Consistent with RMA, LGA, Te Tiriti o Waitangi, and mana whenua values.
 - 1 in a million opportunity to have a safe, well thought out recreational area.
 - Aligns with council’s strategic policies - Equity and inclusion policy 2024, Parks and Waterways Access Policy 2002, Strategic framework and Long-Term Plan (2024-2034), Integrated Planning Guide for Healthy Communities.

⁷ Ministry of Education received 11 September 2025; Rangi Hawkins received 13 October 2025; Estella Robb, received 13 October 2025.

62. While many submissions were in support of the project, some of those submitters were supportive subject to requested changes or other outcomes as follows:

- Rock revetment walls are not ecological or diverse. Explore alternatives (e.g. Flex MSE) to create stable, planted, habitat-supporting edges.
- Consider alternative or nature-based solutions where possible (e.g., planting, dune restoration) in addition to hard structures.
- Ensure tsunami evacuation, flood mitigation, and Te Whare Tapa Whā (community well-being) outcomes are acknowledged in final conditions.
- Give priority to the stated intention of the application to provide erosion and tidal inundation protection when considering any final designs and materials to be used, rather than protection of sea grass and facilitating its migration due to possible sea level rise at some future unknown date.
- Many of us feel worn down by the never-ending consenting process, which relitigates changes in design, and have lost faith and trust in our Council and its processes.
- Environmental management required during construction, including bird and seagrass protection, signage, and dog management.
- Council to commit to ongoing monitoring of the estuarine edge habitat and bird populations during and after construction.
- That the proposals for the shore from CH30 at Godwit St to approximately CH140 be amended in consultation with the Council ornithologist to devise a plan that gives protection to the shore whilst retaining most of the trees presently between the LINZ bund and the shore.
- Require periodic review points within the 20-year consent (for example every 5 years), so that the works can be adapted if needed.
- Ensure clear communication and involvement of local residents throughout planning and construction.
- Access for dogs onto the mud flats should be restricted to on a leash, or not at all.
- Signage and strict dog on leads policy for the estuary side required.
- Include gates at access points that kayakers and so on could open when needed, but which remain closed most of the time would enable compromise between godwits and other birds, recreational and more casual users (with dogs).
- Include accessible ramps, jetties, and platforms (not just steps) at a minimum of three street-end locations.
- Fewer accesses mean more will use each one; reconsider number of access points, to go from 29 to 4 or even 3 does not seem justifiable.
- Supports only a few limited step accessways down onto the mudflats.
- Preference for ramps over stairs.
- Re-instate Tern Street jetty.
- Include a jetty at Plover St which allows access for all abilities.
- Concerned with trees on the reserve behind section at Heron Street
- Remove the secondary paths close to houses on Heron Street.
- Maintain seating currently placed by donating family.
- Placement and size of nature play area Heron Street questioned - relocate to between Plover and Tern; too close to surrounding housing (night-time anti-social behaviour).
- Protect the massive pine and macrocarpa trees that the birds (especially heron) use for roosting and breeding.
- Replace taller trees with smaller trees at end of Godwit Street
- Save and /or relocate significant trees in front of our reserve 106 Rocking Horse Road. Norfolk Pine, Scottish Pine, Yellow Pohutukawa, Palm tree. These large trees are home to nesting birds.
- Does not oppose subject to an Archaeological Authority being obtained under the HNZPTA, and the exclusion of an Accidental Discovery Protocol from the conditions of consent as this is addressed in the Archaeological Authority.

63. The reasons for the neutral submissions are summarised as follows:

- Retain access points for small craft, to allow people to use the estuary for recreation, and to reinstate the Tern St Jetty.

- There should be more than three points along the whole Rocking Horse Road. How far can you carry a kayak? Are you 70?
- Acknowledge the need to protect sea and shore birds that rest or nest in the area. Community interests and concerns about both the loss of existing access and the potential to create excellent new practical access are incorporated into final decision making and plans.
- Potential construction effects on South New Brighton School and playcentre in relation to traffic safety and traffic noise from heavy vehicle trips and construction work staff movements. On-going communication required re temporary open space closures, access and drop off zones. Conditions 16 and 22 in the AEE supported.
- Does not trust the mitigation proposed addressing noise disruption from construction.
- Seek appropriate and enforceable conditions to manage effects on lizards, saltmeadow, and significant saltmarsh ribbonwood / exotic grass grassland; monitor effects and to undertake further measures if monitoring shows that effects have not been remediated as anticipated. Additional measures include providing a release site for salvaged lizards in the final Lizard Management Plan (LMP).

64. I note that the Director General of Conservation (DoC) provided a neutral submission under the CCC public notification process (August/September 2025). The submission by DoC on the ECan public notification process was opposed in part to the project. DoC records that the submission to CRC did not consider the updated Ecological Impact Assessment (EclA dated 29 May 2025), as this was not provided until after the CRC submission period closed. Its most recent submission (4 September 2025) addresses the proposal as amended by the updated EclA and no longer opposes the proposal.

65. The reasons for the submissions in opposition are summarised as follows:

- Inappropriate location of the community garden.
- Build ramps not steps.
- Removal of access points to the estuary would be to the detriment of the local community. A balance should be sought between protecting the ecology and continuing to allow amenity access.
- Concerns regarding misuse by the public (such as dog walking/disturbing the ecology) should be addressed through signage and education.
- Hard surfaces along the inside of the estuary edges will prevent salt marsh conditions spreading into the spit edge as sea level continues to rise, those parts which include hard edges be declined.
- Removal of trees. Christchurch has/is losing far too many trees; where do the birds go that already live here.
- Rocks - there is no place for rocks in estuaries.
- Requires significant design modifications as the current proposal would have significant negative environmental impacts if implemented. Hard edge will eliminate opportunity for salt marsh communities to retreat with increasing sea level rise. Disturbance of sea grass – acquire 44A Rocking Horse Road and remove it.
- Missed opportunities across its entire length to use saltmarsh species to create buffers from wave action that would protect built structures and create additional species habitat.
- At the southern part of the area close to Penguin Street, there currently is limited rock edge protection, so the proposed rock revetment substantially hardens this edge from what currently exists. Place the proposed bund and revetment further inland 10—15 m provides a wide band of additional space for saltmarsh to retreat over the short to medium term.

66. The submitter's matters of concern fall into the following key issues:

- The community's need for coastal hazard protection/ flood mitigation
- Provision of public access to the estuary
- Removal of Tern Street Jetty
- Archaeological impacts
- Cultural impacts
- Ecological impacts – birds, seagrass, saltmarsh, salt meadow, lizards and tree removals

- Alternatives to rock revetments, e.g., nature-based solutions
- The need for on-going monitoring
- On-going communication during construction
- Dog control
- Appropriate signage for dog control, way finding and cultural narrative
- Design preferences and location of paths, seating, community garden and location of trees near property boundaries
- Construction effects including noise, and traffic and access.

67. Where relevant the assessment of effects section will address any matters raised by these submissions that have not otherwise been addressed.
68. While not issues considered below in my assessment, as I consider them generally out of scope, I record that many submitters considered the Estuary to be a special place, and that the lack of repair has prolonged the sense of unfinished recovery for the community. Some suggested that South New Brighton and Southshore have been left behind the rest of the city in post-earthquake repairs and restoration, and that the Council should provide similar protection to that provided to Sumner and Redcliffs.

Resource Management Act 1991

69. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104, 104B and 104D of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act's purpose and principles, including matters of national importance, the consent authority shall have regard to:
- a) Any actual and potential effects on the environment of allowing the activity.*
 - b) Any relevant provisions of a plan or proposed plan, a national environment standard, a national policy statement, a New Zealand coastal policy statement, a regional policy statement*
 - c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
70. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.
71. Under Sections 104B and 104D, when considering an application for resource consent for a non-complying activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
72. Under Section 104D, and despite any decision made for the purpose of Section 95A in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or that the application is for an activity that will not be contrary to the objectives and policies of the plan and any relevant proposed plan.
73. Even where one of the threshold tests in Section 104D is met, the consent authority still retains an overall discretion as to whether to grant the application. That discretion is to be exercised having regard to the criteria set out in Section 104.
74. Section 104(3)(a)(ii) states that a consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval is withdrawn in a written notice before the date of the hearing). The applicant has obtained the written approval of the following persons:
- 44A Rocking Horse Road – owned by Sandra Jane Firth and Luke John William Jamin

- 168A Rocking Horse Road – owned by Alistair Neil Bowie
- 172D Rocking Horse Road – owned by Maureen Green
- Pleasant Point Yacht Club Inc. – occupier / leased from CCC

75. Correspondence in support of the project has been received from Te Ihutai Ahuwhenua Trust.⁸
76. I note that the Applicant obtained written approval from Lindsay Johnson, Michael Johnson, Craig Johnson and Ian Johnson, who are the owners/occupiers of 1/184B Rocking Horse Road. Written approval was also received from Errol Hawkins, who I understand is the occupier of the South Brighton Holiday Park. Both written approvals were provided on Environment Canterbury’s written approval forms. It is noted that these two written approval forms were not accepted by Environment Canterbury in its notification report for this proposal as the written approval forms were not properly completed. I agree that it is inappropriate to accept these two written approvals.

Actual and Potential Effects on the Environment (s104 (1)(a))

77. As a non-complying activity the Council’s assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.
78. In the context of the planning framework, I consider that the potential effects of the activity relate to both operational and construction effects and fall broadly into the following categories:
- positive effects
 - natural character, landscape and visual effects
 - ecological effects
 - natural hazard effects – including coastal hazards and surface water flooding
 - recreation effects – including effects on public access
 - effects on cultural values
 - effects on heritage values
 - traffic effects
 - arboricultural effects (tree removals and works)
 - noise and vibration effects
 - earthworks effects
 - soil contamination effects
 - cumulative effects

Permitted baseline

79. Prior to undertaking an assessment of the effects of this proposal it is useful to consider discretion available under Section 104(2) of the Act (referred to as the “permitted baseline”) whereby a consent authority may disregard an adverse effect of an activity on the environment if the Plan or national environmental standard permits an activity with that effect. Case law has established that this relates to the effects of non-fanciful hypothetical activities which could be carried out as of right under the Plan.
80. In my opinion the permitted baseline provides very little assistance in assessing the adverse effects on the environment of the proposed activities in this case. While earthworks for the purpose of new coastal hazard mitigation works undertaken by the Council are exempt from the earthworks rules under Rule 8.9.2.1 P1 and P2, numerous other earthworks rules apply, including in the various overlays applying to this sensitive

⁸ Email correspondence from Te Ihutai Ahuwhenua Trust dated 13 November 2024, provided in RFI Response dated 19 February 2025 and 6 May 2025

environment (see Activity Status Table above). In addition, within the Specific Purpose (Flat Land Recovery) Zone, Rule 13.11.4.1.1 P10 provides for the maintenance, repair, relocation and removal of flood protection and bank erosion works undertaken or authorised by the Council as a permitted activity. However, this permitted activity standard does not apply to the construction of new flood protection and bank erosion works. As such, I have not applied any permitted baseline effects comparison to the assessment of the proposal.

Natural Character, Landscape and Visual Effects

81. The proposed works have the potential to generate adverse landscape and visual effects, including impacts on the natural character of the coastline, given the site's location within an Area of at least High Natural Character in the Coastal Environment (HNC34.0) and an Outstanding Natural Feature (ONF36.0).
82. Landscape and visual effects are addressed in Section 8.5.3 of the applicant's AEE and in more detail in the Southshore Erosion and Inundation Protection Works: Landscape Effects Assessment (November 2023) (LEA) prepared by Boffa Miskell Limited. Further responses from the Applicant's experts were provided as a result of RFI requests from both Christchurch City Council (CCC) and Environment Canterbury (ECan). Mr Jeremy Head, a Landscape Architect, provided expert landscape peer review for CCC (attached at **Appendix 4**).

Natural Character and Landscape Effects

83. The LEA acknowledges the overlap between natural character and landscape values. Mr Head supports the LEA's assessment that the proposal will result in a 'Low' adverse effect on natural character at the site level and a 'Very low' effect at the broader landscape scale, primarily due to temporary vegetation loss and the introduction of built structures in the Coastal Marine Area (CMA).
84. Construction impacts will be minimised through erosion and sediment controls, limiting machinery on the Estuary foreshore, and progressive landscape planting. As the area is already modified, disruption will have limited impact on the wider Estuary, which retains high natural character. Overall, construction effects are considered 'Low-Moderate' (RMA 'minor') during works, and 'Low' (RMA 'less than minor') post-construction. Long-term, the works are expected to improve natural character through increased vegetation and erosion attenuation, with residual effects anticipated to be 'Very low', neutral, or positive within five years. Mr Head considers these conclusions are fair and reasonable. On the basis of the advice received from Mr Head, I consider that overall the natural character and landscape effects will be **acceptable**.

Effects Assessment	Identified Level and nature of Effects		
	During Construction	Post All Project Construction	Following Project Completion (within 5 yrs)
Natural Character Effects	Low-moderate Adverse (Minor)	Low Adverse (Less than minor)	Very low Adverse (Less than minor)
Landscape Effects	Low-moderate Adverse (Minor)	Low Adverse (Less than minor)	Very low Adverse (Less than minor)

Figure 3: Identified Level and Nature of Effects⁹

85. Mr Head states that the LEA does not explicitly discuss the influence of tidal variation or storm events (which may exceed 2.1 m)¹⁰ but acknowledges that the design of the erosion protection works (assumed to follow coastal engineering best practice) will likely enhance natural character over time by facilitating greater stability and resilience to natural processes.

⁹ From RFI Response Dated 19 February 2025

¹⁰ Mr Head quotes this from the AEE at page 58 (3.4.6.4)

Visual Effects

86. The LEA's assessment of visual effects draws on a detailed understanding of view shafts, likely affected parties, and amenity expectations. In some locations, views to the estuary may be marginally reduced due to bund height or planting, while in others (e.g. areas currently obstructed by informal structures or vegetation), views may be enhanced. Visual effects on the broader estuary environment and from distant viewpoints are assessed as 'Low' to 'Very low' during and after construction, with Mr Head noting that in many cases these effects will be negligible or potentially positive over time.
87. Although the construction effects are described as 'temporary' in nature, the duration of the construction period is considered to extend beyond what is typically understood as temporary (12 to 15 months for Southshore and 5 months for SNBP). Consequently, the LEA states that visual effects during construction will be '*Low-Moderate*' (*minor*) for the occupants from over seventy dwellings located between Caspian Street and the southern end of the project, with '*Moderate*' (*more than minor*) effects limited to the occupants of 44a Rocking Horse Road, where bund construction is in close proximity. Written approval has been obtained from the owner of 44a Rocking Horse Road and therefore, any effects on that property must be disregarded. Mr Head considers these findings to be fair and reasonable given the scale of the works and the methodology described in the AEE.
88. Mr Head confirms that residual visual effects for all private residences are considered to be 'Very low' adverse, supported by improvements to vegetation cover, estuary edge remediation, and enhanced access to and along the foreshore.

Design – Cobble beach vs rock revetment and cobble beach vs more naturalised option (SNBP)

89. Mr Head addresses the rationale behind the use of cobble beach vs rock revetment treatments. While the LEA implies that existing site conditions and modification levels informed the design approach, the Applicant's RFI response confirms that multiple factors, including erosion risk and engineering requirements, determined the selected treatment¹¹. Mr Head accepts this rationale and considers the selected locations for each treatment method to be appropriate from a landscape perspective.
90. The concept of an alternative to the cobble beach proposed at SNBP was discussed between the Applicant and ECan officers at a site visit on 16 July 2025. The purpose of the site visit was to explore more naturalised options creating softer edge protection in an area where erosion is occurring behind existing reno mattress protection and the estuary is naturally expanding/new mudflat is forming (see Figure 2 showing reno mattresses at SNBP with erosion).
91. Further details of the soft edge option were not available at the time of writing this report, consequently I am unable to provide comment from Mr Head on the landscape effects of this potential alternative to the cobble beach currently proposed.
92. The submission by Scott Butcher [#122] seeks more naturalised options for coastal hazard protection in this area. Mr Head has reviewed this submission from a landscape perspective and considers that the thrust of what Mr Butcher seeks would enable a much softer and more natural edge to the coastline. However, Mr Head considered it outside his expertise whether Mr Butcher's proposal was scientifically correct and noted comment from other experts would be required, and it may be that Mr Gabites (Environment Canterbury's coastal scientist) would be able to provide a view. Nevertheless, Mr Head considered it important that the range of other matters that have influenced the current choice of protection structures comes into play when considering protection of urban development and public infrastructure. I agree with these comments. In any event Mr Butcher's submission would require substantial redesign of parts of the scheme, the effects of which are currently unknown and potentially outside the scope of what is being considered here. My main concern in respect to this is whether such changes, being sufficiently different to the project as notified, may have resulted in submitters who have not been involved in this process.

¹¹ RFI Response dated 19 February 2025

Recommendations

93. Mr Head supports the recommendations included in the LEA and notes that the effects conclusions are reliant on implementation of the Project in accordance with the submitted plans. A recommendation is made that planting occur sequentially as construction progresses, during the appropriate planting season (April–September). Further information was requested from the Applicant on this matter, and the Applicant in its RFI response dated 19 February 2025 confirmed an adaptive approach will be taken where necessary.
94. Based on the information provided in the AEE, LEA, and supporting RFI responses, and taking into account the peer review provided by Mr Head, I consider that with the proposed mitigation, revetment design, bund design, and planting regime, the proposal will result in natural character, landscape values and visual amenity effects that are **minor and acceptable**.

Ecological Effects

95. The proposed works are located within a sensitive ecological environment and is part of the Avon Heathcote Estuary/Te Ihutai and Environs Site of Ecological Significance (SES, LP/14) and the coastal environment. Consequently, both construction and operational aspects of the project have the potential to generate adverse ecological effects, including impacts on avifauna, herpetofauna, and native vegetation. The actual and potential adverse ecological effects are addressed in section 8.5.1 and 8.6.5 of the Applicant's AEE, within the ecological assessment prepared by Boffa Miskell (Appendix M of the Applicant's AEE) and in RFI responses dated 19 February 2025, and 29 May 2025.¹² The RFI response dated 29 May 2025 included a revised report¹³ addressing concerns expressed in the peer review by the CCC's expert ecologist Dr Shane Orchard (Dr Orchard's peer review is attached at **Appendix 5**). An overall assessment of ecological values for the range of ecosystems at South New Brighton and Southshore can be found at Table 15, page 79 of the Revised EclA (29 May 2025).
96. Submitters comments on specific ecological matters will be addressed in the various sections below. A general submission on ecology was provided by Angus James Smith & Rachel Louise Newton [#98] who request that the Council commit to on-going monitoring of the estuarine edge habitat and bird populations during and after construction and maintain transparency by continually updating the community on staging, timelines, and ecological performance and that bunds and revetments are designed to be adaptable to future sea-level rise projections beyond 2100, in line with hazard modelling scenarios. I consider that the conditions proposed at the end of this report address many of the concerns of this submitter.
97. The Director General of Conservation (DoC) [#179] made a neutral submission in relation to a variety of ecological matters. In particular, DoC seeks suitable conditions to ensure that significant adverse effects on saltmeadow, saltmarsh, and other areas of predominantly indigenous vegetation are avoided and that other adverse effects are avoided, remedied, or mitigated. In addition, DoC seek conditions to ensure monitoring and recording of damage caused to structures, property, and ecosystems during large coastal storm events, as well as monitoring of the recovery of any affected saltmarsh, saltmeadow and other indigenous vegetation is undertaken to inform future decision making. Many of these issues are addressed further below. I consider the offered Saltmeadow Remediation Plan, Seagrass and Salt Management Plan, and Tree Protection Plan and associated conditions recommended at the end of this report address many of these matters.

Access to Estuary

98. The Applicant's AEE assesses the operational coastal ecological effects to be negligible. However, the ecological assessment does indicate that increased access to the estuary bed is a post-construction effect which could result in increased trampling and harvesting of estuarine organisms and littering. The ecological assessment assesses this at a **very low-low** level of effect on both mudflat and saltmarsh habitats with the instigation of

¹² Note: Environment Canterbury also received numerous RFI responses in respect to ecological matters and these have been reviewed as part of the above assessment.

¹³ Southshore Flood Protection EclA Revised RFI Version prepared by Boffa Miskell 29/05/2025

recommended mitigation measures, adding that the Estuary bed is already easily accessible, and the project will reduce the number of access points¹⁴.

99. The Council's ecologist, Dr Shane Orchard, and ECan's two ecologists¹⁵ have raised the issue of the increased recreational access and use resulting from the proposed works and its potential to disturb and displace sizeable bird populations and sea grass. The Applicant has stated that:

There are currently around 29 formed access points into the estuary between Ebbtide Street and the southern limit of the project, many of these being ramps. The project as lodged would remove most of these, while creating some new ones at road ends to allow kayaks and paddleboards to be launched. The resultant total would restrict access to 9 points, all of which had steps, so would restrict quad bikes and other motorised vehicles.

In light of the concerns raised in this question, we have reviewed the access points against the mapped seagrass locations and propose a condition to further reduce access points to 4, all of which are in areas where the seagrass is around 30-40m out and will not be affected by the launching of minor watercraft.

100. A condition to support this amendment to the application was proposed by the Applicant in its RFI Response to ECan as follows¹⁶:

During Detailed Design, the drawings will be revised to reflect a reduction in access points, with these to be supplied to ECan for review. The access points shall be located at points where the seagrass is a minimum of 30m from the end of the structure and are nominally to be:

- *The corner of Ebbtide and Caspian St*
- *Chainage 40 [Godwit Street]*
- *Chainage 730 [Penguin Street]*
- *Chainage 1430 [Tern Street]*

101. A site visit was carried out between ECan officers and the Applicant on 16 July 2025. In response to further concerns about access from ECan officers, particularly in respect to seagrass beds (where the site visit confirmed that the original sea grass mapping was incorrect) the Applicant proposes to rationalise the access points to the estuary further through removing the current 29 informal and uncontrolled access points, replacing these with a maximum of **two** formal access points. The Applicant states that the final locations of these access points have been chosen to be a minimum of 30 metres from significant seagrass beds (as per the above condition), reducing the risk of public interaction and trampling.

102. Consequently, my current understanding is that the new erosion protection structures will include two stepped pedestrian access points to the estuary bed across the site in total. These access steps are proposed at Godwit Street and Tern Street, with the Tern street access relocated some 90m south to comply with the 30m restriction mentioned above.

103. Dr Orchard considers that in the current post-disaster regeneration context where this land is now publicly owned and accessible, it is appropriate that there is now a smaller number of formal access points. Dr Orchard also states:

The provisions for access to the estuary bed must strike a balance between decreasing access at undesirable locations and maintaining or improving access at appropriate locations. In this case many of the existing access points represent local trails and informal infrastructure (e.g., stairs) that were once situated close to private property boundaries and were not generally used or known by the wider public.

¹⁴ Southshore Flood Protection EclA Revised RFI Version prepared by Boffa Miskell 29/05/2025

¹⁵ Philip Grove, CRC Senior Scientist – Water Ecology Science; Melanie Burns, CRC Senior Scientist – Water Ecology

¹⁶ RFI Response to final ECan matters 19 December 2024

104. While Dr Orchard supports a smaller number of access points to the estuary, he considers two stepped accesses to be too few and generally supports four carefully located accesses. Dr Orchard also considers seagrass to be a relatively mobile species and considers seagrass will naturally shift around.
105. I agree with this view in respect to providing more than two public access to what is now a publicly accessible space. I note that this issue will be addressed further in this report under recreation effects, where views of submitters will be considered in more detail.
106. Overall, with the proposed reduction in access points to the estuary (whether it be two or four) and the conditions offered, including proposed signage, I consider that the adverse effects of the proposed access provision on ecological values will be **minor and acceptable**.

Coastal Squeeze¹⁷

107. The issue of coastal squeeze was the subject of requests for further information from both CCC and ECan. The revised ecological assessment acknowledges that:

*The presence of erosion protection structures will cause coastal squeeze effects by constraining the ability of plant dominated habitats to move landwards (towards shallower waters) in response to sea level rise. Although the Estuary edge is already armoured all along the project site, and therefore coastal squeeze effects already exist, a coastal squeeze assessment based on the layout of the proposed erosion protection structures and on information on seagrass distribution, vertical land movement of the Estuary bed and sea level rise projections, showed that coastal squeeze is expected to have a Low level of effect on the seagrass habitat at Southshore for the proposed consent duration (ending in 2045). Based on the assessment undertaken for seagrass, coastal squeeze effects on macroalgae and benthic invertebrates are considered as having a **Very Low** level of effect.*

108. The revised assessment discussed above relies on a NIWA report commissioned by the Applicant investigating future Ihutai bed level changes and the potential extent of seagrass habitat under sea level rise (SLR) scenarios for a 20-year time frame (Appendix A in RFI Response dated 19 February 2025¹⁸). While Dr Orchard considers the NIWA report useful he, nevertheless, is concerned about the timeframe used in this assessment (being the consent duration/design life of the structures of 20 years - the end point being 2045) but indicates that this concern does not necessarily mean that the proposed structures are an unsuitable short-term proposition. I agree with Dr Orchard that the lack of a longer timeframe for the coastal squeeze assessment does not mean that the proposed structures are unsuitable as a shorter-term solution.
109. I have taken the design life of the structures to be the appropriate time frame on which to assess the effects of the proposal and accept that a future long-term solution is yet to be agreed with the community through the Coastal Hazard Adaptation Planning (CHAP) process. As stated later in this report, I accept that the proposed structures have not been designed to address long-term climate change effects and will begin to be overtopped by the end of the design period¹⁹. New solutions will need to be found, but this is no different in my opinion, to other similar consented inundation protection work projects in tidal areas such as the Avon River stopbank project.

¹⁷ The Revised Ecological Assessment dated 29 May 2025 describes this as follows: *As sea levels rise, the persistence of intertidal coastal habitat is dependent on the landward migration of the tidal zone. If landward migration of the tidal zone is prevented due to hard coastal defences (e.g., sea walls, rock revetments), the distance between mean high water spring (MHWS) and mean low water spring (MLWS) (the intertidal zone) decreases, resulting in a reduction in intertidal habitat; this process is called coastal squeeze (Fujii, 2012; Galbraith et.al., 2005; Von Holle et al., 2019).*

¹⁸ Haddadchi et al., 2024, Appendix A in RFI Response dated 19 February 2025

¹⁹ I note that Mr Gabites provides a different assessment to the Applicant on this issue (see coastal hazards section later in this report and Mr Gabites report attached at Appendix 8)

110. The ecology experts from both CCC and ECan agree with the findings in the NIWA report that SLR over the next 20 years is unlikely to impact the seagrass beds²⁰. I consider overall, under current sea level rise projections, within the specific timeframe of this project, any coastal squeeze effects on seagrass will be **minimal**.
111. With respect to saltmarsh, the revised ecological assessment (29 May 2025) states that in the area near Penguin Street, the largest area of saltmarsh present on the project site, will be flanked by the proposed cobble beach, while the existing estuary edge is in part unarmoured (approximately 90m) and in part occupied by a mix of rubble, walls and revetments (approximately 180m). The new cobble beach will be located almost entirely above MHWS under current sea level and will be separated from the upper limit of the current salt marsh extent by 'buffer' areas of mudflat²¹.
112. The revised ecological assessment states that these buffer areas (consisting of a combination of existing mudflat and new mudflat to be created by a landward shift of the Estuary edge following project construction and declamation) will be available to accommodate the landward movement of saltmarsh in response to sea level rise for the foreseeable future. The cobble beach will also create a gentle landform gradient which could accommodate the upward expansion of the saltmarsh. This compares to the existing Estuary edge which is near vertical in places and would not allow saltmarsh to respond to sea level rise. I accept this assessment, and I consider that overall, in this specific area, under current sea level rise projections, within the specific timeframe of this project, any coastal squeeze effects in terms of saltmarsh movement will be **minimal**.
113. There are five small saltmarsh patches south of Penguin Street and one south of Tern Street that will be flanked by the new revetment structures (section 7.2.2.1 of the revised ecological assessment). The ecological assessment notes that these areas of the Estuary edge are already armoured and the project will create larger buffer areas of mudflat due to a landward shift of the new erosion protection structures relative to existing ones. I accept that the existing structures, in this case, form part of the existing environment (see discussion at the beginning of this report) and that the adverse coastal squeeze effects of the project on these smaller saltmarsh patches will be **minimal**.
114. The effects of coastal squeeze resulting from the project on avifauna are assessed in the revised ecological assessment²² to be **very low-low**. The Applicant has assessed the potential coastal squeeze effects on avifauna based on the layout of the proposed erosion protection structures in total and on the proposed 'consent duration' (or 'design life' of the structures). The revised ecological assessment notes that no significant reduction in the extent of the intertidal area is expected by 2045²³. However, while agreeing that the consent is only for 20 years, out to 2045, the Council's ornithologist Andrew Crossland challenges this conclusion and recommends that predictions of mudflat extent to 2045 be modelled by experts to test the veracity of the statement. Mr Crossland further considers that in the case of feeding habitat availability for estuarine birds this would need to be an assessment of both areal extent and temporal availability over a tidal cycle and consider both sea level rise and estuary bed subsidence over the time frame.
115. In respect to both foraging and roosting, the revised ecological assessment indicates that even if the proposed works result in some coastal squeeze effects due to the new coastal defences, they do not anticipate that a decrease in intertidal habitat will result in a decrease of shorebird populations due to the highly mobile nature of the species and the large area available during low tide. With respect to roosting, habitat loss is considered to be minimal because the majority of the important high tide roost habitats within the Avon- Heathcote Estuary are located away from the project site. Utilising site surveys, Boffa Miskell consider that even if coastal squeeze were to occur as a result of the project, it would have little to no impact, and any impacted birds could use the abundance of high tide roosting habitat in the wider Estuary.

²⁰ Haddadchi et al., 2024, Appendix A in RFI Response dated 19 February 2025

²¹ Shown in figure 47, Southshore Flood Protection EclA Revised RFI Version prepared by Boffa Miskell 29/05/2025

²² Southshore Flood Protection EclA Revised RFI Version prepared by Boffa Miskell 29/05/2025

²³ NIWA report - Haddadchi et al., 2024, Appendix A in RFI Response dated 19 February 2025

116. I agree with the Applicant that the Estuary edge is already armoured along the project site and therefore some coastal squeeze effects already exist. However, both Dr Orchard and Mr Crossland dispute the **very low-low** finding largely due to the methodology used for surveying the presence of shorebirds. This issue is discussed later in this report in terms of overall effects of the project on avifauna.
117. Submitters commenting on sea level rise included Mr Damon Mangos [#67] who consider that the Council's number one priority when considering final designs and materials should be providing erosion and tidal inundation protection rather than protection of sea grass and facilitating its migration due to possible sea level rise at some future unknown date. Conversely Mr Scott Butcher [#122] was concerned that the proposal will establish a hard edge along most of the length of the project area, eliminating the opportunity for saltmarsh communities to retreat with increasing sea level rise. These issues are addressed above and later in this report.

Effects on Saltmarsh – herbfields (Salt Meadow)

118. The AEE indicates that the construction-phase activities will require vegetation clearance of 0.17 ha of salt meadow. The ecological assessment assesses the impact on salt meadow to be **Low-Moderate** level effects as this loss cannot be avoided, remedied or mitigated and hence represents a net loss of significant habitat. The original application proposed an off-set to address this net loss by the creation of at least 0.36 ha of saltmeadow habitat at the nearby Southshore Spit Reserve (note: located outside the project footprint) as described in the Saltmeadow Management Plan (in Appendix M of the AEE).
119. Dr Orchard reviewed the proposed offset and considered the off-set as proposed to be inappropriate as the chosen location for the off-set was itself an existing protected area and was contrary to key biodiversity principles. In response to an RFI on this matter (19 February 2025, Appendix F), the Applicant amended the proposal to include an ecological engineering element (remediation) to promote the establishment of saltmeadow habitat within the project footprint. This proposed remediation has been confirmed in the revised ecological assessment provided by the Applicant on 29 May 2025 which also revised the level of effects on saltmeadow from **low—moderate** to **moderate** level effects. The Saltmeadow Off-set Plan, provided in the original application can, therefore, now be disregarded. Dr Orchard states in respect to the remediation offered:

This approach is expected to be sufficient to offset the loss of this ecosystem type in other parts of the project area.

The saltmeadow remediation area that has been identified (0.19 ha) is slightly larger than the area of saltmeadow that would be adversely impacted by construction (0.17 ha), as is appropriate.

120. Dr Orchard also supports the proposed monitoring framework to inform an adaptive management approach (see attached memorandum in **Appendix 4** -Technical Memorandum dated 13 June 2025). Overall Dr Orchard concludes that with these measures in place '**no net loss**' will occur but this is contingent on the implementation of a Saltmeadow Management / Remediation Plan²⁴. Overall, I consider that given the saltmeadow remediation area and adaptive management process has been confirmed by the Applicant in its revised ecological assessment, adverse effects on saltmeadow as a result of the project will be **minor and acceptable**.

Effects on Salt Marsh – rushland

121. The EcIA identifies that saltmarsh – rushland occurs on estuary mudflat at Southshore, largely at Penguin Street, and is Sea rush rushland. While small in extent the EcIA considers that these rushlands contribute to coastal erosion mitigation and form part of a sequence of estuarine habitat and have a **high** ecological value overall.
122. The Ecological Impact Assessment by Boffa Miskell at 7.2.1.5 states:

*An apparent 0.01 ha area of saltmarsh loss essentially represents margin of error between the mapping of saltmarsh (based largely on the extent of sea rush) and the proposed construction footprint. **In other words, any***

²⁴ Technical Memorandum, Dr Shane Orchard, 13 June 2025 (attached as Appendix 4).

change to the extent and composition of this habitat may not be discernible, if it occurs at all, whether one considers the size of the patches potentially affected or the extent of this habitat within the project site and wider Estuary. This level of impact, while a de minimis (Very Low) level effect (based on negligible magnitude impact to high ecological value habitat), would most likely affect a small number of sea rush plants, the core vegetation component of this significant habitat type⁴⁴. This would mean a loss of significant values, and while this species is abundant in suitable habitats in the surrounding area, coastal wetland vegetation in the Estuary is generally declining (Orchard, 2020). Any loss of this significant area should be avoided or otherwise remedied (see Section 8.0) to ensure that the proposal leads to no net loss (and preferably a net gain) in significant coastal wetland habitat.

[note red text indicates assessment added in the Revised EclA dated 29 May 2025].

123. The applicant proposes in its revised ecological report the following in respect to saltmarsh:

‘We recommend that, at Southshore, the eastern boundary (closest to the Estuary edge) of the saltmarsh habitat is marked before construction begins to ensure that the areas to be avoided are clearly visible and to confirm that any overlap between saltmarsh and the project footprint is no larger than what has been assessed in this report (margin of error overlap of 6 m²);...’

124. This mitigation proposal has been included as part of the Seagrass and Saltmarsh Management Plan (SSMP) approach included in the conditions of consent offered by the Applicant, to ensure no net loss of saltmarsh habitat.²⁵
125. Dr Orchard has reviewed the content of the SSMP as outlined in the revised conditions offered by the Applicant on 21 October 2025 and was generally agreeable to this approach but suggested that information on timeframes be added to the content list in the condition.
126. Overall, with the proposed SSMP and the associated conditions offered, I consider that the adverse effects of the of the project on saltmarsh - rushland will be **acceptable**.

Exotic Grassland/herb field

127. The Ecological assessment identifies that impacts to Exotic Grassland/Herb field during construction are of a very low level of effect and with the restoration after construction proposed, would constitute an overall positive magnitude of effect and hence a **net gain**. Supplemental planting is proposed for the clearance of the corridor of planted and/or exotic vegetation for the construction of the inundation bund at SNBP. This is also considered by the Applicant to result in a **net gain**. I accept this assessment of the Applicant’s ecologists and consider that adverse effects of the project on the exotic grassland/herb fields will be **insignificant**.

Effects on Seagrass

128. Areas of seagrass habitat exist at Southshore. Seagrass is an At Risk – Declining species (de Lange et al., 2024)²⁶, and with the seagrass meadows along Southshore being among the most extensive in the Canterbury region, the Applicant’s revised ecological assessment acknowledges that its ecological value is **Very High**.²⁷
129. The ecological assessment indicates that:
While there is only minimal overlap between the project footprint and the seagrass habitat at Southshore, it may not always be possible to remove the existing structures without impacting small patches of seagrass growing in close proximity. With the recommended avoidance and remediation measures in place, along with the impact

²⁵ Revised offered conditions received from Applicant 21 October 2025

²⁶ Southshore Flood Protection EclA Revised RFI Version prepared by Boffa Miskell 29/05/2025

²⁷ Ibid.

management measures already included in the project design and construction methodology, small-scale seagrass habitat disturbance and seagrass mortality are assessed as having a **Very Low** level of effect.

130. In response to RFI questions from both CCC and ECan the Applicant has stated:

The design has responded to the areas where seagrass is close to the existing structures, by locating the revetment further inland in these locations (notably CH900 - 1140 and CH1210 - 1380). The toe of the new revetment will be a minimum of 5m from any seagrass, meaning that impacts will be limited to removal of the existing structures and any soil behind these. In order to avoid disturbance, construction methodology is proposed to require works to be undertaken from the landward side only in these areas.

The seagrass is around 4-5m from the coastal structures between CH900 – 1140, but it comes right up to the edge of the structures at CH 1260-1270 and CH 1310-1370.

Mitigation is offered in the form of a condition of consent restricting removal of these structures to the landward side only, with an ecologist standover for the sections where the seagrass abuts the walls.

131. The Revised Ecological Assessment provided as a RFI response on 29 May 2025 also revises its statement recorded in the paragraphs above, and now states:

*As a result of the design shaping process, and in light of the impact management measures already included in the project design and construction methodology, there is virtually no overlap between the project footprint and the seagrass habitat (only one isolated plant present within the project footprint at Southshore). We recommend that the overlap between seagrass and the project footprint is reassessed before construction and that, if necessary, the project design is revised to ensure that the project has **no effect** on seagrass (i.e., no net loss of sea grass habitat).*

132. Dr Orchard has reviewed these additional mitigation proposals and considers that the design amendments (design shaping), including repositioning the toe of the revetment structure to address current seagrass habitat to be sound.
133. Overall, I accept the advice of Dr Orchard and consider that with the proposed additional mitigation measures that the adverse effects of the proposed works on seagrass will be **acceptable**.

Effects on Dune habitat

134. The proposed construction works have the potential to adversely affect dune habitat. In response to peer review comments from Dr Orchard the Applicant has proposed further remedial/mitigation measures which include remediating sandy substrate areas (i.e., the areas that typically have marram grass and ice-plant as indicative species) with pīngao planting (indigenous sand-binder species). Dr Orchard comments that while marram grass will likely re-establish as well over time, pīngao is an appropriate local dune species. With respect to the potential loss of sand dune habitat saltmarsh ribbonwood/exotic grass grassland habitat at Southshore, the Applicant proposes replanting and weed control of exotic trees/shrubs (sycamore, elder, tree lupin, etc.) within this area to ensure **no net loss**. Dr Orchard comments that:

These species may currently be stabilising remnant dune areas effectively leading to a reduction in the extent/quality of this habitat over time; this approach would avert that loss.

135. Dr Orchard considers that the Applicant's recommendations provide opportunities to mitigate sandy substrate areas that are disturbed or displaced by construction works in ways that can improve indigenous biodiversity values, and in this case, create opportunities to re-establish culturally important species at this location. Dr Orchard considers this represents a good outcome²⁸.

²⁸ Further Review of Coastal Protection Proposals at Southshore and South New Brighton Park, 3 March 2025

136. Overall, I accept the advice of Dr Orchard and consider that with the proposed mitigation measures the adverse effects of the proposed coastal protection works on dune habitat will be **minor and acceptable**.

Effects on Herpetofauna

137. The proposed footprint of the erosion protection works and flood inundation bunds are known to overlap with habitat occupied by lizards. In particular, the Southern grass skink, an at-risk declining native species, is located within the project site. The proposed construction works have the potential to adversely affect the vegetation cover and related debris for lizard habitat through proposed vegetation removal. The Applicant proposes the implementation of a Lizard Management Plan as specified in section 8.6.5.1 of the Applicant's AEE.
138. The Applicant has also sought approval under the Wildlife Act 1953 (s42(4)(h) for disturbing native lizard habitat and for the capture and relocation of native lizards. In the RFI Response dated 6 May 2025 the Applicant confirms that a permit under the Wildlife Act has been obtained for the project (Reference 116013-FAU, granted 14 October 2024). A copy of the wildlife permit is included as **Appendix 5** to this report and includes an updated Lizard Management Plan (LMP) which was submitted in support of the Wildlife Authority Application.
139. Dr Orchard has reviewed the ecological assessment prepared by Boffa Miskell (Appendix M of the Applicant's AEE) and considers the potential impacts on herpetofauna to have been comprehensively covered and noted no particular issues.
140. The Director General of Conservation (DoC) made a 'neutral' submission].²⁹ DoC is concerned the Lizard Management Plan (LMP) provided as part of the application does not include a release site for salvaged lizards. DoC submits that this information should be included in the final LMP. The Applicant provided an updated Lizard Management Plan (dated September 2024) in its application for a Wildlife Authority which included a release site. Bridge Reserve at South New Brighton has been identified as an appropriate location for the relocation of any salvaged skinks. The updated Lizard Management Plan states that Southern Grass and McCann's skinks are present at this site.³⁰ The release site has been accepted as part of the Wildlife Authority permit issued.
141. Overall, I consider that based on the proposed mitigation measures outlined in the LMP and the conditions in the granted Wildlife Authority permit, the adverse environmental effects of the proposed works on lizards will be appropriately avoided or mitigated and will be **acceptable**.

Effects on Avifauna

142. The Avon-Heathcote Estuary/Ihutai is a nationally and internationally significant bird habitat. Consequently, the proposed works, particularly during construction, have the potential to generate adverse effects on avifauna. Section 3.4.10, 8.5.1, and 8.6.5 of the AEE and the ecological assessment prepared by Boffa Miskell (provided as Appendix M of the Applicant's AEE), address the actual and potential adverse effects on ecology and avifauna.
143. The Applicant submits that, if the impact management measures recommended in the ecological assessment are carried out to a suitable standard, the overall level of effect (during both construction and operational phases) of the erosion and inundation protection works on the ecological values of avifauna is expected to be **'Very Low' to 'Low'**. Such conclusions were based on the findings from the desktop assessments and site investigations undertaken by Boffa Miskell. The original field work did not include surveys outside of 16 February 2022 to 29 April 2022.
144. The information provided in the ecological assessment relating to avifauna was peer reviewed by CCC's Ornithologist, Mr Andrew Crossland (attached at **Appendix 7**). Mr Crossland makes the following comment³¹:

²⁹ Director General of Conservation [#179]

³⁰ Lizard Management Plan September 2024, within Wildlife Authority (Reference 116013-FAU) provided in Appendix 5 of this report.

³¹ Avifauna memorandum, Andrew Crossland, Parks Biodiversity Team – May 2025

Substantial concentrations of shorebirds along the eastern margin of the estuary were overlooked in the Boffa Report... This omission highlights a significant gap in the field assessment and calls into question the reliability of the spatial conclusions drawn regarding avian use of the estuary. The Boffa Miskell Ltd ecologists appear to have conducted their bird surveys at stages in the tidal cycle which were either too high or too low to encounter the concentrations of birds close to the shoreline that I have outlined in this current report... Because they missed the birds, they failed to accurately identify potential adverse impacts on the many hundreds of estuarine birds that could foreseeably be located close to the construction works at certain stages of the daily tidal cycle...

145. Mr Crossland comments that bird densities within a 100m wide 'disturbance footprint zone' along the eastern shoreline are highest during falling tides when newly exposed mudflats attract large flocks, and again during the mid-rising tide when birds prepare to return to high tide roosts. Bird abundance within this zone, according to Mr Crossland, is consistently low during two specific tidal windows around the high tide and low tide, presenting the least risk of disturbance during construction. These windows are recommended for construction activity, alongside seasonal exclusions.
146. The Boffa Miskell avifaunal assessment, in Mr Crossland's opinion, deviates from the 100m disturbance width/zone methodology for construction activity commonly used to represent the likely disturbance threshold for most open-habitat and estuarine bird species, and instead adopts a 45m disturbance width³². This approach in Mr Crossland's opinion, underestimates the impact of the construction works on bird species likely to be present at various tidal stages and times of the year.
147. Mr Crossland states that the applicant has not suggested appropriate mitigation in terms of reduced time periods of the day (so many hours either side of high tide and low tide) and length of season in which the construction should take place to avoid adverse effects on birds. The daily and seasonal construction time frames proposed in the revised ecological assessment (29 May 2025) are much wider leading potentially to adverse effects on avifauna.
148. Below I identify other concerns raised by Mr Crossland that affect the quality of the impact assessment and mitigation offered by the Applicant:
 - Bird counts being carried out at sub-optimal times, leading to an underestimation of the number of birds using nearshore habitats;
 - Averaging bird distributions across almost half of the estuary's width, effectively masking the significance of bird activity near the shoreline where the construction impacts would be most acute; and
 - Not adequately accounting for the predictable behavioural pattern of bird species at the shoreline to inform mitigation during the construction period.
149. I prefer the advice of Mr Crossland in respect to the appropriate methodology to adopt to assess the effects on bird species for this project. I note that Mr Crossland has over 40 years' experience monitoring wetland birds on the Avon-Heathcote Estuary. The consequence of the underestimated impact assessment is that inadequate mitigation is proposed to address the adverse effects on birds during the construction period of the protection works. This includes the appropriate windows in which to safely undertake the construction works to ensure minimum disturbance of bird species, appropriate setback distances of construction works where bird species are, for example, breeding (i.e. larger than the 45m flight initiation distance adopted by the Applicant's ecologist), and appropriate seasonal exclusions such as when godwit flocks are actively arriving or departing at migration times.
150. While the Applicant's assessment concludes that ecological effects will be '**Very Low**' to '**Low**', this conclusion is reliant on fieldwork with identified limitations.

³²Avifauna memorandum, Andrew Crossland, Parks Biodiversity Team – May 2025

151. Several submitters were concerned about the high level of tree removal and the effect of this on birds [e.g., #107, #120] and other submitters highlighted the impact that construction would have on bird life [#97, #122].
152. The South Brighton Tennis Club [#97] support the avifauna protection measures and endorse the restrictions on daily work hours to align tides and the planned pauses during spring and autumn bird migration seasons during construction. They consider that while these measures may extend the overall construction period, they consider them necessary to safeguard birdlife and preserve ecological values of the estuary. Others expressed a need for the Council to commit to ongoing monitoring of the estuarine habitat and bird populations during and after construction [#98]. Still others were concerned to ensure that bird disturbance would be mitigated in the design of the structures [#103, #119] and by dog leash requirements³³, signage rules and gates [#105, #166, #1, #147, #118, #116, #2].
153. Revised engineering design and landscape plans and revised conditions were provided by the Applicant on 21 October 2025. Mr Crossland has provided comment on the revised conditions with respect to avifauna.
154. Mr Crossland is strongly of the view that a Bird Management Plan is required (BMP). The Bird Management Plan is required to relate to birds protected or partially protected under the Wildlife Act 1953 only. I note that the revised conditions from the applicant do not include a Bird Management Plan (BMP) in the list of management plans to support the project. Mr Crossland considers the BMP should cover:
- Timing of works
 - Disturbance mitigation (including methods for minimising disturbance to feeding and roosting birds)
 - Pre-works nest searches (along the South New Brighton sector works footprint and buffer zones only, as Mr Crossland considers they are not necessary along the Southshore sector)
 - Ongoing periodic monitoring of the works as they progress to ensure activity complies with BMP guidelines.
155. Mr Crossland also considers it appropriate that the BMP is checked and approved by the CCC's ornithologist within 15 working days prior to the works and states:
- 'This is particularly important here because the Boffa Miskell Environmental Impact Assessment failed to adequately assess the large numbers of protected birds present at different times of the year, and as a consequence they under-assessed disturbance.'*
156. I have considered the revised conditions proposed by the applicant in respect to avifauna, the submissions above and the advice of Mr Crossland and his proposed advice in respect to conditions. I accept the advice of Mr Crossland as being appropriate to manage the effects of the proposal on avifauna and have recommended conditions at the end of this report to reflect that advice.
157. I consider that the BMP will address earlier concerns expressed by Mr Crossland in respect to the adequacy of the assessment of the number of protected birds present at different times and locations within the estuary environment. With the imposition of a BMP and associated conditions recommended at the end of this report, I consider that the adverse effects on avifauna will be **acceptable**.

³³ I note the Council's dog control policy and bylaw have been updated (3 September 2025). Details include: Dogs are now prohibited from the estuary to protect wildlife, especially shorebirds. This includes the shoreline, where birds roost, moult and nest, and tidal areas, where birds feed. The prohibited area applies to the whole of the estuary from the landward boundary inwards. This includes all areas within the shoreline (whether rocky, stoney, gravel, sandy or vegetated, and all foreshore, mudflat, saltmarsh and tidal areas). The prohibited area crosses the outfalls from the Avon / Ōtākaro River at Bridge Street and the Heathcote / Ōpāwaho River at the Ferry Road bridge. At the estuary-mouth, the prohibited area reaches from the corner by Shag Rock out to the north-eastern side of Southshore Spit Reserve. The beach and foreshore area around Southshore Spit Reserve are included in the prohibited area.

Natural hazard effects – including coastal hazards and surface water flooding

Tsunami and Earthquake

158. It is acknowledged in the Applicant's AEE at section 8.5.6 and in more detail in the Coastal Processes and Natural Hazards Report at Appendix I of the AEE that a tsunami or earthquake hazard during the design life of the project structures may compromise the integrity of the structures. The Applicant goes on to state that while the consequences of the events occurring is very high the likelihood of occurrence within the design life of 20 years is low, indicating the overall risk is **low**. Given this the Applicant considers it is not practical to design the structures to withstand such events. The Applicant proposes several mitigation and monitoring measures:

- Monitoring of the estuary bed levels using LiDAR data to establish any localised changes in bed levels from the proposed edge protection structures;
- Annual walkover assessment of the structures to identify any damage or changes to the structures to inform maintenance; and
- Assessment of the erosion protection works following large coastal storm events, tsunamis, or earthquakes to assess any damage or change to the structures. This information should be used to inform any additional maintenance required to maintain the design level of protection.

159. Overall, I consider that the risk the proposed protection works being compromised during a tsunami or an earthquake over the design life of the works, coupled with the mitigation discussed above, is low. I therefore consider that the adverse effects of tsunami and earthquake natural hazards on the proposal will be **minor and acceptable** over the design life of the works.

160. I note that several submitters acknowledged the estuary edge path doubles as a tsunami evacuation route, and its improvement as part of this project strengthens local tsunami evacuation processes.³⁴

Surface Water flooding

161. Section 3.4.8 and 8.6.10 of the Applicant's AEE addresses the issue of the potential for surface flooding to be exacerbated by the project by impacting landward flooding. Further detail is provided in the Flood Risk Assessment in Appendix F of the Applicant's AEE. The report identifies that the main sources of flood risk are storm tides in the Estuary and heavy rainfall over the Spit catchment. Ponding can occur through heavy rainfall where it exceeds the capacity of the gravity stormwater network.

162. The Applicant states that the SNBP and surrounding properties are currently already susceptible to flooding with lowest ground levels in SNBP typically around 250mm below ground level. Ponding to this depth which results in flooding of the SNBP will not be affected by construction of the bund.

163. For higher flood levels, the Application and AEE state that construction of the SNBP bund is anticipated to result in the loss of a small volume of flood storage at the northern end of the bund and obstruction of a narrow overland flow path to the estuary at the southern end of the bund. The application further states that loss in flood storage volume and overland flow volume will be relatively small compared to the area of land flooded so that any increase in flood level and extent will also be small.

164. With respect to the new bunds the Application states:

The new Southshore bund will result in a reduction in the flood storage volume available in the protected area through filling over the footprint of the bund and this will tend to increase the flood level. However, given the large volume of flooding in the area relative to the flood volume displaced by the bund, any increase in flood level will be small.

³⁴ Timothy Robert Sintes [#108], Elizabeth Yuki [#118], Jan Sintes [#175]

The two bunds will reduce the current risk of tidal flooding to properties in SNBP and Southshore. Properties in these areas are also currently susceptible to pluvial flooding due to runoff exceeding the capacity of the gravity stormwater network. The effect of both bunds on pluvial flooding to properties is considered to be minor given the small volumes of flood storage displaced by the bunds relative to the flooded area.

165. Overall, the AEE concludes that given the protection offered by the bunds for the same infrastructure at risk of tidal flooding and given the small volumes of flood storage displaced by the bunds relative to the pluvial flooded area, the effects on surface water flooding are considered to be minor.
166. I have received advice on this matter from Ms Sheryl Keenan, Council Stormwater Planning Engineer, who states the following:

The proposed works involve a coastal/estuary erosion protection feature and inundation protection bund along much of the western edge of Southshore and South New Brighton. The intention of these features is to reduce erosion of the estuary land edge and reduce the likelihood/frequency/extent of any flooding into the built area in extreme tidal events...

The South New Brighton and Southshore area currently has an informal inundation protection bund system of varying levels along the estuary, mainly formed by LINZ from easily available soils at the time of the post-earthquake removal of dwellings from this area. Combined with non-return valves on the stormwater networks (to prevent/reduce tidal backflows through the stormwater system), this provides some protection of the low lying areas of these suburbs from direct tidal inundation at times of storm surge. Drainage of the built area is provided through a number of gravity stormwater outfalls to the estuary (protected via non-return valves as noted). These outfalls have limited function during elevated tidal periods. In addition, Council regularly deploys pumping into this area when significant events are forecast to try to manage flood levels in the built area. Both the non-return valves and pump systems have been subject to tampering in the past and tidal inundation via the stormwater network has occurred several times.

The replacement inundation protection bund is proposed to be constructed to 11.5m with the intention of providing protection to the level 11.4m (acknowledging construction tolerances, settlement etc)...

167. With respect to the Southshore component Ms Keenan advises:

As noted in the report, for the majority of the Southshore portion of the works, as the existing bunding is not expected to be overtopped in a pluvial flood event, the raising of this bund level does not affect these flooding patterns. While the new bunding is following a slightly different alignment than the existing in places, this is not expected to have significant effects on pluvial flood behaviour. With the exception of Ebbitide St, these areas adjacent to the existing bund are generally relatively high land compared to the most common areas of flooding and the distance of the works from private property allows sufficiently for management of minor drainage patterns so that these don't adversely affect other properties. I expect that the earthworks engineering conditions will address these minor drainage matters. Around Ebbitide St, a swale has been proposed (discharge via infiltration and network connection) to address some of the likely loss of floodplain storage but notably this is also a location where temporary pumping is deployed when significant events are forecast.

168. Ms Keenan concludes that when considering LiDAR detail, the noted area of floodplain storage loss at the northern end of the proposed works potentially provides a critical connection through from the Estuary Road residential area to lower lying land to the south, especially following the severing of the overland flow to the north of this by the previous bund works³⁵.

³⁵ Email correspondence dated 7 February 2024

169. Ms Keenan advises that the bund detail in this area will need to ensure that connection remains on the eastern side of this (whether as a swale formation or just formed level land) at no greater than 10.9m RL, between the circled flood areas in the snip on the right below (see Figure 4).

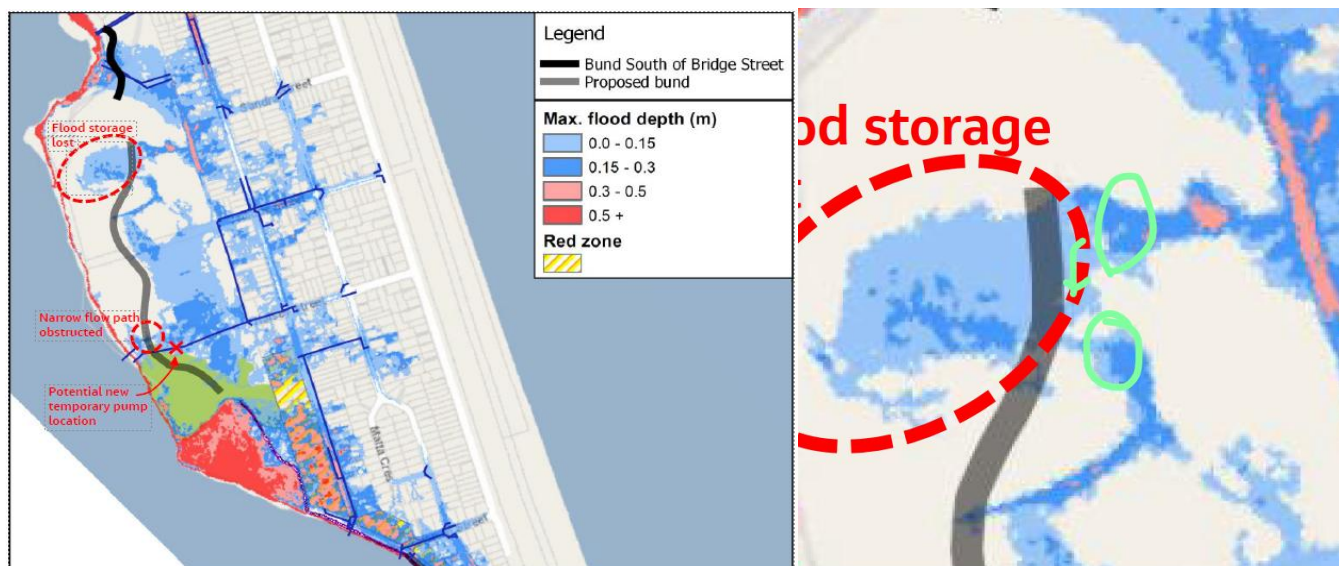


Figure 4: On right, area of connection to be retained as a swale or otherwise, green arrow (Source: S Keenan), with map on left showing location of bund within SNBP³⁶.

170. Ms Keenan states:
As long as this flow path is maintained, I consider that the loss of the flood storage will not have unacceptable effects on flooding patterns.
171. The Applicant has confirmed in their RFI Response dated 19 February 2025 that the connection will be maintained and that this will be further developed during the detailed design process.
172. Relying on the advice from Ms Keenan, I consider that any increased risks from surface water flooding as a result of the proposal will be **insignificant**.
173. Ms Keenan also agrees with the assessment provided by the Applicant in its RFI Response dated 19 February 2025³⁷, that the standard protection of the residential area from coastal inundation as a result of the proposed works will reduce over time with sea level rise and vertical land movement. Ms Keenan also acknowledges, as expressed in the RFI Response report dated 19 February 2025, that the intention of this work is not to maintain a certain level of coastal inundation protection into the future.³⁸ This has been discussed earlier in this report in relation to the 20 year design life and in the context of the Council's longer vision to implement a Coastal Hazard Adaptation Planning (CHAP) programme for low lying areas of the District.
174. Concern was initially expressed in relation to the construction methodology whereby it was possible that some areas could have reduced inundation protection for a period between removal of existing bunding and construction of the new features and was the subject of further information requests. The RFI Response dated 19 February 2025 addressed this issue. The Applicant agreed that no area should have reduced inundation protection for any extended period and agreed that forecasts should be monitored during the construction period. The Applicant has proposed additional wording to the condition relating to the Construction Environmental Management Plan, to require as follows:

³⁶ Appendix F of AEE - Flood Risk Assessment, prepared by Jacobs 4 April 2022

³⁷ Report by Tom Parsons, RFI Response, dated 19 February 2025, Attachment A

³⁸ Email correspondence from Ms Keenan dated 7 March 2025

- c. *Details of forecast monitoring frequency including methodology for providing temporary joining of the inundation bund where tidal and rainfall events are likely to pose an inundation risk.*

175. Ms Keenan considers this amendment to the condition appropriate. I accept that advice and have included it in the recommended conditions.

Stormwater Assets

176. The project works have the potential to affect existing piped stormwater networks maintained by the Council within the project site area and affect the area beyond. Ms Keenan makes the following observation and conclusion in relation to this matter as follows:

The proposal does not include any works to the existing stormwater networks to improve their level of service but is also not expected to reduce the function of these, subject to maintaining current operational access provisions.

177. Further input was sought by Ms Keenan from Iris Brookland Council Senior Technical Engineer, who has indicated that in terms of the ongoing maintenance of the existing piped stormwater network staff will need to review both the detailed design and construction methodologies to ensure no worsening of the drainage from the built-up area in pluvial events and prevention of tidal back-flooding. I understand that further discussions have occurred and given this is a CCC project, I am confident that these issues will be resolved.

178. Overall, I consider that with appropriate conditions of consent any adverse effects of the proposal on stormwater management in the locality will be minimal and **acceptable**.

Effects on bund integrity

179. Plans in relation to the bund alignment and planting were provided to Ms Brookland. To enable signs of stopbank failure to be identified during inspection, Ms Brookland considers it best practice to grass the landward side of the bund, rather than being planted in shrubs and native ground cover as shown in the plans as lodged. In addition, Ms Brookland advised that to retain the bund's structural integrity all trees within a corridor of 5m of the core of the stopbank needed to be removed from the plans (the core being the structural and impermeable fill within a stopbank) and the play area should also be set back. The Applicant has advised that trees will be offset a minimum of 6m and this is reflected in the revised drawing set (RFI Response 6 May 2025). The revised plans also removed landscape planting on the landward side of the bund and relocated the play area so that it did not overlap the bund. The Applicant has further advised that a condition of consent is also acceptable in relation to this matter. The recommended conditions have been included in the set at the end of this report.

180. Overall, I consider that with the revised plans provided, and subject to compliance with the recommended conditions, the proposed landscape planting will have **negligible** effects on the integrity of the proposed bunds.

Coastal hazards

181. The application site includes land within the Conservation 1A Zone (C1A) of the City Plan, which, as discussed earlier in this report, is still applicable. This land extends from MHWS and incorporates coastal dune areas and the margins around the estuary. The City Plan recognises that the seaward boundary is subject to constant change and activities in this area are at risk from natural hazards associated with these changes. The zone includes provisions for avoiding and mitigating effects of coastal hazards.

182. The works proposed by the Applicant are intended to provide mitigation by providing a crest elevation for both edge protection works and inundation bund high enough to reduce direct overtopping from the estuary in large events, and therefore prevent erosion scour behind the structures. This is discussed in the Applicant's AEE at Appendix I (Coastal Processes and Natural Hazards Assessment).

183. Considerations in the City Plan in respect to effects of the proposed works on coastal hazards include:
- the likelihood of work undertaken exacerbating inundation, erosion, alluvion or avulsion at the site during flood periods, including as a result of tidal influences, including the potential for exacerbation of those effects with potential sea level rise.
184. The Applicant states (RFI Response 6 May 2025) that the purpose of the inundation bund is to reduce the effects of tidal influences during flood periods. The cobble beach and rock revetment purpose are to assist with mitigating coastal erosion.
185. Further the Applicant states:
- Construction staging will seek to reduce areas open to avoid exacerbating effects associated with flood periods, spring or king tides and the interaction with potential sea level rise. Once constructed, the bund, rock revetment and cobble beach will work to reduce potential effects on this area over the duration of the resource consent.³⁹*
- and
- The ESC measures will include protocol to provide temporary stabilisation to reduce tidal erosion occurring if those weather conditions are to occur while construction is underway.*
186. The Coastal Processes and Natural Hazard Assessment contained in Appendix I of the Applicant's AEE, indicates that there is potential for end effects at the southern and northern end of the project area but conclude that these effects are likely to be small scale and highly localised based on observations of the current structures. These effects have been considered through the design of tie-ins to the existing shoreline at each end of the structure. The Applicant states that any residual end effects would be unlikely to impact nearby residential properties.
187. The Applicant further states that by constructing the proposed estuary edge erosion protection works, there is greater certainty that the inundation bund will not be impacted by coastal erosion with sea level rise over the 20-year design life. In terms of the coastal erosion protection structures, the Applicant states that with Relative Sea Level Rise (RSLR) estuary bed lowering in front of the structures could increase. As the sea level rises, the wave energy approaching the toe of the structures is likely to increase. However, given that the increase in sea level is likely to be in the order of 0.13 m over the design life of the project, the scale of changes to the wave climate are likely to be very small, and correspondingly is only likely to result in a very small increase in bed lowering.
188. In terms of the potential to impact water levels in other parts of the estuary, the Applicant states that the proposed works will not have an impact on processes which create extreme water levels in the estuary. The Coastal Processes and Natural Hazards Assessment (Appendix I in the AEE) states that the increased level of protection is anticipated to displace negligible volumes of water in extreme water level events and would not adversely impact water levels in other estuary areas sensitive to flooding.
189. In terms of construction methodology for the estuary edge works, it is acknowledged by the Applicant that the removal of current structures along the edge with no immediate replacement could initiate coastal erosion processes, increasing both erosion and flood hazard. The Applicant states that this effect will be managed through the progressive placement of erosion protection following excavation works to avoid prolonged exposure.
190. The potential effects from construction generally relate to excavation and displacement of material on the foreshore, with effects reduced by:

³⁹ RFI Response dated 6 May 2025.

- only operating from the landward sides of structures and not disturbing the estuary bed with vehicles;
- all works being undertaken in a linear fashion (i.e. small sections of shoreline at a time during each tidal cycle, with the intent that the estuary bed would be restored before high tide); and
- not leaving edges exposed for prolonged periods following removal of existing structures.

191. The Applicant considers that the bund, rock revetment and cobble beach are designed to withstand the environment in which they are proposed to be placed and that monitoring of the structures will occur over the duration of the consent.
192. Many submitters support the erosion and inundation protection structures, with some submitters seeing the reconstruction as being essential to replace those protection structures lost during the earthquakes.⁴⁰ Some submitters consider the project in its current proposed form is essential to restore fairness and equity and that Southshore deserves the same opportunities and protections as other Christchurch communities.⁴¹ The potential insurance implications were also raised⁴². Protection from coastal hazards was considered by some submitters to be the priority over protection of sea grass and facilitating its migration due to possible sea level rise⁴³, while others stressed the need to balance the design requirements for coastal hazard protection with consideration of the ecological sensitivity of the area⁴⁴.
193. In terms of design and materials several submitters considered the use of natural materials (cobble beaches and rock revetments) with planting would reduce the ecological impact.⁴⁵ Other submitters, while supporting the proposal overall, disagreed with the Council's proposal to use rock revetment walls.⁴⁶ As discussed previously Scott Butcher [#122] outlined various alternative design modifications to reduce the 'significant negative environmental impacts' the current proposal would have, including removing the hard edge to improve ecological connectivity. This submitter was also opposed to the cobble beach at SNBP as they considered it will effectively eliminate large areas of shoreline that has started to achieve a natural equilibrium.
194. The Avon Heathcote Ihutai Trust [#40], in opposing the proposal suggested that the rock revetment be moved landward in areas in proximity to sea grass and that the toe of the rock revetment extend no further than the current estuary edge and certainly not encroach into the estuary.
195. Mr Bruce Gabites (Senior Scientist - Natural Hazards Science, for Environment Canterbury), has reviewed the Applicant's Coastal Processes and Natural Hazard Assessment⁴⁷ and has provided evidence (attached at **Appendix 8**). Mr Gabites considers that section 4 of the Report contains the key parts and provides a thorough assessment of the coastal processes that are operating within the project area and wider coastal environment.⁴⁸ Mr Gabites considers the author uses appropriate data and sources of information to assess the environment in sufficient detail. In conclusion Mr Gabites considers the information provided is appropriate for the scale and location of the proposed activities, accurate, relevant and sufficiently detailed to enable him to assess the potential effects that the proposed structures may have on the coastal environment⁴⁹.
196. Mr Gabites states at paragraph 67 of his evidence with respect to future coastal erosion rates (section 4.2.6 of the Coastal Processes and Natural hazards Assessment) that:

⁴⁰ Jo Battye [#14], Katrina Hay [#27], Kim Money [#123], Simon Brown [#90], Sue and James Ryburn [#134]

⁴¹ Annette Bolton [#103], Jan Sintes [#175], Kathleen Joy Walsh [#61]

⁴² Dani Boxall [#94], Timothy Robert Sintes [#108], Elizabeth Yuki [#118], Helen Barraclough [#115], Jan Sintes [#175], Joseph Jonathan Radford [#65].

⁴³ Mr Damon Mangos [#67],

⁴⁴ Karina Hay [#27], Georgina Langridge [#92], Annette Bolton [#103] Maria Smolar [#119], Elizabeth Yuki [#118], Toni Anne Minson [#161]

⁴⁵ Angus James Smith & Rachel Louise Newton [#98]

⁴⁶ Darrell Jones and Tina Lockyer [#147]

⁴⁷ Appendix I in the Applicant's AEE.

⁴⁸ Statement of evidence, Mr Bruce Gabites, paragraph 55

⁴⁹ Statement of evidence, Mr Bruce Gabites, paragraph 55

Overall, I consider that the information presented in this section of the report is accurate and I agree with the conclusion that erosion of between 5 to 11 m may potentially occur over the next 25 years through to 2050 if there is relative sea level rise of 0.2 m.

197. In respect to potential for erosion of the LINZ bund, Mr Gabites' analysis questions the likelihood that the existing LINZ bund will be subject to erosion for the next 20 years (paragraphs 70-80). Mr Gabites goes on to say that:

*'...if the proposed inundation bund along Southshore was located 5 m or more further landward of the existing LINZ bund wherever possible, it is my opinion that there would likely be sufficient space for a natural estuary edge to develop. In my opinion, there is time and space for natural coastal, estuarine and ecological processes, including sea level rise impacts associated with climate change and ground level changes to shape the natural estuary edge without impacting on the level of protection afforded to the local community from the proposed inundation bund and necessitating the need for erosion protection works for the next 20 years.'*⁵⁰

198. Mr Gabites does not expect that there will be significant impacts on coastal processes from the proposed activities either during construction or once the works have been completed⁵¹, and further states:

'The estuary is a relatively low energy environment from a coastal process/hazards point of view, and the estuary edge is away from the main channels from the Avon/Ōtākaro and Heathcote/Ōpāwaho and therefore generally unaffected by river flow. The estuary edge is generally only affected by coastal processes around high tide and during storm tide events, so there is only a relatively short window over which coastal processes can act upon the estuary edge.'

In my opinion, this time element is likely to limit the scale of any impacts that do arise to being relatively small, and localised. The structures to be built along Southshore will form a continuous structure and will be tied into existing structures and higher ground at the southern end of Southshore. I therefore believe that the chance of 'end effects' occurring will be low and even if such effects do occur, I believe that they'll be relatively small and localised due to the low energy environment and the short window through which waves can impact upon the coast.'

If consent were granted for the erosion protection structures, I also don't believe that there will be many issues during construction from a coastal hazard perspective unless there is a significant storm or other natural hazard event that occurs while construction is occurring. The erosion protection works will occur in a gradual and staged manner along the coast as tides and weather windows allow, and one of the requirements for construction is that the edge won't be left unprotected during construction. This requirement should therefore limit the amount of edge excavation and erosion protection that can get done, to that which can be achieved in a day.

*As the erosion protection works progress along the coast, there is potential for scour of the 'softer' unprotected shoreline to occur where this butts against the 'harder' erosion protection works. This risk will exist for the duration of the construction of the erosion protection works and essentially move along the coast as the works progress, however given the generally low energy environment in which the works will be occurring and the relatively small window over which the coast could be impacted, I consider that this risk can be mitigated by the construction methods and earlier mentioned edge protection requirement.'*⁵²

199. Mr Gabites is also supportive of the approach proposed for dealing with the impacts of coastal erosion and coastal inundation at SNBP. The inundation bund in this locality is located between 40 and 180m landward of the estuary edge and at these distances Mr Gabites considers it highly unlikely that this bund will be subject to erosion from coastal processes within the next 20 years, particularly when the gabion baskets are installed. The

⁵⁰ Statement of evidence, Mr Bruce Gabites, paragraph 80

⁵¹ Statement of evidence, Mr Bruce Gabites, paragraphs 81

⁵² Statement of evidence, Mr Bruce Gabites, paragraphs 82-85

inundation bund in the South New Brighton Park area will also tie into areas of natural high ground at both ends of the bund and provide a sufficient level of protection from inundation to the SNBP area.

200. Overall, taking into account Mr Gabites' comments, I consider that the impact on coastal processes from the proposed activities either during construction or once the works have been completed will be **minor and acceptable**.
201. Mr Gabites does however, outline some concerns with the project in his evidence, which I summarise and discuss below:
- The construction of a new engineered bund to a level of 11.5m CDD provides a significantly upgraded level of protection to the community as opposed to a restored level of protection.
 - Why rock revetments have been chosen as an option in the low energy environment of the estuary and whether alternative approaches such as cobbled beach should have been considered (i.e. less engineered or alternative solutions for the erosion protection part of the project).
202. The Applicant has responded to concerns from Mr Gabites in relation to the 20-year design level of the bunds and the impact of sea level rise, by providing a climate change assessment prepared by Mr Tom Parsons, Surface Water Engineer⁵³ the purpose of which is primarily to justify the chosen level of protection.
203. As previously discussed, the bund crest height is set to a level of 11.4m CDD (with +0.1m for construction tolerance), equating to a present day 50year event with approximately 300mm of freeboard or a 100-year event with 200mm of freeboard (the design condition).⁵⁴
204. The climate change assessment states that if sea levels were to rise by 0.16m over the next 25 or so years then the 11.4m CDD bund would contain only about a 20-year event with the original 200mm freeboard. Taking into account vertical land movement (VLM) being observed across the city at post-seismic rates higher than pre-seismic, Brighton Spit is currently estimated to be dropping at approximately 7.5mm/yr.
205. Mr Parsons states:
If this rate were to continue for the next 20 years then approximately 150mm of VLM might be realised, effectively utilising all the freeboard available.
- In a 20 year future storm event, there is risk of some wave action overtopping the bund...Without the erosion protection dissipating this wave energy the bund would easily be overtopped to a depth that could cause landward flooding.*
206. In summary Mr Parsons states:
...the system is designed to address present day concerns however, it will need to be in service for the duration of the consent. In looking out 20 years, the current design will not offer the same level of service as will be enjoyed immediately after construction. At the end of the 20 year consent period the bund will contain only about a 20 year storm with minimal freeboard, but only if the erosion protection is installed to dissipate wave energy to less than the residual freeboard allowance. If the erosion protection were not installed it is likely that the bund would be overtopped by waves in a much more frequent event and could be subject to erosion.
207. Mr Gabites has provided updated evidence for the hearing that further comments on this issue.⁵⁵ At paragraph 36 Mr Gabites concludes the following:

⁵³ Southshore Sea Level Rise Assessment Report by Tom Parsons, September 18 2024, RFI Response, dated 19 February 2025, Attachment A

⁵⁴ *ibid.*

⁵⁵ Statement of evidence, Mr Bruce Gabites, paragraph 36

'If increases in sea level due to climate change effects and changes in local ground level are taken into account (such as from the NZ Searise project), this is likely to increase the likelihood of an event occurring and therefore decrease the return period over the design life of the structures. However, I do not believe that the changes in the level of the sea or changes in the ground levels in the wider area over the next 20 years will have any material impact on the protection afforded to the community in this area by the construction of the inundation bund to this height. I therefore consider that a bund height of 11.5 m CDD will provide protection against inundation for at least the next 20 years even with sea level and ground level changes.'

208. Mr Gabites provides further information in relation to erosion protection options for Southshore at paragraphs 51-53 of his evidence for this hearing.⁵⁶ He maintains his view that a slightly 'softer' engineered cobble beach along the Southshore estuary coastline would also provide sufficient protection against coastal erosion.⁵⁷ In terms of replacing rock revetments with cobble beaches for Southshore, I accept that armouring the entire Southshore coastline with cobble beach is a very different project to the application submitted and would have different environmental effects, and different submitters views to consider than the current application. I also accept that the Applicant has undergone a multi-criteria analysis in respect to its choice of protection works and that while cobble beach is appropriate for some areas it may not be the most appropriate for all.

44a Rocking Horse Road

209. Written approvals have been received from the owners of 44a Rocking Horse Road, consequently effects on this property owner must be disregarded under section 104(3)(a)(ii). However, there are wider effects of the specific design for 44a Rocking Horse Road to be considered.
210. Mr Gabites indicates that he is comfortable with the proposed design for 44a Rocking Horse Road from a coastal erosion and inundation perspective, even although the path will be at a lower height (now proposed at 10.4m⁵⁸) and will have a narrower (2m) width. Mr Gabites states:

*The works will be composed of similar materials and at similar design slopes, specifications and depths etc to that along the remainder of the works, so assuming it'll be constructed using similar methods, I'm confident that it will be resistant to erosion, have few if any significant impacts on any neighbouring properties, and also prevent inundation of the adjacent properties. Being built at a lower elevation when compared to the rest of the works clearly has implications for the frequency at which this particular area will be inundated, and at this level, it is expected that the path will get wet on an at least annual basis once built. While this isn't ideal from a CCC perspective as I imagine that there will be ongoing maintenance issues/costs over its lifetime, or from a user perspective as there'll be inconvenience issues on those particular days when the water level of the estuary is high, I consider these issues to be more nuisance value than anything to do with the ongoing structural integrity or the ongoing performance of the works in this area.*⁵⁹

211. Overall, I accept the advice of Mr Gabites that the design for 44a Rocking Horse Road, while having maintenance and management issues over the life of the structures, will have adverse effects that are **acceptable** from a coastal hazard perspective.
212. One submitter⁶⁰ considered that one solution for 44a Rocking Horse Road would be for the Council to acquire the land and remove the house. This property owner has given written approval to the project and a change in ownership of this property is not part of the application.

Recreation Effects and Public Access

⁵⁶ Statement of evidence, Mr Bruce Gabites, paragraphs 51-53

⁵⁷ Statement of evidence, Mr Bruce Gabites, paragraph 53

⁵⁸ RFI Response to Q5, 19 February 2025

⁵⁹ Email correspondence from Bruce Gabites, dated 19 January 2024

⁶⁰ Scott Butcher [#122]

213. The proposed works have the potential to cause adverse effects on the Council reserves and on the area of the estuary edge land used for recreation by local residents and residents and visitors from further afield. These outdoor spaces provide for both passive and active forms of recreation⁶¹.
214. The actual and potential adverse effects related to recreation effects during operation and construction are addressed in section 8.5.4. and section 8.6.6 of the Applicant's AEE and within the Recreation Values Assessment Report (Appendix L of the Applicant's AEE), prepared by Jacobs.
215. Submitters raise a variety of issue in relation to recreation including the location of pathways and other proposed facilities which are discussed below.

Operation Effects

216. In terms of operation following construction, the Applicant has confirmed the proposed works will provide a new elevated 3m shared pathway on top of the bund for its full length (except the reduction to 2m near 44A Rocking Horse Road), which will allow users, including people pushing strollers, to pass each other and include estuary edge amenity plantings (RFI Response dated 19 February 2025). A jetty at the end of Tern Street originally proposed in the application as lodged, has since been withdrawn from the proposal (confirmed in RFI Response dated 19 February 2025) for ecological reasons. Also confirmed in an RFI response to ECan dated 19 December 2024 is the reduction in the number of access points to the estuary to four stepped accesses (for ecological protection reasons); which as discussed earlier has subsequently been further reduced to 2.
217. The Applicant considers that the recreational values will not be hindered by the presence of the estuary edge erosion protection and inundation protection works given:
- the amenity associated with the open space is currently in a dilapidated state;
 - improving facilities will allow greater opportunities for formal and informal community interactions;
 - the increased ability for kayaking, canoeing, paddle boarding, swimming, fishing, birdwatching and picnicking; and
 - accesses into the estuary through the rock revetment will link via the raised walkway bund, providing formalised access points to the estuary.
218. While supporting the proposal overall, may submitters have raised concern at the reduced number of access points to the estuary, the change from ramps to steps (steps disadvantaging the elderly, children and people with disabilities) and the removal of the Tern Street Jetty. The following concern is typical of that raised by submitters:

'... I feel strongly that the removal of access points to the estuary would be to the detriment of the local community, who have for years, enjoyed responsible access to the water. A balance should be sought between protecting the ecology and continuing to allow amenity access. Concerns regarding misuse by the public (such as dog walking/disturbing the ecology) should be addressed through signage and education and represent an absolute minority of the people visiting the area.'

'Improve public access to the estuary, encouraging recreation, education, and a deeper connection between Southshore residents and their natural environment.'

'Ensure at least 3–5 accessible ramps/jetties/platforms for elderly, disabled, and families with small craft. The plans initially put forward by CCC keep changing to the Community's detriment.'

"You will find most people will stick to the paths and Jetties provided, which we would say, if you provide the jetties as previously approved, this gives people a high tide over water experience without the need to walk onto the Estuary, further protecting ecology and wildlife. Like the shared path that runs from Ferrymead to Sumner,

⁶¹ Recreation Assessment by Jacobs, Appendix L, AEE

most people can be observed, walking or cycling along the path, very few venture into the estuary bed. So the inclusion jetties would protect the estuary habitat. And access for residents, is for high tide, low impact recreation, where you would float over the ecology.'

...

'After reviewing submission documentation, I am struggling to see any fairness in the decision-making process. It seems to be reactive towards a singular point of view, without taking into consideration any of the communities' thoughts and wishes, the people who live here, who are repeatedly being ignored.'

219. Some submitters stressed that fewer accesses would mean more people will use each one. Conversely residents would *'cut their own tracks and it is best that we encourage them to use the closest safe access points, if ramps and jetties are too far from their homes, they will drag their canoes etc directly to the water.'*
220. Herenga ā Nuku Aotearoa, the Outdoor Access Commission [#126] acknowledged the consideration of recreational values throughout the project and the impacts that the project will have on public access, for example access into the estuary. They were however, concerned that *'many of the access points including a previously proposed jetty at Tern St are earmarked for removal apparently without thought to how the community have interacted or wish to interact with the estuary. This will create difficulty or risk for public access.'* The commission acknowledged the need to protect sea and shore birds that rest or nest in the area but considered that community concerns about the loss of existing access and the potential to create excellent new practical access be incorporated into final decision-making and plans.
221. On the other hand, some submitters supported the reduced access. The Avon Heathcote Ihutai Trust [#40] stated:

'The Trust recognises that the proposed four sets of steps along Southshore (at the end of Godwit, Heron, Penguin and Tern streets) are for mana whenua and recreational users to access to the estuary. However, to minimise the impact of the steps on the Open Space Coastal Zone and Outstanding Natural Feature of this area the Trust recommends that these steps do not have a handrail... the presence of handrails is a very visible and open invitation to access the estuary; although we are in favour of people accessing the estuary we also believe that it is a privilege to do so. We also believe that people wanting to access the estuary should be physically fit and able to do so without artificial aids.'

another stated⁶²:

'If people want to launch larger boats they can already do so at the South New Brighton boat ramp and pier. Small recreational craft such as kayaks and stand-up paddle boards can be carried and launched from anywhere already. So I am happy with only a few limited step access ways down onto the mudflats.'

222. I note, it is not clear if the above submitters were aware of the further reduction to potentially only two access points to the estuary and whether that is supported.
223. I have discussed these submission points with Dr Shane Orchard, the Council's consultant ecologist. As per my earlier comments under the ecology section Dr Orchard considers resolution requires some trade-off between providing access for people to interact with the estuary and limiting access to prevent disturbance to sensitive areas. Dr Orchard is in favour of choosing logical access points with good spacings and signage. Dr Orchard supports possibly up to four access points where the above can be achieved.
224. Gaye Meryl Meffan [#140], Damon Mangos [#67], Owen Trevor Davidson) [#170], Carol Ann Scott [#71], Christine Ann Gillman [#169], Rangi Hawkins [#181] and Estella Robb [#182] have indicated that they do not support the location and size of the proposed nature play area near Heron Street considering it too close to surrounding housing (night time anti-social behaviour). These submitters have requested it be located away from houses and some suggested the potential to relocate it to between Plover and Tern Streets or a more

⁶² Michael Garner [#80]

appropriate location. Similar submissions were received from Roderick N Schou [#53] and Pauline Margaret Drowe [#47] in respect to the location of the community garden.

225. Submitters (Gaye Meryl Meffan and Owen Trevor Davidson, Carol Ann Scott, Christine Ann Gillman), plus Sansom [#55] have also opposed the location of the secondary pathways at the end of Heron Street as they consider they are located too close to houses
226. The Applicant has stated that it will be possible to take these submission points into account in the detailed design when locating and sizing the play items and pathways. The applicant has also indicated that as the play area includes more nature-based play it will not be as noisy/busy as a full playground would be. I note that care will be required if new locations are provided to satisfy these submitters, to ensure that others are not affected.
227. Overall, based on the above, and despite the reduction of access to the estuary and removal of the Tern Street viewing platform, I consider that the Project's operational effects and proposed improvements will have adverse effects on recreation values that will be **minor and acceptable**. However, I also consider that there is opportunity to reconsider the number of access points provided to the estuary from two to four as per the discussion above.

Construction effects

228. The Applicant states that the Project's construction has the potential to disrupt the public's use of these spaces, temporarily impacting their utility and related social wellbeing. Construction activities will also require the temporary closure of some walking tracks, and vegetation clearance and construction traffic in areas that are typically quiet and highly valued by the community.
229. The following measures have been offered by the Applicant and reflected in the recommended conditions of consent:
- minimise open space closures during times of heavy use, such as summer holidays and long weekends;
 - appropriate signage to direct open space users to facilities;
 - replacement planting in accordance with the Landscape Plan;
 - minimising road, car park and pedestrian access closures/disruptions under the Construction Traffic Management Plan (CTMP) as part of the Construction Environmental Management Plan (CEMP), and providing alternative pedestrian and cyclist access to important linkage connections where disruptions occur;
 - on-going communication with residents, sports clubs, schools, and the Yacht Club;
 - minimise disruption to public access to boat ramps and jetty at SNBP;
 - minimising the use of SNBP beside the Yacht Club and access to the jetty area as a construction laydown area.
230. Overall, I agree that based on the above mitigation measures, and recommended conditions of consent the Project's construction-phase will have temporary and acceptable effects on recreation and public access.

Effects on cultural values

231. The site is next to the Te Ihutai - Avon Heathcote Estuary/Te Tai o Mahaanui and is a Site of Ngāi Tahu Cultural Significance (Ngā Tūrangā Tūpuna, Ngā Wai). The operation and construction of the proposed flood and coastal erosion protection works has the potential to cause cultural impacts particularly in relation to mahinga kai, significant sites and areas and flora and fauna. These matters are addressed in Section 8.5.5 and 8.6.7 of the Applicant's AEE.
232. The Applicant has consulted Mahaanui Kurataiao (MKT) and Te Ihutai Ahu Whenua Trust. That consultation included confirmation from MKT that manawhenua representation would be provided by Te Ihutai Ahu Whenua Trust. A number of hui in September 2022, October 2022 and March 2023 were held with Trust members to discuss the project, including walking the project route with the Applicant's core project team in November 2022. Meetings were also held with the project landscape architect to discuss the landscape plans, and names

of artists to work with on the project were supplied. The Te Ihutai Ahu Whenua Trust has also provided 2 guiding documents – Design synopsis and cultural narrative, to guide features to be included in the cultural landscape interpretation.

233. I note that as part of processing this consent (Section 3 of the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations) the application was sent to Te Rūnanga o Ngāi Tahu with no formal reply received. The application was also notified to Te Rūnanga o Ngāi Tūāhuriri⁶³ and Te Rūnanga o Ngāi Tahu.
234. Correspondence from Nuk Korako of Te Ihutai Ahu Whenua, to the Applicant, confirms that the Te Ihutai Ahu Whenua Trust is in support of the proposed works (email dated 13 November 2024).
235. Some submitters emphasised the importance of the area from a cultural perspective, and that the site is recognised by mana whenua as a culturally significant site. Some submitters support the proposal stating that the Council has carefully considered environmental and cultural factors.
236. Overall, I consider that based on the evidence of consultation provided, any adverse effects on cultural values as a result of the proposed works will be **minimal and acceptable**.

Effects on Archaeological and Heritage Values

237. The project site and wider area contain archaeological features and is a site of known historic occupation by Māori. There is one recorded midden site (M35/916) located within the Southshore portion of the construction corridor. The Archaeological Assessment (Appendix H in the AEE) provides recommendations for minimising and mitigating impacts to archaeological values and notes that if the excavation for the new path and bund is limited to a maximum depth of 300mm or less, it is unlikely that this Southshore site will be affected.
238. The Applicant states that middens (M35/294) identified and recorded at SNBP project section are currently at risk due to the coastal erosion occurring due to the failure of the gabion baskets in this location. The project design includes protection of the middens using gabion baskets which have a smaller footprint than other structures and can be placed in front of the identified middens and have a minimised impact on estuarine ecological values⁶⁴. However, the Archaeological Assessment states that ground disturbance work, including heavy vehicle movements in the vicinity of the midden, tree stump removal and stripping vegetation, trimming soil surface of existing eroded edge, removal of organic material and debris, and excavation for the new path and bund may negatively impact unrecorded sites or exposed portions of M35/294. However, the Assessment goes on to state that with redesign:

It may be possible to avoid concentrated areas of eroded midden during the works with archaeological oversight. It may also be possible, through building up the ground surface prior to works taking place and marking out specific areas to be avoided by machinery or foot traffic, to avoid unintended impact on in-situ archaeological material. The displaced sand from this installation will be used to cover and protect the remaining areas of exposed archaeological material. If the proposed works can avoid removal of topsoil from the eroding edge of the bank in areas where the shell midden is exposed, this will reduce the negative impact of the work to less than minor adverse effects.

239. The AEE notes that it is possible that other unrecorded archaeological sites associated with Māori occupation and mahinga kai exist both within and near the planned works and that an Archaeological Authority will be sought from Heritage New Zealand Pouhere Taonga. An Archaeological Management Plan is included as part of the application which includes recommendations and protocols for undertaking the work. This includes areas of recommended archaeological monitoring and stand over during works.

⁶³ Noting that Te Rūnanga o Ngāi Tūāhuriri are no longer represented by Mahaanui Kurataiao Limited.

⁶⁴ Archaeological Assessment, Underground Overground, Appendix H, AEE

240. Heritage New Zealand Pouhere Taonga (HNZPT) [#83] has reviewed the Archaeological Assessment prepared by Underground Overground Archaeology, which confirms that recorded site M35/194 will be impacted by the proposed works, and that site M35/916 and/or previously unrecorded subsurface sites may also be affected. HNZPT concurs with the archaeological assessment's recommendations, including those contained in the Archaeological Management Plan. However, HNZPT does not consider the inclusion of an Accidental Discovery Protocol (ADP) within the conditions of consent, should consent be granted, appropriate for this application. HNZPTA, consider the authority process will include specific conditions for managing archaeological discoveries within the project area which will supersede generic protocols.
241. HNZPTA also note that the Archaeological Management Plan for this proposal outlines when an archaeologist must be present for monitoring the works, or when this can be downgraded to On-Call Protocol (OCP) and site visits. HNZPTA state that since this has been recommended in respect of the project details and areas in the AMP, it must be followed.
242. Overall, HNZPT does not oppose the Council's application to undertake coastal protection works subject to an Archaeological Authority being obtained under the HNZPTA. HNZPT make the following comment in its submission:

Due to the long-standing occupation of the Avon Heathcote Estuary/Ihutai by both Māori and early European settlers, the area represents a rich and varied archaeological landscape. Māori archaeological materials, such as tools, burial sites, middens, stone artefacts, spears and other materials, have previously been uncovered within in the area. Shaped over time by tides, rivers, wind and human activity, the estuarine environment is inherently dynamic, fragile and susceptible to change. It may continue to erode or shift, and could essentially be lost. For this reason, HNZPT does not oppose the proposed coastal protection works, ensuring that this significant environment can continue to be valued, used, and enjoyed by future generations.

243. I agree that the acquisition of an Archaeological Authority (including its conditions) will establish an appropriate framework to address the project's archaeological effects. At time of writing the Applicant has advised that the application for an Archaeological Authority for the project is in process but is currently on hold⁶⁵.
244. Overall, provided an Archaeological Authority is obtained that implements the Archaeological Management Plan I consider that the adverse effects of the project on archaeological and heritage values will be **acceptable**.

Arboricultural Effects

245. The arboricultural effects have been addressed in section 8.6.2 of the Applicant's AEE and in more detail in the Arboricultural Impact Assessment (Appendix G of the Applicant's AEE) prepared by Treetech Specialist Treecare Limited (November 2023). Reliance is placed on Global Consent RMA/2021/2059 for the removal of trees required for the construction footprint that do not fall within the permitted activity standards of Rule 9.4.4.1.1, and works within the vicinity of trees within the road corridor, public open spaces and waterway setback. In particular the Applicant states the following:

The Arboricultural Impact Assessment has also identified particular trees and vegetation that are to be retained and protected during the construction works. Some of the trees that are to be retained have been identified by the community as significant, either as particular remnant species from now removed dwellings or trees that hold significance for other reasons. These trees will be protected through compliance with the Christchurch District Plan rules, the CCC Tree Policy tree protection requirements, and the Contract Standard Specifications (CSS) Part 1, 22.0 "Protection of natural assets and habitats". These methods will be included within the Tree Protection Management Plan ('TPMP') that is required under condition 9(a) of Global Consent RMA/2021/2059.

⁶⁵ RFI Response dated 6 May 2025.

246. Further mitigation is provided by the proposed Landscape Plan that has been prepared in support of the Project (revised version dated 4 February 2025 and received 19 May 2025). The Council's Tree Policy specifies that for every tree removed, a minimum of two trees are required to be planted. There are 2,441 trees proposed for removal as part of the project and as such the CCC Tree Policy requires the replanting of a minimum of 4,882 trees. The replacement tree planting is to be carried out as specified in the CSS, Part 7 Landscapes, within at least 24 months of establishment. The Applicant states its Landscape Plan and concept complies with this requirement.
247. As requested in the Council's RFI dated 09 February 2024, confirmation that the Waitai Coastal-Burwood-Linwood Community Board has approved the removal of the trees associated with the Southshore and South New Brighton Park Estuary Edge Protection and Flood Mitigation Project and the replacement replanting of 4,882 eco-sourced native species as mitigation (CCBCC/2025/00008, 10 February 2025) was provided by the Applicant. Jonathan Hansen, Council arborist has verified that the appropriate approvals to enable reliance on the global consent have been obtained. The Applicant has also confirmed in its RFI Response dated 19 February 2025 that the conditions of the global consent will be able to be complied with.
248. Several submitters raised concerns relating to the location of trees near their property boundaries, the type of trees to be planted (shorter rather than taller) and the impact of tree removals, some of which are home to nesting birds (kingfishers, magpies, fantails etc), and whether some existing trees can be relocated within the application site. The Applicant has stated that the landscape concept has been designed in consultation with mana whenua and with input from the community and is considered an appropriate response to the works necessary to construct the Project. However, I understand that the Applicant proposes further consultation during detailed design which may be able to address some of these issues. Mr Crossland considers more assessment is required on the direct effect of proposed tree removals, both as feeding/roosting habitat, and as a breeding habitat for protected bird species⁶⁶. A condition of consent is recommended which requires works, including tree removals, carried out within the bird breeding season to occur in accordance with a Bird Management Plan (BMP).
249. Overall, on the basis of compliance with the global consent conditions, which includes the implementation of a Tree Protection Management Plan, coupled with the proposed mitigation in the Landscape Plan and concept (revised version dated 4 February 2025 and received 19 May 2025), including replacement planting of more than 4,882 trees, and further consultation proposed with adjacent property owners, I consider that that any adverse arboricultural effects will be **acceptable**.

Traffic effects

250. The proposed construction works have potential to generate adverse effects on the transport network and cause disruption to the local community including local traffic delays and effects on recreational users.
251. The actual and potential adverse effects related to traffic effects during construction are addressed in section 8.6.1 of the Applicant's AEE and within the Design Report (Appendix D of the Applicant's AEE), where traffic volumes and management measures are provided.
252. The Applicant submits that construction traffic will be generated by:
- Construction staff arriving and departing on each work day;
 - Heavy vehicle movements associated with construction material, fill and demolition material;
 - Other miscellaneous movements.
253. The Applicant states that heavy vehicle movements associated with traffic between the primary stockpile site and active construction areas will occur. These movements will be affected by the need to undertake activities outside of high tide and will occur in peaks associated the construction programme.

⁶⁶ Avifauna memorandum, Andrew Crossland, Parks Biodiversity Team – May 2025

254. On average 33 heavy vehicle trips between the primary stockpile site and construction sites are expected during each working day. Another 22 heavy vehicle movements are anticipated from the disposal of materials (e.g. excess fill) from the stockpile site to a disposal location. Staff movements are predicted to be between 10 and 20 per day, working between Monday and Saturday from 7am to 7pm. Staff vehicles will primarily be parked within the site, avoiding impacts on on-street parking and residential streets.
255. A Construction Traffic Management Plan (CTMP) as part of the Construction Environmental Management Plan (CEMP) will be implemented due to the need to bring materials into a work site in proximity to residential areas.
256. The Ministry of Education [#180] outlined its concern with potential construction effects stating based on the number and type (heavy) of vehicle movements there is potential for the proposed activity to result in adverse effects on the akōnga (student/learners) and kaiako (teachers) at South New Brighton School (400m to the north of the application site) relating to traffic safety and traffic noise during the construction phase. The Ministry acknowledges the applicant has proposed conditions relating to the preparation of a Construction Traffic Management Plan that includes measures to manage vehicular and pedestrian traffic near educational and childcare facilities and that on-going communication will be undertaken with South Brighton School. The Ministry indicates its support for this approach and requests that the applicant continues to engage with them and the South Brighton School to discuss any temporary disruptions including temporary open space closures, access and drop-off zone disruptions. The Ministry also supports conditions 16 and 22 proposed in the original application documents. I have included these conditions in the recommended conditions at the end of this report.
257. Mr Liqi Chen, Council Transport Network Planner, makes the following comment:
- The scope of the proposed works is confined to South New Brighton Parking (sic) and Reserve, and while it may introduce some inconvenience and restrictions to public access into the park, the impact on the wider transport network's safety and efficiency is minimal.*
- During the construction phase, there is an estimated count of up to 20 staffs (sic) working between Monday and Saturday from 7 am to 7 pm. Staff vehicles will primarily be parked within the site, avoiding impacts on on-street parking and residential streets. A Construction Traffic Management Plan will be implemented to minimise any associated effects on the local residential area and wider transport network.*
258. Mr Chen advises that the CTMP will require review and approval by the Christchurch City Council, and in particular, notes collaboration will be required if the Pages Road renewal project coincides with this protection work.
259. I accept Mr Chen's advice. Based on the limited duration of traffic generation activities, mitigation measures to be employed including implementation of a CTMP and the associated recommended conditions of consent, I consider that the construction traffic effects of the proposal will be **acceptable**.
260. Additional advice was sought from Mr Chen in relation to the stockpile site proposed for the project at 80 Owles Terrace.
261. Mr Chen advises that Owles Terrace appears to be one of the key routes serving South New Brighton, primarily for residential travel demand.
262. Mr Chen further advises that with the ongoing Pages Road bridge upgrade project, Owles Terrace will eventually be closed and states the following:

This will likely divert heavy vehicle trips associated with the proposed project onto Marine Parade and the surrounding local road network, which could lead to amenity impacts due to the increased heavy vehicle movements within the residential area.

263. Given the existing road network, Mr Chen recommends emphasis be placed on the heavy vehicle impacts in the TMP, highlighting mitigation measures to minimise effects on the nearby residential streets. This could include time restrictions, designated routes, and limits on the number of truck movements.
264. I accept the advice of Mr Chen on these matters. The Applicant is currently of the view that there is unlikely to be an overlap with this project's timeframe and the closure of Owles Terrace; but has indicated agreement to the mitigation measures outlined by Mr Chen if Owles Terrace is closed. Overall, I consider that with these measures in place the additional construction traffic effects of the proposal as a result of the chosen stockpile site will be **acceptable**.

Earthworks effects (including Owles Terrace stockpile site)

265. Council Senior Subdivision Engineer Ms Yvonne McDonald has reviewed the proposal and does not have any concerns that could not be addressed through appropriate conditions of consent relating to the implementation of the CEMP, including sediment and erosion control. Ms McDonald states the following⁶⁷:

Earthworks volumes are tabulated in the application. I summarise the (loose) volumes as:

- 22850m³ excavation in Southshore, of which 7400m³ will be reused on site and the balance cut to waste, and 23750m³ imported material.
- 5500m³ excavation in South New Brighton Park, of which 1700m³ will be reused and the balance cut to waste, and 8500m³ imported material.

The applicant states all works will be undertaken in accordance with the ECan Erosion and Sediment Control Toolbox and the project's Erosion Sediment and Dust Control Plan.

The applicant proposes that there is a construction boundary 1.5m into the estuary from the design edge of the protection works and that all works are carried out from the landward side. They also acknowledge that tides will constrain working hours.

The applicant confirms that, to reduce erosion of faces during construction, works will proceed by section and consider any forecast onshore wind events. In addition, the contractor will be required to complete sections between tides, to reduce potential erosion and dispersal of sediment.

The applicant has provided a draft Construction Environmental Management Plan which includes measures to address noise creation and proposes methods of control.

The applicant has identified a potential stockpile location separated from the site, which will allow transfer of material from large to small trucks and reduce the associated nuisance effects on properties adjoining the site.

266. Dust from stockpiled materials may generate nuisance effects during dry and windy conditions. The Applicant states that the stockpiles will be managed with good practice erosion and sediment control (ESC) methods (namely, Environment Canterbury's Erosion and Sediment Control Toolbox), and will include dampening or covering material where appropriate, and site controls to reduce stormwater run-off. The Applicant has confirmed they are comfortable with conditions being placed on the overall volume of material located at the Owles Terrace site.
267. Ms McDonald further states that the CEMP will be required to provide a map showing the location of all works, including the stockpile site at Owles Terrace, and details of the construction methods proposed for the sea wall, gabion baskets and cobble beach.

⁶⁷ Email correspondence dated 12/01/2024

268. Ms McDonald recommends that stockpiles at the Owles Terrace site be located at least 50m from the eastern road boundary and restricted in height to 5m. This proposed condition has been accepted by the Applicant.
269. There is potential for earthworks on shore to affect marine water quality and consequently marine ecological values. As mentioned above earthworks will be undertaken in accordance with a Council certified ESDCP, which follows the ECan Erosion and Sediment Control Toolbox for Canterbury. With the implementation of these measures, I consider that the effects of onshore earthworks on marine ecological values will be low and **acceptable**. These effects have also been addressed in the ECan consents required for this project.
270. Overall, I consider that with the mitigation measures proposed, the earthworks effects will be **acceptable**.

Noise and vibration

271. The noise and vibration effects have been addressed in section 8.6.3 of the Applicant's AEE, with further detail provided in the draft CEMP (Appendix N of the Applicant's AEE prepared by Jacobs (November 2023)).
272. The applicant has indicated that construction noise will be measured and assessed according to New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise" and will comply with the standards in Figure 3-1 of New Zealand Standard NZS 6803:1999 Tables 2 and 3. The Applicant has further confirmed that the works will be managed to comply with the long-term noise limits in NZS6803:1999 – Construction Noise Standard (RFI Response dated 19 February 2025).
273. While no infringement of noise and vibration standards are proposed the Applicant recognises that construction activities can disturb sensitive land uses, like residential and open space.

In particular the Applicant states the following:

- the Project will be constructed in a linear manner which will minimise the effects on any particular party to a reduced period of the construction programme;
 - no works are proposed on Sundays, night-time hours or on public holidays; and
 - the CEMP will include a section with specific objectives to manage and mitigate noise and vibration including procedures and protocols for communication with residents, education facilities, sports clubs and other stakeholders.
274. Noise during construction was a concern of several submitters, including the Ministry for Education as discussed above (traffic noise).
275. I consider that with the proposed works staging, limits on work hours, the implementation of a noise and vibration protocol within the CEMP, and adherence to the noise limits in NZS6803:1999 – Construction Noise Standard, that the disruption to sensitive activities, including public use of the SNBP and the Estuary Edge will be minimised. Overall, based on the proposed mitigation measures and appropriate conditions of consent the construction noise and vibration effects of the Project, will be **acceptable**.

Contaminated land

276. The Applicant has prepared a DSI and is relying on RMA/2021/2094 - a global resource consent held by the Council under the NES. The Applicant also proposes the preparation of a Contaminated Soils Management Plan (CSMP) as required under the global consent for this proposal (forming part of the overall CEMP).
277. Ability to utilise the global consent has been confirmed by Council Environmental Health officer Ms Agnes Vander Erf, who has indicated that the heavy metals/PAH contaminants as stated in the DSI completed by the Applicant are at levels suitable for recreational use. Ms van der Erf also states:

There was also quite of bit of ACM and a couple of detects of asbestos fibres/fines above the guidelines however they are proposing a good CSMP to manage this during works. This exceedance will make earthworks restricted discretionary and they can utilise Councils Global NES Consent under RMA/2021/2094. Conditions are in place under this consent to manage contamination

278. I accept Ms Van der Erf advice in respect to soil contamination under the NES and that with adherence to the conditions of the global consent and as specified in the conditions proposed including the CSMP any adverse effects of the proposal in respect to contaminated land will be **acceptable**.

Conclusion with respect to effects on the environment

279. In summary, I consider that the adverse effects of the proposal will be minor and acceptable and will be appropriately mitigated by the recommended conditions.

Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (s104 (1)(b))

District Plan

280. Regard must be had to the relevant objectives and policies in the Christchurch District Plan. The Applicant sets out the relevant objectives and policies of the District Plan in section 10.3.6.4 and Table 28 of the AEE. I have reviewed this assessment and consider some matters require updating as there have been changes to the proposal and new mitigation measures have been offered. I provide my brief assessment below, noting that the Environment Court has said the wording of the strategic direction objectives is very general and their discrete application on a case-by-case basis was not intended. Rather the strategic directions are given effect to by the objectives and policies in the balance of the District Plan and are to be interpreted and applied accordingly⁶⁸:

Strategic Direction	
Objective/Policy	Assessment
3.3.1 Objective – Enabling recovery and facilitating the future enhancement of the district	I agree with the applicant that the project is an earthquake legacy project, returning a level of protection that was present prior to Canterbury Earthquake Sequence (CES) and assists recovery of south New Brighton/Southshore, but note the Court's guidance on the approach to Strategic Directions.
3.3.6 Objective – Natural Hazards a. New subdivision, use and development (other than new critical infrastructure or strategic infrastructure to which paragraph b. applies): i. is to be avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and ii. in all other areas, is undertaken in a manner that ensures the risks of natural hazards to people, property and infrastructure are appropriately mitigated. b. New critical infrastructure or strategic infrastructure may be located in areas where the risks of natural hazards to people, property and	I agree the project aligns with Objective 3.3.6 but note the Court's guidance on the approach to Strategic Directions.

⁶⁸ See Pickering v Christchurch City Council [2016] NZENC 237 at [102], Yaldhurst Quarries Joint Action Group v Christchurch City Council [2017] NZEnvC 165, Fright v Christchurch City Council [2018] NZEnvC 111, Rogers v Christchurch City Council [2019] NZEnvC 119 at [49]

infrastructure are otherwise assessed as being unacceptable, but only where: i. there is no reasonable alternative; and ii. the strategic infrastructure or critical infrastructure has been designed to maintain, as far as practicable, its integrity and form during natural hazard events; and iii. the natural hazard risks to people, property and infrastructure are appropriately mitigated. c. There is increased public awareness of the range and scale of natural hazard events that can affect Christchurch District. d. The repair of earthquake damaged land is facilitated as part of the recovery.	
3.3.10 Objective – Natural and Cultural Environment a. A natural and cultural environment where: i. People have access to a high quality network of public open space and recreation opportunities, including areas of natural character and natural landscape; and ii. Important natural resources are identified and their specifically recognised values are appropriately managed, including: a. outstanding natural features and landscapes, ... b. the natural character of the coastal environment, wetlands, ... and their margins; and c. indigenous ecosystems, particularly those supporting significant indigenous vegetation and significant habitats ...; and d. the mauri and life-supporting capacity of ecosystems and resources; and iii. Objects, structures, places, water/wai, landscapes and areas that are historically important, or of cultural or spiritual importance to Ngāi Tahu mana whenua, are identified and appropriately managed.	I agree that revitalising public open space in an area of land red zoned after the CES will improve the amenity value of both Southshore and SNBP. I agree that the proposal is generally consistent with this Objective, but note the Court’s guidance on the approach to Strategic Directions.
Chapter 5 Natural Hazards	
5.2.2.1.1 Policy – Avoid new development where there is unacceptable risk	The purpose of the project is to return existing infrastructure to the level of erosion and inundation protection provided pre-earthquake. It is not new development. I agree the proposed works do not pose an unacceptable risk and will have a minor effect on coastal processes.
5.2.2.1.2 Policy – Manage activities to address natural hazard risks a. Manage activities in all areas subject to natural hazards in a manner that is commensurate with the likelihood and consequences of a natural hazard event on life and property.	I agree the project provides a commensurate response to the level of risk from erosion and inundation. The project provides protection to pre-earthquake levels for the design-life of these structures (20 years). The proposed design provides an interim solution that may assist later alignment with a broader adaptation strategy.
5.2.2.1.3 Policy – Infrastructure	The project is providing inundation and erosion protection (following the CES) in areas that are

a. ... b. ... c. Recognise the benefits of infrastructure and the need for its repair, maintenance and ongoing use in areas affected by natural hazards.	affected by natural hazards and is generally consistent with this policy.
5.2.2.1.4 Policy – No transferring of natural hazard risk a. Ensure that subdivision, use and development (including proposals for hazard mitigation works or hazard removal) do not transfer or create unacceptable natural hazard risk to other people, property, infrastructure or the natural environment.	I agree the project does not transfer or create unacceptable natural hazard risk to other people, property or infrastructure or the natural environment.
5.2.2.1.5 Policy – Natural features providing hazard resilience a. Protect natural features which assist in avoiding or reducing the risk of natural hazards, such as natural ponding areas, coastal dunes, wetlands, water body margins and riparian vegetation from inappropriate subdivision, use and development and where appropriate restore, maintain or enhance the functioning of these features.	Saltmarsh habitats are effective at trapping sediment and mitigating erosion impacts from wave energy. I agree that these habitats are avoided where possible and will be managed through adherence to a Seagrass and Saltmarsh Management Plan and conditions of consent to ensure no loss of saltmarsh habitat.
5.2.2.1.6 Policy – Awareness of natural hazards a. Ensure people are informed about the natural hazards relating to their properties and surrounding area, including through provision of relevant information on Land Information Memoranda and hazard mapping on the Council's website. b. ...	The South New Brighton and Southshore residents have been consulted in respect to this project, are aware about the natural hazards affecting their properties and have made submissions on this project to that effect. This proposal is consistent with this policy
5.2.2.1.8 Policy – Assessment of hazards a. Ensure that the level of assessment undertaken for plan changes, subdivision or development reflects the potential scale and significance of the hazard; and the nature and scale of the rezoning, subdivision or development and its susceptibility to those hazards.	The scale of assessment for this project reflects the scale and significance of the hazard being managed.
5.2.2.2.1 Policy Flooding a. ... b. In the High Flood Hazard Management Area: i. ... ii. ... iii. in all other cases, avoid subdivision, use or development where it will increase the potential risk to people's safety, well-being and property. c.	I agree the project includes providing inundation protection within a High Flood Hazard Management Area. However, I note that the level of protection being provided is not for a 1:500 event, but 1:50 with some freeboard. Overall, the project will improve defences against flooding and erosion in the area and will not increase potential risk to people's safety, well-being and property.
5.2.2.3.1 Policy – Management of liquefaction risk - a.... b. Provide for rezoning, subdivision, use and development on flat land where liquefaction risk has been appropriately identified and assessed, and can be adequately remedied or mitigated.	I accept the applicant's view this is a liquefaction prone area, and the Project works are occurring to mitigate increased risks created by the CES and the recreational land uses proposed are appropriate in this location.
Chapter 7 – Transport	

7.2.2.2 Policy - Activities within the Transport Zone a. Enable activities for transport purposes and ancillary activities within the Transport Zone that seek to provide, maintain or improve: i. the safety, amenity values, efficiency and functionality of the Transport Zone, in particular the strategic transport network; and ii. structures, facilities, services and installations of the transport network. b. ... 7.2.2.3 Policy - Effect on adjacent land uses to the Transport Zone a. Manage the adverse effect(s) of an activity within the Transport Zone so that the effects of the activity are consistent with the amenity values and activity of adjacent land uses, whilst providing for the transport network, in particular the strategic transport network to function efficiently and safely. b. To ensure adjacent land uses are designed, located and maintained in such a way as to avoid reverse sensitivity effects on the strategic transport network.	I agree that elements of the project are being undertaken within the Transport Zone such as transport of materials in trucks etc. The road ends have been legally stopped and no longer have transport usage and are no longer in the Transport Zone. The works are proposed to be undertaken in accordance with the CTMP and I therefore consider that works will have minimal adverse effects on the safe and efficient operation of the roading network. This is supported by Mr Liqi Chen Council Transport Network Planner. I accept that the road ends (beyond the stopped area) are presently accessible and will remain so.
Chapter 8 – Subdivision, Development and Earthworks	
8.2.4 Objective – Earthworks a. Earthworks facilitate subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district. 8.2.4.1 Policy - Water quality a. Ensure earthworks do not result in erosion, inundation or siltation, and do not have an adverse effect on surface water or groundwater quality. 8.2.4.2 Policy - Repair of earthquake damaged land ... 8.2.4.3 Policy - Benefits of earthworks a. Recognise that earthworks are necessary for subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district. 8.2.4.4 Policy – Amenity a. Ensure, once completed, earthworks do not result in any significant shading, visual impact, loss of privacy or other significant detraction from the amenity values enjoyed by those living or working in the locality.	The earthworks are necessary to facilitate the construction of the project which is a hazard mitigation project. I agree that the implementation of a CEMP and ESDCP and other management plans provide an adaptive management framework to ensure that any impacts related to earthworks are appropriately avoided, remedied and/or mitigated. Ms Yvonne McDonald Council Senior Subdivision Engineer has reviewed the proposal and does not have any concerns that could not be addressed through appropriate conditions of consent. I consider that the proposal is consistent with these policies.
8.2.5 Objective - Earthworks health and safety a. People and property are protected during, and subsequent to, earthworks. 8.2.5.1 Policy - Land stability a. Avoid earthworks that will create a significant risk to people and property through subsidence, rockfall,	As per above I consider the proposed earthworks will be consistent with these provisions given the recommended conditions of consent and CEMP and ESDCP management plan requirements.

cliff collapse, erosion, inundation, siltation or overland flows. 8.2.5.2 Policy – Nuisance a. Subject to Policy 8.2.4.3, ensure that earthworks avoid more than minor adverse effects on the health and safety of people and their property, and do not generate continuous or persistent noise, vibration, dust or odour nuisance. 8.2.5.3 Policy - Vehicle movement a. Subject to Policy 8.2.4.3, ensure that the transportation to and from a site of earth, construction or filling material is safe and minimises adverse transport network and local amenity value effects. 8.2.5.4 Policy - Earthworks design a. Ensure that earthworks over identified thresholds are designed to enable the anticipated land use. 8.2.5.5 Policy – Management of contaminated land a. Enable earthworks where necessary to appropriately manage land contamination	In reference to vehicle movements agree that the implementation of a CTMP will manage impacts on local amenity during the construction phase. In respect to management of contaminated land I accept the advice Ms Van der Erf, Council Environmental Health officer, that the implementation of a CSMP with associated conditions of consent are appropriate measures to manage the adverse effects of soil contamination. I consider overall that the proposal is consistent with policy 8.2.5.5.
Chapter 9 – Natural and Cultural Heritage	
9.1.2.1.1 Objective – Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna a. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected so as to ensure there is no net loss of indigenous biodiversity. 9.1.2.1.2 Objective - Maintenance and enhancement of indigenous biodiversity a. The Christchurch District’s indigenous biodiversity is maintained and enhanced	With adoption of the recommended conditions of consent and the implementation of a Saltmeadow Remediation Plan (SRP) and a Seagrass and Saltmarsh Management Plan (SSMP), which include requirements to survey the extent of sea grass and salt marsh distribution before works begin, methods for remedying loss of saltmeadow, and making design changes to the rock revetment as appropriate to address impacts on sea grass so that there is no net loss, I am satisfied that the project is not inconsistent with these policies. Advice from the Council’s ecological expert Dr Shane Orchard confirms that these measures are appropriate. I also consider that the robust conditions for avifauna protection are appropriate which combined with a bird management plan (BMP) will provide the required protection of avifauna during both construction and operation and align with the policy expectations of the District Plan. Andrew Crossland Council avifauna expert has provided the recommended conditions and considers the BMP is the appropriate approach.
9.1.2.2.1 Policy – Identification and assessment of sites a. ... b. ...	The Project area is identified as a site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1 identified as the Avon Heathcote Estuary / Ihutai and environs.
9.1.2.2.2 Policy – Determination of significance a. Significance of indigenous biodiversity will be determined by:	Ecological mapping to ascertain the extent of the ecological constraints for the project area has informed design and will continue to do so through an adaptive management process set out in the SRP and SSMP. I consider that subject to the added recommended conditions of consent and the addition

i. the identification and assessment of areas of indigenous vegetation and habitats of indigenous fauna in accordance with the process in Policy 9.1.2.2.1; and ii. the assessment of these areas against the significance criteria in the Canterbury Regional Policy Statement Policy 9.3.1 and Appendix 3. b. Following the identification and assessment of significance undertaken in (a) above, the Council will determine the extent of those areas identified as significant and warranting protection.	of a BMP to the adaptive management plan approach the proposal will be consistent with the intent of these policies.
9.1.2.2.3 Policy – Mechanisms for the protection of indigenous biodiversity a. Recognise that the maintenance and protection of indigenous biodiversity, including the Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1, is dependent on landowner support and will be achieved through a number of mechanisms, including:... and that the most appropriate mechanism may vary depending on the indigenous biodiversity and use of the particular site, including by way of an understanding of how land use practices on the site assist with management, maintenance and protection of indigenous biodiversity values.	The Project is recognised as being within a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1. The offered conditions and management plans for sea grass, saltmarsh and salt meadow, along with the conditions of consent recommending a BMP for avifauna protected under the Wildlife Act, in my opinion will enable the proposal to be consistent with the intent of this policy.
9.1.2.2.6 Policy – Protection and management of significant indigenous vegetation and habitats of indigenous fauna listed in Schedule A of Appendix 9.1.6.1. a. Recognise and protect the indigenous vegetation and habitats of indigenous fauna within each site listed in the Sites of Ecological Significance in Schedule A of Appendix 9.1.6.1 so as to ensure no net loss of indigenous biodiversity by: i. avoiding the adverse effects of vegetation clearance and the disturbance of habitats as far as practicable; then ii. remedying any adverse effects that cannot be avoided; then iii. mitigating any adverse effects that cannot be remedied; and iv. where there are any significant residual adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna within the site, offsetting them in accordance with Policy 9.1.2.2.14.	The above measures recognise and address the management hierarchy required by this policy.
9.1.2.2.8 Policy – Protection of indigenous vegetation and habitats of indigenous fauna in the coastal environment. a. Where Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1 or indigenous vegetation and habitat types listed in Appendix 9.1.6.6 are located within the coastal environment, the protection of their indigenous biodiversity will be achieved by: i. avoiding adverse effects on:	As the project is in the coastal environment this policy applies. The comments under Policy 9.1.2.2.3 above apply equally here. Consistency with this policy in my view can be achieved by the project with the implementation of the adaptive management plan approach.

A. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; B. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; C. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; D. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; E. areas containing nationally significant examples of indigenous community types; and F. areas set aside for full or partial protection of indigenous biodiversity under other legislation; and ii. avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on: A. areas of predominantly indigenous vegetation in the coastal environment; B. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; C. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; D. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; E. habitats, including areas and routes, important to migratory species; and F. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.	
9.1.2.2.9 Policy – Land Management a. Provide for small-scale, low impact indigenous vegetation clearance where it will enable the continued use of land and the maintenance of existing infrastructure. b. ...	The project aligns with this policy.
9.1.2.2.10 Policy – Maintenance and enhancement of indigenous biodiversity a. Enable activities that maintain and enhance indigenous biodiversity including:	It is considered that indigenous biodiversity is likely to be maintained and enhanced by the proposal through the landscape planting proposed and adaptive management plan approach for saltmeadow, sea grass

i. planting with appropriate indigenous species; and ii. the removal or management of pest plant and animal species and for biosecurity works.	and saltmarsh and is overall consistent with this policy.
9.1.2.2.12 Policy – Cultural Heritage and customary rights a. Ngāi Tahu mana whenua cultural heritage values associated with indigenous biodiversity will be maintained and enhanced through: i. providing for the customary harvesting of taonga species by Ngāi Tahu, while ensuring such harvest will maintain the indigenous biodiversity of the site; ii. non-regulatory incentives and assistance; and iii. providing for the planting of indigenous vegetation for the purpose of customary harvesting.	Te Ihutai Ahu Whenua Estuary Trust, as mana whenua, have been engaged with in the development of the landscaping plan for the project as indicated in the AEE. Te Ihutai Ahu Whenua Estuary Trust have also provided written approval to the project. While it is unclear what provision has been made in providing for customary harvesting of taonga species I consider the project overall is not inconsistent with this policy.
9.1.2.2.14 Policy – Offsetting a. Allow for a biodiversity offset to be offered by a resource consent applicant where an activity will result in residual adverse effects on a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1, or on indigenous biodiversity outside such Sites of Ecological Significance. b. Within a Site of Ecological Significance listed in Schedule A of Appendix 9.1.6.1, biodiversity offset will only be considered appropriate where adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna within the site have been avoided, remedied or mitigated in accordance with the hierarchy established in Policy 9.1.2.2.6; and i. the biodiversity offset is consistent with the framework detailed in Appendix 9.1.6.5; and ii. the biodiversity offset can achieve no net loss of indigenous biodiversity; iii. preferably in the affected area of significant indigenous vegetation or significant habitat of indigenous fauna; or iv. where that is not practicable, in the ecological district in which the affected area of significant indigenous vegetation or significant habitat of indigenous fauna is located.	The revised EclA (29 May 2025) indicates that no offset is required for the project and that a Saltmeadow Remediation Plan has been offered instead. In addition, the SSMP includes an adaptive management approach to ensure no net loss of seagrass or saltmarsh. Consequently, I consider that the proposal is not inconsistent with this policy.
9.1.2.2.15 Policy – Monitoring ...	This policy applies to the Council in relation to ongoing monitoring in the district and is not directly relevant to the proposal.
Chapter 9.2 Landscapes and Natural Character	

9.2.2.1.1 Objective – Outstanding natural features The outstanding natural features of the Christchurch District that are listed in Appendix 9.2.9.1.1 are protected. Under Appendix 9.2.1.1 Te Ihutai/Avon-Heathcote Estuary is recognised as an outstanding natural feature, and includes the New Brighton sand spit and estuary, important bird feeding and breeding site, nationally important for wading birds, significance in relation to Māori heritage due to extensive settlement, occupation and the use as a major mahinga kai area, and high recreational values of the beach and coastal interface due to the proximity to the city.	The landscape assessment (LEA) by Boffa Miskell for the project considers that long-term, the works are expected to improve natural character through increased vegetation and erosion attenuation, with residual effects anticipated to be ‘Very low’, neutral, or positive within five years. Jeremy Head the Council’s expert landscape architect agrees with this assessment. I accept this advice and therefore consider that the outstanding natural features of Te Ihutai/Avon-Heathcote Estuary will be protected. The proposal is overall considered to be consistent with this policy.
9.2.2.1.4 Objective – Natural Character a. The natural character of the Christchurch District’s coastal environment, wetlands, and lakes and rivers and their margins is preserved.	The landscape assessment (LEA) by Boffa Miskell has identified that the natural character of the coastal environment will not be adversely affected by the project and Mr Head, the Councils expert landscape architect, agrees with this conclusion. I accept this advice. The coastal edge is already modified, and the proposal is seeking to re-establish edge protection that existed prior to the CES. The proposal is not inconsistent with this objective.
9.2.2.2.1 Policy – Recognising and protecting the qualities of outstanding natural features a. Recognise the qualities of the identified outstanding natural features described in Appendix 9.2.9.1.1 and protect them from inappropriate subdivision, use and development by: i. avoiding use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features; ii. recognising and providing protection for Ngāi Tahu values in locations of special significance to tāngata whenua; iii. promoting restoration and ecological enhancement initiatives, including through the design of ecological protection measures; iv...	As above. Visual effects on the broader estuary environment and from distant viewpoints are assessed as ‘Low’ to ‘Very low’ during and after construction, with Mr Head noting that in many cases these effects will be negligible or potentially positive over time. Consequently, I consider that the extensive open views and the unique landscape features will be protected, including those areas of special significance to tāngata whenua. Overall, the project will not be inconsistent with this policy.
9.2.2.2.7 Policy – Recognising and preserving the natural character qualities of the coastal environment	The estuary is a location of at least high natural character (Appendix 9.2.9.1.5). As identified in the LEA and as agreed by Mr Jeremy Head, there are no significant effects on landscape character. Overall, I consider the proposal is consistent with these provisions.
9.2.2.2.8 Policy – Natural Character of wetlands, and lakes and rivers and their margins a. Recognise and preserve the natural character qualities of wetlands, and lakes and rivers and their margins and their protection from inappropriate subdivision, use and development by:	I agree that the proposed edge protection cannot be located in any alternative location. It has a functional need to be along the edge of the Estuary, as its purpose is to prevent further erosion, and to work in tandem with the inundation bund to protect properties from high estuarine water levels.

i. ensuring that location, intensity, scale and form of subdivision, use and development is appropriate; ii. minimising, to the extent practicable, indigenous vegetation clearance and modification (including earthworks, disturbance and structures); iii. ... iv. ... v. ensuring development is not readily visible from public places and frequently visited viewpoints.	Overall, the coastal protection structures are appropriately located and are of a scale and form to achieve the purpose for which they are designed. The landscape experts agree that it will not give rise to any significant adverse effects on the natural character of the area, noting that much of the estuary edge is modified to some degree. Overall, I consider that the project is not inconsistent with these policies.
9.2.2.2.9 Policy – Cumulative effects on natural character a. Assessments of effects on the natural character of the coastal environment, wetlands, and lakes and rivers and their margins shall include an assessment of the cumulative effects of: i. allowing more of the same activity; ii. allowing more of a particular effect, whether from the same activities or from other activities causing the same or similar effect; and iii. all activities in the coastal or freshwater environment at the site.	The project is not of a design that it will result in cumulative adverse effects on the character of the coastal area and will therefore be consistent with Policy 9.2.2.2.9. The Project will remove the numerous current adhoc structures and replace them with one linear erosion structure along the estuary edge and one linear bund structure.
9.2.2.2.10 Policy – Restoration of natural character a. Promote opportunities to restore and rehabilitate natural character, such as through the removal of plant and animal pests, and supporting initiatives for regeneration of indigenous vegetation.	Restoring the edge of the Estuary will prevent further erosion. Mr Head acknowledges that the design of the erosion protection works (assumed to follow coastal engineering best practice) will likely enhance natural character over time by facilitating greater stability and resilience to natural processes. The project will therefore be consistent with this policy.
9.2.2.2.13 Policy – Ngāi Tahu customary use a. Recognise and provide for Ngāi Tahu customary uses of natural resources, including land, water and other natural resources as an integral part of areas identified in the Plan as outstanding natural features and landscapes, significant features and rural amenity landscapes, and areas of natural character in the coastal environment.	The Applicant advises that Mana whenua (The Ihutai Ahu Whenua Estuary Trust) have been engaged with during the development of the design and the development of the Landscape Plan. The proposal is considered to appropriately provide for Ngāi Tahu values via relaying appropriate narratives, educational signage, information on māhinga kai / shellfish gathering, access and protection of eroding middens.
Chapter 9.4 Significant and Other Trees	
9.4.2.1.1 Objective a. Maintain and enhance the contribution of the Christchurch District's significant trees listed in Appendix 9.4.7.1, and trees in road corridors, parks, reserves and public open space, to community amenity through: i. landscape character and amenity; ii. heritage and cultural values; iii. purification of air and rainwater; iv. releasing oxygen and storing carbon; v. cooling of the built environment and waterways; vi. stormwater and erosion management; and vii. biodiversity protection and enhancement;	The Project does not include any significant trees identified in Appendix 9.4.7.1 of the Christchurch District Plan. A large number of trees are to be removed to facilitate construction of the project. In accordance with Council policy, trees to be removed will be replaced on at least a 2:1 ratio. I agree that adherence to the councils own tree policy and the overall landscape plan proposed will enhance the contribution of trees to the amenity of the project area over the longer term, acknowledging the short term effects of the loss of mature trees before the replacements establish and the wider community and will therefore be consistent with this policy.

while providing for the reasonable use and enjoyment of property and landowner responsibilities.	
9.4.2.2.3 Policy – Tree Protection a. Protect from inappropriate physical works: i. trees that are listed in Appendix 9.4.7.1, particularly those trees identified as having exceptional values; and ii. trees in road corridors, parks, reserves and public open space where they provide amenity value and/or collectively contribute to the character and environmental quality of the Christchurch District, to the extent consistent with maintaining the multiple functions of road corridors, parks, reserves and public open space.	No trees in the Project area are listed in Appendix 9.4.7.1. The applicant proposes to comply with the conditions of RMA/2021/2059 – a global resource consent enabling tree removals in parks and works within the vicinity of trees. Given the purpose of the works and the mitigation planting proposed, I do not consider the works inappropriate in the context of this policy. I consider the proposal is not inconsistent with this policy.
9.4.2.2.7 Policy – Felling of trees a. ... b. Limit the felling of trees in road corridors, parks, public open space and reserves having regard to size, location and species, except where there are no reasonable alternatives.	The Applicant has identified a large number of trees that require removal to facilitate the construction of the bund or to enable the edge protection works to be created. The alignment of the works has been developed considering factors such as site constraints, community wishes to not lose any more land to coastal erosion, and Council resolutions. I agree that there appear to be no reasonable alternatives to removing these trees. Consequently, I consider that the project is not contrary to this policy.
Chater 9.5 Ngai Tahu values and the natural environment	
9.5.2.1 Objectives 9.5.2.1.1 Objective - Areas and sites of Ngāi Tahu cultural significance a. The historic and contemporary relationship of Ngāi Tahu mana whenua with their ancestral lands, water, sites, wāhi tapu and other taonga is recognised and provided for in the rebuild and future development of Ōtautahi, Te Pātaka o Rākaihautū and the greater Christchurch Area. 9.5.2.1.2 Objective - Integrated management of land and water a. Ngāi Tahu cultural values, including as to natural character, associated with water bodies, repo / wetlands, waipuna / springs and the coastal environment of Ōtautahi, Te Pātaka o Rākaihautū and the greater Christchurch Area are maintained or enhanced as part of the rebuild and future development of the District - Ki Uta Ki Tai (from the mountains to the sea). 9.5.2.1.3 Objective - Cultural significance of Te Tai o Mahaanui and the coastal environment to Ngāi Tahu a. The cultural significance of Te Tai o Mahaanui, including Te Ihutai, Whakaraupō, Koukourārata, Akaroa, Te Waihora, Te Roto o Wairewa and the coastal environment as a whole to Ngāi Tahu is recognised and Ngāi Tahu are able to exercise kaitiakitanga and undertake customary uses in accordance with tikanga within the coastal environment. 9.5.2.2.2 Policy - Ngā Tūrangā Tūpuna	The Applicant's AEE states that Mana whenua have been engaged throughout the development of the Project and I note that Te Ihutai Ahu Whenua Estuary Trust have provided written approval to the project. The Applicant states in the AEE that engagement with Te Ihutai Ahu Whenua Estuary Trust commenced with a workshop with the project team where the history and significance of Te Ihutai was explained. Mana whenua subsequently worked closely with the landscape team to inform the landscape design and plan. I note that the SNBP portion of the works includes archaeological sites in the form of middens that are presently under threat from coastal erosion. These are identified and discussed in the Archaeological Assessment. The proposed design, including use of gabion baskets, have been chosen to protect these middens by ensuring they are covered and protected from further coastal processes and protect these elements of cultural heritage. Overall, given the early and consistent engagement with the Trust evidenced in the AEE and the written approval obtained I consider that the Project is unlikely to be contrary to these objectives and policies.

a. Recognise the historic and contemporary relationship of Ngāi Tahu with the areas and landscapes identified as Ngā Tūranga Tūpuna and:

i. facilitate opportunities to provide information...

...

iv. facilitate opportunities to enhance mahinga kai and other customary use of taonga species through planting and landscaping;

v. enhance the natural character and cultural values of water bodies, waipuna / springs, repo / wetlands and coastal waters, including reinstating original water courses where practicable;

vi. maintain or restore natural features with cultural values within these areas; and

...

9.5.2.2.3 Policy - Ngā Wai

a. Recognise the cultural significance of the water bodies, waipuna / springs, repo / wetlands and those parts of the coastal environment identified as Ngā Wai, and manage the effects of land uses and activities on the surface of water to:

- i. protect the natural character of these water bodies and coastal waters by maintaining their natural character where it is high and enhancing it where it is degraded, including through the reinstatement of original water courses where practicable;
- ii. recognise historic and contemporary Ngāi Tahu customary uses and values associated with these water bodies and coastal waters and enhance opportunities for customary use and access;
- iii. ensure any land uses or activities on the surface of water in or adjoining these sites do not adversely affect taonga species or Ngāi Tahu customary uses in these areas;
- iv. ensure new land uses do not create an additional demand to be able to discharge sewage or stormwater directly into Ngā Wai, other water bodies or the coastal marine area, and address the need for existing land uses to discharge untreated sewage or stormwater into these areas; and
- v. ensure that cultural values are recognised and provided for in the design, location and installation of utilities, while enabling their safe, secure and efficient installation.

9.5.2.2.4 Policy - Archaeological sites

Avoid damage to or destruction of Ngāi Tahu mana whenua archaeological sites within identified sites of Ngāi Tahu cultural significance or any unmarked or unrecorded archaeological site when undertaking earthworks, building or utility activities.

9.5.2.2.5 Policy - Engagement with Rūnanga Ngāi Tahu and Council to encourage and facilitate the engagement of landowners and resource consent applicants with the relevant rūnanga prior to undertaking activities and/or applying for resource consent, within or adjacent to identified sites of Ngāi Tahu cultural significance (including silent file areas). Where prior applicant engagement has not been undertaken Council will consult with the relevant rūnanga.	
Chapter 9.6 Coastal Environment	
9.6.2.1.1 Objective – The coastal environment a. People and communities are able to provide for their social, economic and cultural wellbeing and their health and safety, while maintaining and protecting the values of the coastal environment, including: i. indigenous biodiversity and the maintenance of the ecological function and habitats; ii. natural features and landscapes; iii. natural character; iv. historic heritage; v. Ngāi Tahu cultural values; vi. visual quality and amenity; and vii. recreation values.	The assessments provided in the AEE and the revised documents submitted as part of the RFI process have identified that the natural character of the coastal environment, its visual quality indigenous biodiversity, historic heritage, Ngāi Tahu cultural values and recreation values will not be adversely affected by the project to an extent that is more than minor. The proposed adaptive management plan approach will assist in maintaining the values of the coastal environment. I consider that the proposal is not inconsistent with this objective. I agree that the values of the coastal environment will also be maintained and protected from further erosion and inundation through the proposed project.
9.6.2.1.2 Objective – Access to and along the coast a. Public access to and along the Coastal Marine Area is maintained or enhanced by providing access in places and in forms which are compatible with public health and safety, sensitivity of the receiving environment and protecting the natural, historic and Ngāi Tahu cultural values of the coastal environment. 9.6.2.2.2 Policy – Access to and along the coast a. Maintain existing public access to the Coastal Marine Area and provide additional public access where: i. there is demand for public access; ii. there is an acceptably low risk of danger to public health or safety; iii. ...; and iv. public access is in a form and at a level compatible with the sensitivity of the receiving environment, including farming operations and any sites of particular ecological or cultural sensitivity. b. Facilitate access by Ngāi Tahu mana whenua to and along the Coastal Marine Area for mahinga kai and other customary uses.	Overall, I consider that public access to the coast will be maintained. However, the Applicant has reduced the access points to two stepped accesses in discussions with Environment Canterbury's ecologists. Many submitters have opposed this reduction. Dr Shane Orchard, ecologist has advised that it is essentially a trade-off between providing access for people to interact with the estuary and limiting access to prevent disturbance to sensitive areas. Regardless, of the number of accesses provided I do not consider the project is contrary to this objective and policy. However, as there is demand for public access, additional access is likely to result in a higher level of consistency provided it remains compatible with the sensitivity of this receiving environment. Short term restrictions will occur during the construction period for health and safety reasons which is consistent with the policy.
9.6.2.2.1 Policy – Effects of activities on the coastal environment	I agree with the Applicant that the project has a functional need to be located adjacent to the coastal edge. The edge protection and inundation bund work in tandem to provide protection to the estuary edge

a. Ensure that subdivision, use and development is of a scale, and located, to maintain and protect the values of the coastal environment, including: i. indigenous biodiversity and the dynamic, complex and interdependent processes of ecosystems; ii. natural features and landscapes; iii. natural character, including the natural integrity and functioning of contributing and associated coastal processes; iv. historic heritage, recognising that historic heritage may span the line of mean high water springs; v. Ngāi Tahu cultural values; vi. visual quality and amenity values; and vii. recreation values. b. Recognise and provide for the operation, maintenance, upgrade and development of strategic infrastructure and utilities that have a technical, locational or functional need to be located in the coastal environment.	from further coastal erosion and to protect the community from inundation during high water events in the Estuary. The location and design have been determined through striking a balance between the need to protect the edge, ensure no more land is lost to the CMA, and to respect the needs of landowners along the alignment. The actual and potential effects of the project, as discussed in the Assessment of Effects section above, concludes that any adverse effects of the project will be no more than minor taking into consideration the proposed mitigation and recommended conditions. Overall, I consider the project is consistent with this Policy.
Chapter 13.11.2 Specific Purpose (Flat Land Recovery) Zone	
13.11.2.1 Objective – Activities in the Specific Purpose (Flat Land Recovery) Zone a. A largely open environment with a very low density of residential and non-residential activities, that: i. reflects the changes in land uses in the area, including building clearance; ii. recognises the natural hazard risks affecting many properties; iii. recognises the infrastructure limitations of the area; iv. acknowledges the interim nature of this Zone; and v. maintains the longer-term potential of the area to contribute to the recovery and future enhancement of Christchurch. 13.11.2.1.3 Policy – Management of effects a. Manage activities within the Specific Purpose (Flat Land Recovery) Zone to: i. reduce adverse amenity effects on occupied residential properties and effects at the interface with surrounding residential zones; ii. sustain the qualities and values of the natural environment.	The Project is overall consistent with this objective. I consider that the proposal is consistent with this policy. Effects on adjacent landowners over the construction period will be managed through the recommended conditions of consent including the CEMP and the CTMP. The Applicant has engaged with residents about the alignment where necessary, and other concerns such as privacy have been considered. Some submitters have outstanding issues around the location of paths, and the nature play area which I understand will be further discussed with residents during detailed design. Overall, I consider that the project will sustain the qualities and values of the natural environment.
13.11.2.1.2 Policy – Non-residential activities a. Only provide for the following non-residential activities: ... iii. temporary activities, land management activities, water or hazard management or mitigation activities, and ...	The Project is provided for by this Policy.

Chapter 18.2 Open Space	
18.2.1.1 Objective - Provision of open spaces and recreation facilities a. A network of open spaces and recreation facilities that: i. provides a diversity in the type and size of open spaces and recreation facilities to meet the current and future recreation, cultural, health and wellbeing needs of the community; ii. contributes to the earthquake recovery of Christchurch and revitalised communities where people enjoy a high quality urban environment and enhanced opportunities for recreation; iii. is accessible and distributed to meet the demands generated by population growth, urban intensification and areas of identified deficiency; iv. provides users with a pleasant and safe environment; v. enables temporary and multifunctional uses; vi. maintains and enhances amenity values, connectivity and public access, where appropriate; vii. recognises and provides for the historic and contemporary relationship of Ngāi Tahu with Christchurch District's land and water resources, and reflects their cultural values; viii. recognises and provides for the district's indigenous biodiversity; and ix. maintains and enhances public access to and along the coast. 18.2.1.2 Objective - Natural open space, water bodies and their margins a. The inherent qualities of natural open spaces and water bodies are protected, maintained and enhanced, including: i. the natural character, biodiversity, mahinga kai values, health and life supporting capacity of water bodies, their margins and the adjacent open spaces; and ii. ecosystems and indigenous biodiversity, including habitats of indigenous fauna. b. Accessibility of natural open spaces and water bodies and their margins is maintained and, where appropriate, enhanced, for the enjoyment of: i. their amenity values; ii. a range of compatible recreation activities and recreation facilities; and cultural and mahinga kai values. 18.2.2.1 Policy – The role of open space and recreation facilities a. Provide, restore and enhance a network of private and <u>public open spaces and recreation facilities</u> that cater	The project is generally consistent with this objective and policy framework. I consider that improved path on top of the bund will allow for walkers and cyclists of all abilities to experience the coastal margin. Access to the estuary itself has been discussed above. The coastal hazard protection works have a practical and functional need to be located within SNBP and Southshore open space. Further consideration may be needed in terms of separation distances from residential properties and the proposed natural play area and some pathways as raised by several submitters in Heron Street to ensure consistency with Policy 18.2.2.5 a. i. The proposal is consistent with Policy 18.2.2.5 – Flood protection.

for a range of roles, functions and activities as identified in Table 18.2.2.1 below.

...

b. Avoid activities that do not have a practical or functional need to be located within open space.

Table 18.2.2.1

a.	Open Space Community Parks Zone	These spaces enable formal and informal <u>recreation activities</u>, while complementing and enhancing neighbourhood and <u>Central City amenity values</u>, and ensure provision of: i. Small public spaces with <u>landscaping</u> and seating located and designed to promote interaction within the local community; ii. <u>Accessible</u> neighbourhood parks with a predominance of open space and relatively flat topography capable of accommodating <u>amenity tree planting, landscaping</u>, small scale <u>public amenities</u>, playground equipment and informal playing fields; iii. Large parks accommodating sports fields and smaller-scale <u>recreation facilities, public amenities, landscaping</u>, large trees and potential capacity for multifunctional use; (...)
g.	Open Space Coastal Zone	a. This zone protects the natural environment of the sandy beaches and rocky shorelines of the <u>Christchurch City</u> coast from Waimakariri River to Taylors Mistake, while providing for: i. restoration and enhancement of <u>indigenous vegetation</u> and habitats of <u>indigenous fauna</u>, including the extensive network of dunes along the open coast; ii. compatible <u>coastal recreation activities</u>, public access to the coast and natural hazard defences; and

		iii. existing surf lifesaving, yacht club and coastguard facilities that contribute to the social and cultural wellbeing and health and safety of the community.	
18.2.2.2 Policy - Multifunctional use, accessibility and recovery a. ... d. Maintain and enhance <u>accessibility</u> of open spaces to communities by providing appropriately located entrances, public <u>access ways</u>, <u>frontages</u> to public <u>roads</u> and waterways, and wherever practicable connectivity with the wider open space and transport network. 18.2.2.4 Policy - Water bodies and their margins a. Maintain and enhance the natural character, biodiversity, health and life supporting capacity of water bodies and their margins by: i. limiting development and activities in the vicinity of water bodies to those activities which have a practical and functional need to be located within these areas; and ii. rehabilitation of water bodies and their margins and encouraging indigenous vegetation planting. b. ... c. Recognise the cultural significance of water resources to Ngāi Tahu and ensure they are managed to maintain and enhance mahinga kai and, where appropriate, Ngāi Tahu whānui access to these resources. 18.2.2.5 Policy - Environmental effects a. Ensure activities and the scale, layout, and design of open spaces and/or the facilities within them are appropriate to the locality and context, and any adverse effects on the amenity values of neighbours, Ngāi Tahu cultural values, conservation activities and programmes, and the wider community are managed, through: i. providing sufficient separation distances and limiting the height of buildings; ii. limiting the floor area and site coverage; iii. requiring landscaping and screening; iv. mitigating adverse noise, glare, dust and traffic effects; v. restricting the types, duration, hours of operation and frequency of activities; vi. minimising disturbance of natural landforms, cultural landscapes identified in the District Plan,			

ecosystems or indigenous biodiversity, including fauna habitats; vii. avoiding impacts on mahinga kai; viii. requiring building setbacks from the banks of water bodies; ix. encouraging the planting and maintenance of indigenous vegetation in the setback margins of water bodies; and x. controlling the volume and depth of filling and excavation within the water body setbacks, and removal of vegetation. b. Ensure the scale, layout, and design of facilities, buildings and structures is consistent with the role and function of the open space, and its anticipated level of spaciousness and character. c. 18.2.2.6 Policy - Flood protection a. Recognise and provide for flood hazard mitigation and protection works when undertaken by the Council, the Canterbury Regional Council or the Crown having regard to potential adverse effects. 18.2.2.8 Policy - Access to and along the coast a. Ensure public access to and along the coast, including for public use and appreciation: is maintained and enhanced, including Ngāi Tahu mana whenua access to mahinga kai and other customary uses, wāhi tapu and wāhi taonga; does not adversely affect the relationship of Ngāi Tahu mana whenua with their ancestral lands, water and sites; i. is maintained and enhanced in places where existing access is provided; and ii. does not give rise to the destruction of features of the coastal environment or detract from the amenity of the coastal environment.	
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City Plan

281. Regard must also be had to the relevant objectives and policies in the City Plan in respect to coastal hazards until updated coastal hazard provisions are included in the CDP.

282. The relevant policies are:

283. *Policy 2.5.2 Limitations on development*

To avoid any increased risk of adverse effects on property, wellbeing and safety from natural hazards by limiting the scale and density of development which:

- (a) is within an area subject to moderate to high risk of damage from natural hazards; or*
- (b) would result in an increased risk of damage from natural hazards elsewhere; or*
- (c) would adversely affect the functioning of existing flood protection works.*

284. *Policy 2.5.4 Sea level rise*

To avoid higher density forms of built development and adverse effects from inundation in areas that are projected to be subject to increased flood levels as a result of accelerated sea level rise.

285. **Policy 2.5.9 Works**

To undertake works to avoid or mitigate the adverse effects of natural hazards as a supplementary measure to regulation of activities, and the provision of information.

286. **Policy 2.6.3 Coastal Development**

To avoid or mitigate the adverse effects of erosion and flooding in the coastal environment.

287. **Policy 6.3A.6 hazards**

To ensure that development is avoided, or limited in scale or density, in areas subject to natural and other hazards, particularly flooding, erosion or potential sea level rise, unless these hazards can be adequately remedied or mitigated.

288. I agree with the Applicant's analysis that the project is not facilitating any additional public or private infrastructure but providing a level of protection to existing public and private infrastructure that existed prior to the Canterbury Earthquake Sequence. The project is not to support higher density forms of built development but to reduce erosion of the estuary land edge and reduce the likelihood/frequency/extent of any flooding into the existing built area in extreme tidal events.

289. I consider that the proposal is consistent with the relevant operative objectives and policies of the Christchurch City Plan.

290. After considering the relevant objectives and policies in both the District Plan and the City Plan it is my conclusion that overall, the application is consistent with the objectives and policies of the District Plan and City Plan.

Non-complying Activity Threshold Test (s104D)

291. In my opinion the application satisfies both tests as the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the CDP or the Christchurch City Plan (Coastal hazard provisions).

Other relevant Statutory Documents (S.104 (1)(b))

292. The District Plan gives effect to the higher order instruments referred to in s104(1)(b), including the Regional Policy Statement and Regional Plans. As such, I have not addressed them specifically in this report. The exception to this is the Coastal Hazard provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS), which have not yet been given effect to in the CDP.

New Zealand Coastal Policy Statement 2010

293. The relevant coastal hazard objective and policies to have regard to are:

294. **Objective 5**

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

295. **Policy 25 Subdivision, use and development in areas of coastal hazard risk**

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) *avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- (b) *avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- (c) *encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- (d) *encourage the location of infrastructure away from areas of hazard risk where practicable;*
- (e) *discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- (f) *consider the potential effects of tsunamis and how to avoid or mitigate them.*

296. Policy 26 Natural defences against coastal hazards

- 1) *Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.*
- 2) *Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands*

297. Policy 27 Strategies for protecting significant existing development from coastal hazard risk

- 1) *In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:*
 - (a) *promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;*
 - (b) *identifying the consequences of potential strategic options relative to the option of “do-nothing”;*
 - (c) *recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;*
 - (d) *recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and*
 - (e) *identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.*
- 2) *In evaluating options under (1):*
 - (a) *focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;*
 - (b) *take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and*
 - (c) *evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.*
- 3) *Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.*
- 4) *Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.*

298. The Applicant provides an assessment of Objective 5 and policies 25, 26 and 27 at section 10.3.4, Table 23 in its AEE. I generally agree with that assessment.

299. With respect to Objective 5, this project does not relate to new development and managed retreat is not currently under consideration at present for the adjoining community. Although, as stated earlier in this report, a Coastal Hazard Adaptation Programme (CHAP) is underway for Christchurch’s coastal communities, the Applicant proposes structures that have been designed for a 20-year design life only. It is my understanding that a longer time frame involving greater consideration of climate change, and potentially restoring natural defences, will be part of the CHAP process. I agree with the Applicant’s assessment that this project provides

time for longer-term adaptative planning responses to climate change and sea level rise to be made and implemented at a later date when that process is completed.

300. The focus of Policy 25 is on encouraging redevelopment or change in land use that would reduce risk, and avoiding increasing the risk of social, environmental and economic harm. Given the level of protection that will be afforded to adjoining properties from this proposal, over the 20-year design life I consider that there is minimal tension with Policy 25. The community is not currently at a trigger point where removal of existing homes or abandonment is required and the proposal provides time to make important decisions on its future, while providing a level of protection in the shorter term. While hard protection structures are 'discouraged' in favour of natural defences, these are not required to be avoided. The proposal does not offend policy 25 when read together with the provisions of Policy 27 (which considers existing development) particularly given the limited design life and consent period of the proposed works.

301. Having regard to Policy 26 I note that this proposal is replacing existing protection structures and reinstating them to a level of protection that existed prior to the Canterbury Earthquake Sequence. Natural defences, while desirable, may not be practical to re-establish in this location in an appropriate timeframe without increasing risk and hence may not meet the caveat of 'where appropriate' in terms of Policy 26(1). The Applicant's AEE states⁶⁹:

Removing existing structures to replace with complete natural options will likely exacerbate initial erosion and inundation risk (particularly where rock revetment is proposed where there are existing vertical walls). The opportunity for partial naturalisation of the Project is taken with the implementation of a cobble beach as a form of beach nourishment.

302. The soft edge trial being proposed by the Applicant for SNBP may however, provide better alignment with this policy but I have not yet been provided with details and plans, or been provided with an assessment of effects. I am also unsure if they will be within scope of the application as lodged.

303. Policy 27 focuses on solutions for existing development and provides a framework for considering options over a longer period (at least a 100-year timeframe including the expected effects of climate change). Strategies that should be assessed include identifying and planning for transition mechanisms and timeframes for moving to more sustainable options. The policy provides for hard protection structures where they are considered necessary provided the form and location are designed to minimise adverse effects on the coastal environment. While I have highly summarised the policy I consider that this proposal does not offend its overall intent as the project is a transitional mechanism where the combination of cobble beaches and hard protection structures (and potentially soft edge beach trial area) have been designed to minimise adverse effects on the existing coastal environment; it may also provide an appropriate timeframe for moving to more sustainable options. The Applicant states that:

*'Managing climate change and coastal hazard risks in this area will take time in areas of significant existing development. It is contended that this Project provides adequate transitional response options at this point in time by providing allowance for adaptability, as well as solutions that are sympathetic and consistent with naturalisation (i.e. cobble beach).'*⁷⁰

304. A potential social cost of permitting hard protection structures to protect private property is that it can give a false sense of security and potentially encourage more development, or increased investment in properties. In the context of this location, I consider this is less likely to be a significant concern given the current zoning. A large proportion of the developable land is owned by the Council (previously red zoned land) and is now highly valued for recreation.

⁶⁹ AEE, Section 10.3.4, Table 23 – Policy 26

⁷⁰ AEE, Section 10.3.4, Table 23 – Policy 27

305. I have carefully considered Policy 27(4) as the project is located on public land and is considered necessary to protect private land. The Applicant states that 'private asset protection (residential dwellings) is only part of the project and that benefit to the enjoyment of the landward open space to the general public is of equal importance.'⁷¹ In addition, I agree with the Applicant that the project provides collective flood protection for a community not just one private asset. I therefore consider that the intent of this policy is met, noting the Council agreed to proceed with this project for the benefit of the community via a Council resolution.
306. Overall, I have considered the NZCPS and do not find significant inconsistency given the narrowed timeframe of the project (20 years) and its overall intent to provide coastal hazard protection, and hence reduced risk of coastal inundation and erosion, to the adjoining residents and open spaces.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health

307. The provisions of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health apply as discussed earlier in this report. The Applicant proposes to utilise the Council's Global NES Consent under RMA/2021/2094 and conditions are in place under this consent to manage contamination. In addition, the Applicant has proposed a CSMP. Ms Van der Erf, the Council's Council Environmental Health officer was satisfied that this process was appropriate to manage the adverse effects of soil contamination. I accept this advice and note that Environment Canterbury has also proposed conditions in relation to soil contamination in respect to CRC242267: to use land for earthworks and vegetation clearance.

Relevant Other Matters (s104 (1)(c))

Mahaanui Iwi Management Plan 2013

308. The Applicant has provided an assessment of the project against the Mahaanui Iwi Management Plan 2013 at Section 10.3.7.2 and Table 30 of the AEE. I adopt the Applicant's assessment.

South New Brighton Reserves Management Plan

309. The South New Brighton Reserves Management Plan was reviewed in June 2021 and covers Blighs Garden, Bridge Reserve and South New Brighton Park and was initiated in response to changes in the reserves brought about by the Canterbury Earthquake Sequence. The project is consistent with this Plan.

Precedent effect/Plan integrity

310. Given the non-complying status of this application, it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan and public confidence in its consistent administration. Case Law has established however, through the High Court in *Rodney District Council v Gould*, that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:
1. Whether a proposal is contrary to the objectives and policies of the plan; and if so
 2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.
311. In this case the proposal is not contrary to the objectives and policies, therefore I am satisfied that issues of precedent or plan integrity do not arise.

⁷¹ AEE, Section 10.3.4, Table 23 - Policy 27(4)

Part 2 of the Act

312. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.
313. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
314. Taking guidance from case law⁷², the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared via independent hearing and decision-making processes in a manner that appropriately reflects the provisions of Part 2. No further assessment against Part 2 is considered necessary except in relation to coastal hazards.
315. Assessment against Part 2 is only considered necessary in respect of the coastal hazard provisions which were not included in the District Plan, with the City Plan provisions remaining in legal effect.
316. The purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well – being and for their health and safety, while (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations and (c) avoiding remedying or mitigating any adverse effects of activities on the environment.
317. Under Section 6 (h) of the Act, the management of significant risk from natural hazards is a matter of national importance. Under Section 7 of the Act “Other matters”, in achieving the purpose of the Act, particular regard shall be had to (i) the effects of climate change.
318. As the purpose of the project is to reduce risks of coastal erosion and flooding for SNBP and Southshore and provide an interim solution for this community until the Climate Change Adaptation Process (CHAP) process has been completed, I consider that the proposal is consistent with s6(h) and s7(i) and Part 2 of the RMA.

Conclusion

319. After considering the actual and potential effects on the environment of allowing the application, it is my conclusion that the adverse effects on the environment of the proposal will be minor and acceptable,
320. In my opinion this proposal is consistent with the objectives and policies of the District Plan and the Christchurch City Plan (coastal hazard objectives and policies).
321. I therefore consider that the proposal satisfies the threshold test of Section 104D. In this respect I consider Council has a discretion to exercise as to whether or not to grant consent.
322. I consider that the proposal is consistent with Part 2 of the Resource Management Act 1991.
323. Having considered all the relevant matters under Sections 104, 104B and 104D, it is my opinion that consent should be granted subject to conditions.
324. I have recommended draft conditions in Appendix 9 based on revised conditions offered by the Applicant, discussions with experts, and inclusion of the Council’s standard conditions of consent. I consider them to be a

⁷² *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

starting point and further discussions on conditions are required if the panel is minded to grant the application. Further discussions are required as a result of further changes I understand will be made to the proposal, which I have yet to review (including the soft edge beach trial). I will continue to work on these conditions in consultation with ECan and the Applicant as required and will table updated conditions at the hearing (subject to direction of the panel).

Recommendation

325. I have assessed this application to construct inundation protection works and coastal erosion protection works at South New Brighton Park and Southshore. Having considered all the matters relevant to this application, I recommend that this application be **granted** pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991 subject to conditions (see draft conditions in Appendix 9).



Janice Carter
CONSULTANT PLANNER

Reviewed by:

Hermione Blair
PRINCIPAL ADVISOR RESOURCE CONSENTS

10/11/2025