

Before the Hearing Panel
Appointed by the Timaru District Council

Under The Resource Management Act 1991 (**RMA**)

In the matter of The Proposed Timaru District Plan

Andrew Willis - Hearing F - Interim Reply – Natural Hazards, Coastal Hazards, Drinking
Water Protection

23 June 2025

Council's Solicitor:

Michael Garbett/ Jen Vella

Anderson Lloyd

Level 12, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX Box YX10107 Dunedin

p + 64 3 477 3973

michael.garbett@al.nz/ jen.vella@al.nz

**anderson
lloyd.**

Introduction

1 My name is Andrew Willis. I hold the qualifications and experience set out in my s42A report (paragraph 1.1.1). I confirm that I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and that I have complied with it when preparing this Interim Reply.

2 This Interim Reply responds to Panel Minute 34 which was issued by the Hearings Panel on 13 May 2025 (**Minute 34**).

3 In Minute 34 (paragraph 7) the Panel requested that Ms Irvine (for Environment Canterbury (ECan)) and I:

“Provide a joint statement in relation to the provisions for natural hazard mitigation works, in particular addressing the extent to which the revised rules sufficiently provide for ECan’s flood control schemes.”

4 This JWS is included with this Interim Reply at **Appendix B**.

5 In Minute 34 (paragraph 10) the Panel requested that:

“(a) In relation to the evidence heard from South Rangitata Reserve Inc (206), provide:

(i) A statement from Mr Todd that provides an analysis in response to the evidence (including their statement, photographs, and oral evidence), which considers the existing environment, long-term observed trends, and natural hazard risk for the specific area; and

(ii) An assessment of the options for a consenting pathway which would allow mitigation of risk if appropriate, and recommended amendments to provisions if the recommended option/s necessitates a change.”

6 Mr Todd’s supplementary evidence is included with this Interim Reply at **Appendix C**.

7 In Minute 34 (paragraph 11), the Panel requested that Mr Kemp:

“(a) Provide advice regarding whether the Flood Assessment Area Overlay discrepancy at the Harvey Norman site is an anomaly in the Flood Assessment Area Overlay mapping or if there is the potential for other errors, and a process and timeframes for providing a revised Overlay if this is necessary; and

(b) Liaise with Mr Willis and Ms Vella regarding how these recommendations fit into Council’s upcoming response to Minute 33.”

8 Mr Kemp’s supplementary evidence is included with this Interim Reply at **Appendix D**

- 9 In Minute 34 (paragraph 7) the Panel requested that Mr Kemp and Mr Throssell (for Harvey Norman):

“Provide a joint statement to address the discrepancy / potential error with the Flood Assessment Area Overlay within the Harvey Norman Site. Mr Throssell to provide photographs of the site following recent rain event.”

- 10 As indicated in the Council's memorandum of 19 June, an extension of time to 30th June has been sought to file this.

- 11 In Minute 34 (paragraph 7) the Panel requested that Mr Walsh (PrimePort (175) and I:

“Provide a joint statement regarding whether it is recommended to merge the provisions relating to PrimePort within the Natural Character Chapter and the Coastal Environment Chapter, and a recommended set of provisions.”

- 12 As indicated in the Council's memorandum of 19 June, an extension of time to 30th June has been sought to file this.

- 13 In addition to responding to the matters set out above, I have also recommended other amendments: in response to evidence presented; as minor changes within the scope of the original recommended changes; or under clause 16(2) for additional clarity. I have provided commentary on these changes were necessary in this report, excluding those already covered in my 42A summary statement. Where I have recommended changes to the provisions in **Appendix E** of this Interim Reply, these are identified in blue font underline and ~~strike through~~.

Status of submission points post Hearing F

- 14 As per the interim reply process set out in Minute 14, Paragraphs [5]-[6],¹ I have recorded changes to my s42A recommendations in this Interim Reply. I have attached a table titled "Status of issues raised in evidence - post Hearing F – NH, CE and DWP" at **Appendix A**. The table represents a 'stock take' of the issues identified at paragraphs 3 to 5 of the summary of my section 42A report dated 23 April 2025.

Natural hazard mitigation works

- 15 In accordance with the directions in Minute 34, Ms Irvine and I have undertaken conferencing on the natural hazard mitigation works rules contained in NH-R3 and CE-

¹ Minute 19, paragraph 5.

R9 and prepared the JWS attached as **Appendix B**. As set out in the JWS, we have agreed on revised NH-R3 and CE-R9 rules. We agree that the proposed amended provisions in Appendix 1 of the JWS resolve the issues identified by ECan in their submission and we support the proposed amended provisions (JWS paragraph 2.1).

- 16 Ms Irvine (JWS paragraph 2.2) wants to record that the agreement of the drafting in the JWS is within the context of supporting the recommendation in the s42A officer's report to exclude the rules in the ECO, NATC, NFL and SASM chapters from applying to NH-R3 and CE-R9. These exclusions remain unaltered in the recommended amendments to the NH and CE chapters attached to this Interim Reply.
- 17 The key changes in amended NH-R3 and CE-R9 involve:
- Broadening out the permitted activity standard for the maintenance, replacement and upgrading of natural hazard mitigation works within existing river control schemes undertaken by the Crown, Council and ECan;
 - Including a new permitted activity standard (PER-5) to permit limited new natural hazard mitigation works in response to erosion or flooding where this maintains or reinstates pre-existing protection;
 - Clause 16(2) amendments to support the amended provisions, including to the cascade of rules when compliance is not achieved.
- 18 As set out in the s32AA attached to the JWS as Appendix 2, I consider that the proposed changes improve the management of natural hazard risk, continue to achieve the PDP objectives but are more efficient and still effective, and overall are the most appropriate to achieve the RMA.

South Rangitata Reserve Inc (206),

- 19 In accordance with the directions in Minute 34, Mr Todd has provided the supplementary evidence attached as **Appendix C**. In his evidence Mr Todd assesses the submission by South Rangitata Reserve Inc (206) with reference to: the Regional Coastal Environment Plan hazard and inundation lines; the PDP's High Hazard Overlay, Sea Water Inundation Overlay and Coastal Erosion Overlay; NZCPS Policy 25; and his significant experience with coastal hazards in the area. Of note, Mr Todd also identifies past inundation events at the Rangitata Huts (paragraph 11).
- 20 Mr Todd supports the PDPs Sea Water Inundation Overlay (paragraphs 17 to 20) and the PDPs Coastal Erosion Overlay (paragraphs 21 to 27). Of relevance to the submitters' concerns, Mr Todd notes that the PDP's coastal erosion hazard line is generally seaward of the RCEP's Hazards Zones 1 and 2 (as shown on the map included in his evidence). This reduces the projected erosion hazard extent in the Rangitata Huts area from that which exists under the RCEP.

- 21 Mr Todd has considered the options for a consenting pathway which would allow mitigation of risk and if amendments are required to the PDP's provisions. Mr Todd supports my s42A report recommendation to remove the High Hazard Overlay from the Rangitata Huts area and instead rely on a Flood Assessment Certificate approach for determining site specific risk (paragraph 35). Mr Todd supports a restricted discretionary pathway for activities proposed in areas not identified as high hazard and a non-complying pathway for those identified as being located within high hazard areas (paragraph 35). This recommendation is consistent with the notified PDP and my s42A recommendations.
- 22 Accordingly, I do not consider that any additional changes are required to the provisions affecting the South Rangitata Reserve.
- 23 In his evidence Mr Todd identifies the relationship between the RPS, RCEP and PDP Hazard Zones, and in particular, that the Operative 2013 RPS states that ECan will have responsibility for specifying objectives, policies and methods for the use of land within the 100-year coastal erosion hazard zones outside of greater Christchurch as defined by maps in the RCEP (as opposed to this being the responsibility of the Timaru District Council).
- 24 I note that the draft Canterbury Regional Policy Statement (draft CRPS) assigns the responsibility for the management of coastal erosion matters wholly to the District Councils² and that the PDP review proceeded on the basis that this responsibility would be assigned to the District Council. Unfortunately, the CRPS notification has been postponed and as such the 2013 directions continue to apply. Mr Todd considers this creates a "potential anomaly in the erosion hazard areas managed by the respective councils due to the age and inferior methodology of the RCEP coastal erosion mapping" (paragraph 31).
- 25 I have explored this matter with ECan, and given the CRPS 2013 direction, the two Councils agree that the PDP erosion provisions should only apply landward of the RCEP's Hazard Lines, with the Coastal Erosion Overlay used to identify which plan (the PDP or RCEP) applies. For the South Rangitata Huts, as shown on the map in Mr Todd's evidence, the PDP erosion provisions will only apply at the very south east end of the area. I anticipate that the updated planning map will be provided as part of the Council's wrap-up reporting.

² Draft CRPS - Hazards and Risk Chapter, clause 4(a), page 100

The Harvey Norman Flood Assessment Area Overlay discrepancy and the revised Overlay

- 26 In accordance with the directions in Minute 34, Mr Kemp has assessed the Flood Assessment Area Overlay discrepancy at the Harvey Norman site to see if this is an anomaly or whether it is repeated elsewhere in the modelling (see his supplementary evidence at **Appendix D**).
- 27 On the basis of Mr Kemp's supplementary evidence, I understand that the processing of the 2010 LiDAR created depressions where large structures, such as the Harvey Norman site, are located and that further depressions, particularly around the Timaru town centre are apparent (where other large areas of continuous elevated structures were processed out of the LiDAR data gathered in 2010).
- 28 I understand that in 2020 and 2021, the Council procured more up-to-date LiDAR data gathered across the Timaru Urban Area, including Washdyke, a portion of the Levels Plain and Pleasant Point, and that the depressions processed into the 2010 Digital Elevation Model (DEM) have been rectified within the 2020 DEM.
- 29 Regarding the process for updating the mapping to remove the errors, I understand that the updated modelling output will be included with the amendments proposed in response to ECan's [183.28] submission seeking to extend the Flood Assessment Area Overlay, as set out in the Council's response to Minute 33.

Other changes in response to evidence provided for Hearing F

- 30 The following additional amendments have also been made to the chapters, as set out in blue font underline and ~~strike through~~ in **Appendix E**:
- a) Amending the exclusion for telecommunications facilities, in accordance with the recommendation of Mr Anderson (for 'the Telcos' [178, 208, 209, 210], as set out in his evidence dated 9 April, paragraph 17);
 - b) Amending the PORT provisions in the NH and CE chapters to be consistent, and in accordance with the recommendations of Mr Walsh (for PrimePort Timaru Ltd [175] and Timaru District Holdings Ltd [186], as set out in his evidence dated 9 April, paragraphs 18 to 81);
 - c) Changing the recommended reference to "native habitats" in NH-P3 to "native vegetation" in response to the evidence of Ms Crossman (for Opuha Water Ltd [181], dated 9 April, paragraphs 4.1 to 4.3);
 - d) Further clarifying the jurisdiction of the Council and Regional Council and the applicable plan provisions in the beds of lakes and rivers and coastal marine area based on further discussions with Ms Irvine and Ms Francis (in response to ECan

[183.131 and 183.142] and the evidence of Ms Irvine dated 9 April, paragraphs 52 to 61). This involves:

- amendments to CE-R14 to exclude mining and quarrying within the beds of lakes and rivers and the coastal marine area; and
 - amendments to DWP-R3 to exclude mining and quarrying within the beds of lakes and rivers.
- e) Various minor consequential changes, for example removing references to mapped “high hazard areas”;
- f) Rule restructuring to better align with the PDP structure and style (e.g. CE-R8.2);
- g) Structural changes, such as combining the subdivision rules for the Port Zone and non-port zones in SUB-RX;
- 31 Except where separately specified in this Interim Reply report, I consider that the recommended changes set out in the revised chapters in **Appendix E** are able to be undertaken under clause 16(2), or are minor / within the scope of the recommended s42A report changes responding to the original submissions. As such, I consider that the notified s32s or s32AA assessments included in my s42A report continue to apply.

NH-R1 and Overland Flowpaths

- 32 In response to ECan’s submissions (e.g. [183.38]), in my s42A report I recommended various changes to the provisions to remove the express requirement for development to occur outside of overland flowpaths (e.g. NH-R1 PER-2) and replace this with a permitted activity standard that required development to ‘not worsen’ flooding on another property through the diversion or displacement of flood water. In his evidence (dated 9 April, paragraphs 21 and 22), consistent with ECan’s submission, Mr Griffiths also sought to simplify the site-specific flood hazard assessment process to remove the assessment of whether a site is within an overland flowpath.
- 33 I have had further discussions with ECan and the Council on this matter and consider that there are some potential issues with this rule that require further consideration. I expect to provide a final recommendation on NH-R1 and the matter of overland flowpaths in my final reply.

APPENDIX A

Status of issues raised in evidence – Natural Hazards, Coastal Hazards and Drinking Water Protection Chapters – Hearing F

Notes:

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing F. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing F.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing F. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 4 *Orange shading identifies matters still outstanding. Green shading identifies matters resolved since my s42A summary.*

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
The definition of natural hazard sensitive activity	NH and CE chapters	Outstanding	Fonterra [165] - evidence of Ms Tait at paragraphs 6.1 to 6.5
Excluding all telecommunications infrastructure from the application of the natural hazards provisions	NH and CE chapters	Resolved	The Telcos [176.60, 176.61, 176.62, 176.63, 176.64, 176.65 208.60, 208.61, 208.62, 208.63, 208.64, 208.65 209.60, 209.61, 209.62, 209.63, 209.64, 209.65 210.60, 210.61, 210.62, 210.63, 210.64, 210.65] - evidence of Mr Anderson at paragraphs 7 to 20
The references to and provisions for the Port of Timaru and PORTZ in the NH and CE chapters	NH and CE chapters	Resolved for the approach to managing hazards generally	PrimePort [175] and Timaru District Holdings [186] - evidence of Mr Walsh at paragraphs 36 to 37, 38, 40,

Issue (raised in evidence)	Relevant provision(s)	Status	Relevant submitter(s) that pre-circulated evidence
		<div data-bbox="1218 300 1612 408">Resolved for the plan provisions.</div> <div data-bbox="1218 408 1612 687">Technically still outstanding for the erosion lines to the north and south of the Port, but does not significantly affect the Port's operations</div>	<div data-bbox="1635 300 2121 363">41, 44, 45, 51, 54, 62, 64, 71, 73, 74, 75</div> <div data-bbox="1635 395 1917 427"><u>For the Erosion Lines</u></div> <div data-bbox="1635 459 2121 568">Mr Cooper (for the same submitters) at paragraphs 59 to 62; evidence of Mr Walsh at paragraph 81</div> <div data-bbox="1635 600 2121 663">See also the evidence of Mr Todd, paragraph 30, for TDC</div>
The provisions for natural hazards mitigation works		<div data-bbox="1218 703 1612 812">Resolved for combining the related multiple rules across various chapters into one rule</div> <div data-bbox="1218 812 1612 920">Resolved for the plan provisions</div>	<div data-bbox="1635 703 2121 831">ECan [183.24, 183.5, 183.77, 183.76, 183.85, 183.86, 183.90, 183.91, 183.128, 183.130] - evidence of Ms Irvine at paragraphs 34 to 50</div>
Clarifying the jurisdiction of the Councils and the applicable plan provisions in the beds of lakes and rivers		<div data-bbox="1218 938 1612 1098">Resolved in relation to jurisdiction</div> <div data-bbox="1218 1098 1612 1193">Resolved for the applicable plan provisions</div>	<div data-bbox="1635 938 2121 1002">ECan [183.142, 183.131] - evidence of Ms Irvine at paragraphs 52 to 61</div>

Appendix B – Joint Witness Statement for Natural Hazard Mitigation Works

**BEFORE THE INDEPENDENT HEARINGS PANEL
APPOINTED ON BEHALF OF THE TIMARU DISTRICT COUNCIL**

UNDER

the Resource Management Act 1991

AND

IN THE MATTER OF

Submissions and further submissions in relation to the Timaru Proposed District Plan – Hearing F – Natural Hazards and Coastal Environment

AND

Canterbury Regional Council (submitter 183)

JOINT WITNESS STATEMENT
Planning

Dated: 20 June 2025

1 INTRODUCTION

- 1.1 This joint witness statement relates to a direction of the Hearing Panel (**the Panel**) in Minute 34 (dated 13 May 2025). In Minute 34 (paragraph 7) the Panel requested that Mr Willis (for Timaru District Council) and Ms Irvine (for Canterbury Regional Council; ECan):

“Provide a joint statement in relation to the provisions for natural hazard mitigation works, in particular addressing the extent to which the revised rules sufficiently provide for ECan’s flood control Schemes.”

- 1.2 Further correspondence has now occurred between Mr Willis and Ms Irvine on this matter which has led to this Joint Witness Statement (**JWS**) being prepared.
- 1.3 This JWS has been prepared in accordance with sections 9.4 and 9.5 of the Environment Court Practice Note 2023, which relates specifically to expert conferencing. The attendees confirm they have read, and agree to abide with, the updated Code of Conduct for Expert Witnesses included in Section 9 of the Environment Court Practice Note 2023.
- 1.4 This JWS sets out all matters agreed (and not agreed by the experts, with an outline of the reasons for disagreement provided where appropriate).
- 1.5 It is assumed that all submitted evidence has been reviewed and understood as a precursor to this JWS.

2 Position of the parties in relation to the PDP’s natural hazard mitigation works rules (NH-R3 and CE-R9)

- 2.1 Mr Willis and Ms Irvine agree that the proposed amended provisions in **Appendix 1** resolve the issues identified by ECan in their submissions. Both Mr Willis and Ms Irvine support the proposed amended provisions.
- 2.2 Ms Irvine wants to record that the agreement of the drafting in Appendix 1, is within the context of supporting the recommendation in the s42A officer’s report to include the following notes within the introduction of the NH and CE chapters respectively:

“For the purposes of NH-R3 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.” and

“For the purposes of CE-R9 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.”

- 2.3 Amendments consistent with the above positions are set out in **Appendix 1**, with the amendments shown in blue font as ~~strike-through~~ and underlined.

3 S32AA Assessment

- 3.1 The s32AA assessment on the recommended changes to NH-R3 and CE-R9 is located in **Appendix 2** and has been prepared by Mr Willis.

Signed:



.....
Jolene Irvine 19.06.2025



.....
Andrew Willis

Appendix 1 – Recommended Amendments to NH-R3 and CE-R9

Amendments resulting from this JWS are shown in blue font as ~~strike-through~~ and underlined. Amendments previously proposed in the s42A report are shown in black font as ~~strike-through~~ and underlined.

Note: the recommended amended provisions below have been prepared on the basis that the natural hazards and coastal hazards provisions remain in separate natural hazards and coastal environment chapters. The rules are duplicates, enabling them to be combined into one chapter should the Panel support this approach.

NH-R3	<p>Natural hazard mitigation works –maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal¹</p> <p><u>Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation²</u></p>		
<p>Flood Assessment Area Overlay</p> <p>High Hazard Area Overlay³</p>	<table border="1"> <tr> <td data-bbox="363 797 895 1753"> <p>Activity status: Permitted</p> <p>Where:</p> <p><u>PER-1</u> <u>The natural hazard mitigation works only involve the maintenance, reinstatement or planting of vegetation; or⁴</u></p> <p><u>PER-42</u> <u>The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; and or⁵</u></p> <p><u>PER-4-3</u> <u>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</u></p> </td><td data-bbox="895 797 1406 1753"> <p>Activity status where compliance not achieved with <u>PER-1¹¹</u>, PER-2, PER-3 or PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;¹² and</u> 3. any potential adverse effects of <u>from¹³ diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</u> </td></tr> </table>	<p>Activity status: Permitted</p> <p>Where:</p> <p><u>PER-1</u> <u>The natural hazard mitigation works only involve the maintenance, reinstatement or planting of vegetation; or⁴</u></p> <p><u>PER-42</u> <u>The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; and or⁵</u></p> <p><u>PER-4-3</u> <u>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</u></p>	<p>Activity status where compliance not achieved with <u>PER-1¹¹</u>, PER-2, PER-3 or PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;¹² and</u> 3. any potential adverse effects of <u>from¹³ diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</u>
<p>Activity status: Permitted</p> <p>Where:</p> <p><u>PER-1</u> <u>The natural hazard mitigation works only involve the maintenance, reinstatement or planting of vegetation; or⁴</u></p> <p><u>PER-42</u> <u>The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; and or⁵</u></p> <p><u>PER-4-3</u> <u>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</u></p>	<p>Activity status where compliance not achieved with <u>PER-1¹¹</u>, PER-2, PER-3 or PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;¹² and</u> 3. any potential adverse effects of <u>from¹³ diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</u> 		

¹ ECan [183.40]

² Clause 16(2)

³ Kāinga Ora [229.39]

⁴ ECan [183.40] and Clause 16(2)

⁵ ECan [183.40]

¹¹ ECan [183.40]

¹² ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

¹³ ECan [183.40]

<p>1. The natural hazard mitigation works is occur⁶ within 25m of the existing alignment or location vertically and horizontally of existing natural hazard mitigation works;⁷ and</p> <p>2. Do not increase tThe footprint of the existing⁸ natural hazard mitigation works is not increased by more than 25%; or</p> <p>PER-3 4 The activity is undertaken by or on behalf of the Port of Timaru Crown, Canterbury Regional Council, or the Council, or and is limited to the <u>maintenance of existing natural hazard mitigation works within 310m of PREC7;</u>⁹ and <u>or</u></p> <p>PER-4 If the site is subject to flooding in a 0.5% AEP rainfall event, NH-S2 is complied with.¹⁰</p> <p>PER-5 <u>The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.</u></p>	<p>4. any increased flood risk for people, property, <u>infrastructure</u>¹⁴ or public spaces; and</p> <p>5. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and</p> <p>6. any positive effects of the proposal on the community; <u>and</u></p> <p>7. <u>the matters set out in NH-P8.</u>¹⁵</p> <p>Activity status where compliance not achieved with PER-4 PER-1 PER-5: Restricted Discretionary¹⁶</p> <p>Where</p> <p>RDIS-1 <u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council;</u>¹⁷ b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7;¹⁸</p> <p>Matters of discretion are restricted to:</p> <p>1. <u>those matters set out for non-compliance with PER-1, PER-2, or PER-3 or PER-4.</u></p> <p>Activity status where compliance not achieved with RDIS-1: Discretionary¹⁹</p> <p>Matters of discretion are restricted to:</p>
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⁶ Clause 16(2)

⁷ Clause 16(2)

⁸ Clause 16(2)

⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2)

¹⁰ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26]

¹⁴ Waka Kotahi [143.71]

¹⁵ ECan [183.40]

¹⁶ ECan [183.40]

¹⁷ ECan [183.128]

¹⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁹ ECan [183.40]

		1. the relevant matters of discretion of any infringed standard. ²⁰
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CE-R9	Natural hazard mitigation works, including <u>associated</u>²¹ earthworks <u>and incidental vegetation removal</u>²²; –maintenance, replacement and upgrading²³ <i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation²⁴</i>	
1 Coastal Environment Area Overlay <u>Sea Water Inundation Overlay</u>²⁵	Activity status: Permitted Where: <u>PER-1</u> <u>The natural hazard mitigation works only involve the maintenance, reinstatement or planting of vegetation; or²⁶</u> <u>PER-42</u> <u>The activity natural hazard mitigation works are for the operation, is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; or²⁷</u> <u>PER-4 3</u>	Activity status where compliance not achieved with <u>PER-1 PER-5: Restricted Discretionary</u> <u>Where</u> <u>RDIS-1³²</u> <u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council; or³³</u> <u>b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.³⁴</u> Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks</u> on any sensitive environments, <u>including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay</u>³⁵; and 3. any potential adverse effects of <u>from</u>³⁶ diverting or blocking overland flow

²⁰ ECan [183.40]

²¹ Clause 16(2)

²² Clause 16(2) to align with NH-R3

²³ ECan [183.128]

²⁴ Clause 16(2)

²⁵ ECan [183.128]

²⁶ ECan [183.40] and Clause 16(2)

²⁷ ECan [183.128]

³² ECan [183.128]

³³ ECan [183.128]

³⁴ ECan [183.128], PrimePort [175 - various] and Timaru District Holdings [186 - various]

³⁵ ECan [183.128]

³⁶ ECan [183.128]

	<p>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</p> <ol style="list-style-type: none"> 1. The natural hazard mitigation works is occur²⁸ within 25m of the existing alignment or location vertically and horizontally of the <u>existing natural hazard mitigation works</u>.²⁹ and 2. <u>Does not increase</u> The footprint of the existing³⁰ natural hazard mitigation works is not increased by more than 25%; <u>and or</u> <p>PER-3 4 The activity is undertaken by or on behalf of the Port of Timaru Crown, Canterbury Regional Council, or the Council, or <u>and is limited to the maintenance of existing natural hazard mitigation works within 310m of PREC7</u>.³¹ or</p> <p>PER-5 <u>The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.</u></p>	<p>path(s), including upstream and downstream flood risks; and</p> <ol style="list-style-type: none"> 4. any increased flood risk for people, property, or public spaces; and 5. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and 6. any positive effects of the proposal on the community. 7. <u>the extent to which the works will result in adverse cumulative effects; and</u> 8. <u>the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and</u> 9. <u>the extent of any positive benefits that will result from the proposal; and</u> 10. <u>the extent to which the works have a functional need or operational need for its location; and</u> 11. <u>the matters set out in CE-P14</u>.³⁷ <p><u>Activity status where compliance not achieved with RDIS-1: Discretionary</u></p> <p><u>Activity status where compliance not achieved with PER-1, PER-2, PER-3, or PER-4: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u> <u>Those matters set out for PER-1 PER-5.</u></p>
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²⁸ Clause 16(2)

²⁹ Clause 16(2)

³⁰ Clause 16(2)

³¹ PrimePort [175 - various] and Timaru District Holdings [186 - various] and [clause 16\(2\)](#)

³⁷ [ECan \[183.40\]](#)

<p><u>2 Coastal High Natural Character Area Overlay</u>³⁸</p> <p><u>Coastal Erosion Overlay</u>³⁹</p>	<p><u>Activity status:</u> <u>Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u>⁴⁰ Any new natural hazard mitigation works are: a. established by or on behalf of the Crown, Regional Council, or the Council; or⁴¹ b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7.⁴²</p> <p><u>Matters of discretion are restricted to:</u> 1. those matters set out for non-compliance with CE-R9.1; and 2. for the HNC Overlay, any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, CE-P10 and CE-P11.⁴³</p>	<p><u>Activity status where compliance is not achieved: Discretionary</u></p>
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³⁸ ECan [183.128]

³⁹ ECan [183.128]

⁴⁰ ECan [183.128]

⁴¹ ECan [183.128]

⁴² PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁴³ ECan [183.128]

Appendix 2 – S32AA Assessment for the Recommended Amendments to NH-R3 and CE-R9

Recommended Amendments to the Provisions:	
<p>1. The amendments to NH-R3 and CE-R9 facilitate natural hazard mitigation works by:</p> <ol style="list-style-type: none"> Broadening out the permitted activity standard for the maintenance, replacement and upgrading within existing river control schemes undertaken by the Crown, Council and ECan; Including a new permitted activity standard (PER-5) to permit limited new natural hazard mitigation works in response to erosion or flooding where this maintains or reinstates pre-existing protection; Standardising non-compliance with the permitted activity standards to be RDIS (as opposed to RDIS for the Crown, Council and ECan and DIS for private works) and adding a matter of discretion reference to the matters set out in NH-P8 / CE-P14 because: <ol style="list-style-type: none"> this significantly simplifies the rule structure; all the matters of discretion can be identified; the relevant policies are now directly referenced in the matters of discretion; and relevant district wide considerations (such as effects on SNAs, SASMs and natural character) are already included in Matter of Discretion 2; Clause 16(2) amendments to support the amended provisions, including the cascade of rules when compliance is not achieved. 	
Costs	Benefits
<p>1. No meaningful costs identified as:</p> <ol style="list-style-type: none"> the district wide rules for the ECO, NATC, NFL and SASM chapters are already proposed to not apply to NH-R3 and CE-R9; It is likely consent would be granted for natural hazard purposes within existing river control schemes; The recommended new permitted activity standard for new works (PER-5) is limited in its application to maintenance and reinstatement; All the relevant matters of discretion can be, and are, identified (including district wide considerations such as effects on SNAs, SASMs and natural character). 	<ol style="list-style-type: none"> Reduces the costs of providing natural hazard mitigation infrastructure. Reduces natural hazard risk.
Efficiency	Better supports development of natural hazard mitigation infrastructure which is required to provide community wellbeing.
Effectiveness	The provisions are more targeted and better recognise existing mitigation schemes. Reduces natural hazard risk.
Other Reasonably Practical Options	The status quo could be maintained, but the identified benefits of the revised provisions would not occur.
How the amendments achieve the purpose of the Act	
<p>The proposed changes improve the management of natural hazard risk for the reasons identified above. The proposed amendments continue to achieve the PDP objectives but are more efficient and still effective. Overall, they are the most appropriate to achieve the RMA.</p>	

Appendix C – Evidence of Mr Todd regarding South Rangitata Reserve Inc (206)

BEFORE THE

TIMARU DISTRICT COUNCIL HEARING COMMITTEE

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Proposed Timaru District Plan – Coastal
Environment Chapter – Coastal Hazards

**STATEMENT OF SUPPLEMENTARY EVIDENCE BY DEREK JOHN TODD IN RESPONSE TO
HEARING PANEL MINUTE 34 – STATEMENT IN RESPONSE TO EVIDENCE OF SOUTH
RANGITATA RESERVE INC**

Introduction

- 1 My name is Derek Todd. As per my primary evidence, I hold the qualifications of M.Sc (Hons) in Geography from the University of Canterbury (1983) with post-graduate studies specialising in Coastal Geomorphology, and am currently the Principal Coastal and Hazards Scientist at Jacobs New Zealand, located in the Christchurch office.
- 2 I confirm I have read the Code of Conduct for expert witnesses contained in the Environment Court New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 3 This supplementary statement is in response to the following request from the Hearing Panel in Minute 34; “Hearing F – Panel Request for Information and Clarification from S42A Authors and Submitters”

In relation to the evidence heard from South Rangitata Reserve Inc (206), provide:

(i) A statement from Mr Todd that provides an analysis in response to the evidence (including their statement, photographs, and oral evidence), which considers the existing environment, long-term observed trends, and natural hazard risk for the specific area; and

(ii) An assessment of the options for a consenting pathway which would allow mitigation of risk if appropriate, and recommended amendments to provisions if the recommended option/s necessitates a change.

- 4 As stated in my primary evidence, I understand the Timaru District coast very well, having worked on coastal hazard and management projects along this coast since 1983. In 1988, while working for the South Canterbury Catchment Board, I authored the Annotated Coastal Bibliography of South Canterbury (SCCB Publication 57), which includes references to erosion at the South Rangitata Huts, and overviewed the erosion mapping for South Canterbury (Benn, 1988)¹ that was later used in the hazard mapping in the Regional Coastal Environment Plan (RCEP). Most recently, in 2020, I was the technical lead for assessment of coastal erosion with sea level rise over the next 100 years for the shoreline of Timaru District².

Analysis of Submission 206 by South Rangitata Reserve Inc

- 5 The main bone of contention of the submission appears to be that all of the huts settlement has been included in a High Hazard Zone in the Proposed District Plan (PDP) and that parts of the settlement has been included in Coastal Hazard Zones in the RCEP since this plan was notified in 2005. In the submitter's view, the inclusion in these zones is not consistent with the submitter's observations and perception of hazard exposure and therefore places unjustified restrictions on developments and affects the market value of the properties.
- 6 From my reading of the submission, there appears to be some misunderstanding of what the various hazard zones represent and how they were derived. In this analysis I will clarify reasoning and methodology for defining the various hazard zones.

RCEP Hazard and Inundation Lines

- 7 The hazard lines in the RCEP are:
- (i) Projected **50 and 100 year erosion lines** that define the landward boundary of **Hazard Zone 1 and 2 respectively**. Within these hazard

¹ Benn J.L. 1988 Coastal Hazard Maps: Waitaki River to Rakaia River. SCCB Publication No. 56

² Jacobs 2020 Timaru coastal Erosion Assessment. Report for ECan and Timaru District Council

zones there are Regional Rules covering specified activities as either permitted, restricted discretionary, or prohibited activities (Hazard Zone 1 only).

- (ii) A **Seawater Inundation boundary** that defines the landward limit of reported seawater inundation up to the time of preparing the maps (early 1990s for South Canterbury). There are no coastal inundation rules in the RCEP for the area seaward of the Seawater Inundation Boundary.

The position of these RCEP hazard lines at South Rangitata Huts is shown in Attachment A.

- 8 The RCEP Seawater Inundation mapping does not include any consideration of tsunami inundation.
- 9 The South Rangitata Reserve Inc submission is not correct in defining the inundation line in the RCEP as having a time frame of 50 and 100 years. The Plan recognises in the introduction to *Chapter 9: Coastal Hazards* that in relation to coastal inundation there is a need to undertake more investigation on the magnitudes, frequencies of coastal storm events and possible effects of global climatic warming on sea level. The plan notes that the results of these investigations are to be used in future reviews of coastal hazard management policies and methods. However, in the absence of the hazards section of the RCEP being updated, the results of more recent investigations on coastal inundation, such as the 2020 assessment undertaken by NIWA for the Timaru District, have been included in District Plan reviews.
- 10 The submission states in paragraph 3 that at no time over the last 120 years have any properties been washed away by the actions of the river or the sea. While it may be correct that huts have not been washed away, the inclusion of some huts within the Seawater Inundation Area demonstrated that coastal inundation up to this position has been reported or mapped at some time in the past.
- 11 Although I can not recall the details of the events that caused this inundation, the occurrence of inundation is consistent with the reported events at the huts summarised in the Annotated Coastal Bibliography, which includes:
- Aug 1957: Lands & Survey letter to SCCB concerning erosion at South huts due to the mouth channel turning south in front of the huts before entering the sea.
 - Aug 1964: Correspondence between SCCB and SC Climatisation Society regarding protection of the south huts on the seaward side due to high seas eroding the bank.
 - July 1977: Newspaper (Ashburton Guardian) report that two huts at mouth in danger of toppling into the sea due to erosion caused by recent heavy seas.

- Aug 1978: Correspondence between SCCB and hut holders regarding flooding and erosion at river mouth.
- 12 The past inundation mapping is also consistent with the South Rangitata Reserve Inc submission (paragraph 13) which states that in the right circumstances of a semi-closed mouth followed by a high flow event, water has been known to pond and enter some huts at the northern end of the reserve.
 - 13 The RCEP erosion lines only represent an extrapolation of the historical rates of shoreline movement obtained from aerial photographs at fixed discrete points. For South Rangitata Huts this involved extrapolation of the end point erosion rate of 0.22 m/year at a south end of huts obtained from aerial photographs over 48 years from 1937 to 1985. The erosion lines do not include any consideration of the impact of short to medium term dynamic shoreline fluctuations on the long-term rate, or the impact of future sea level rise on future shoreline erosion that are included in the more recent erosion mapping undertaken by Jacobs (2020) that were used to determine the extent of the coastal erosion overlay in the Timaru PDP.

Proposed Timaru District Plan *High Hazard Area*

- 14 As pointed out in paragraph 1 of the South Rangitata Reserve Inc submission, in the PDP maps the Rangitata Huts is shown as a *High Hazard Area* under Natural Hazard Policies. A *High Hazard Area* is defined in the PDP as being “*flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1 or where depths are greater than 1 metre, in a 0.2% annual exceedance probability flood event*”. As a result, new buildings within the settlement with a footprint greater than 30 m² will be a *Non-complying Activity* under rule NH-R4(2) of the PDP.
- 15 It is unclear why the hut settlement has been zoned as a *High Hazard Area*. Although the settlement is included in the *Sea Water Inundation Overlay*, there is no information on inundation depths associated with this overlay, or the RCEP sea water inundation mapping. Further information on the PDP *Sea Water Inundation Overlay* sourced from the NIWA (2020)³ Timaru District Coastal Inundation Assessment is given below. However, the mapping presented in the assessment does show that the flood modelling indicates present day 1% AEP flooding from dynamic water levels (i.e. includes wave run-up) would cover the whole hut settlement as shown in Attachment 2, therefore with SLR greater than 1 m, it could meet the depth criteria of *High Hazard*, even though it is higher flood frequency (e.g. 1% AEP compared with 0.2% AEP).
- 16 However, I understand that Mr. Willis has proposed to amend the natural hazard overlay in this area to be a *Flood Assessment Area* where a *Flood Risk*

³ NIWA 2020 Timaru District Coastal Hazard Assessment: Coastal Inundation. Report prepared for ECan.

Certificate identifies whether or not coastal flooding meets the *High Hazard Area* criteria, i.e. the High Hazard Overlay is recommended to be removed from this site and elsewhere in the District.

Proposed Timaru District Plan *Sea Water Inundation Overlay*

- 17 The current *Sea Water Inundation Overlay* presented in the Timaru PDP planning maps is for the 1% AEP flood extent with a projected SLR of 1.2 m by 2120 under an RCP 8.5 climate change scenario. This flood extent is sourced from the NIWA (2020) Timaru District coastal Inundation Assessment that used an industry accepted hydrodynamic model (XBeach_GPU) to simulate inundation due the combined contributions of extreme storm tide and waves.
- 18 The topography used to define ground levels in the modelling were from the most recent LiDAR surveys in 2010 and 2014. Therefore, the resulting land surface does not include the shoreline elevation changes documented in Paragraph 12 of the South Rangitata Reserve Inc submission. However, these changes are considered to be short to medium term rather than long-term changes, and can be rapidly reversed in the dynamic processes that are typical of river mouth environments.
- 19 The modelled 1% AEP simulation at present day sea levels produced significant inundation generally consistent with the recorded Seawater Inundation Boundary mapped in the RCEP. Therefore, the *Sea Water Inundation Overlay* covers a much greater extent than shown in the RCEP as it includes an additional 1.2 m water depth at shore due to projected future SLR over the next 100 years.
- 20 I consider this modelling be the best available projections of future sea water inundation exposure available for use in land-use planning. I also understand Mr. Willis has proposed to amend the Coastal Environment Hazard Rules relating to flood areas to mirror the Natural Hazard Rules, where *Flood Risk Certificates* are required that will identify where coastal flooding meets the *High Hazard Area* Criteria. I support this amendment to achieve consistency for how flood hazards are dealt in the PDP regardless of flood source.

Proposed Timaru District Plan *Coastal Erosion Overlay*

- 21 The landward boundary of the Timaru PDP *Coastal Erosion Overlay* is sourced from the Jacobs (2020) Coastal Erosion Assessment, being the position of 50% probability of erosion with 1.2 m SLR over 100 years under an RCP 8.5 climate change scenario. This assessment of projected future shoreline erosion is more extensive and thorough than that used to define the RCEP Coastal Hazard Zones.
- 22 All aspects of the Jacobs 2020 methodology, including the SLR projection, and erosion components included in the analysis are industry best practice, and comply with the requirements of the NZCPS (Policy 24), and the MfE (2021, 2024) Guidance on coastal hazards and climate change.

- 23 The calculation of future shoreline position in the Jacobs 2020 assessment includes the following components:
- Extrapolation of historical long-term rate obtained from linear regression of the shoreline position (defined to be vegetation line) distances measured from aerial photographs at 50 m intervals along the coast. For the Rangitata Huts, past shorelines from aerial photographs between 1954 and 2017 were used to calculate a mean rate of shoreline change of +0.09 m/yr, which when extrapolated into the future result in a projected seaward movement of +9.1 m by 2120. For context, the analysis showed that the alluvial cliff to the south of the hut settlement and the abandoned river channel to the north were both historically eroding, resulting in extrapolated erosion distances of -48.5 m and -17.2 m by 2120 respectively.
 - Effect of accelerated sea level rise on long-term erosion rates. For the Rangitata Huts shoreline this was calculated by the 'Bruun Rule' geometric beach retreat model adapted for mixed sand and gravel barriers. The resulting retreat associated with a 1.2 m sea level rise by 2120 was calculated to be -10.7 m.
 - Short-term storm erosion to account for the dynamic effect of an extreme storm event occurring at or near the end of the planning period. The distribution of inter-survey erosion distances from the ECan beach profile network was used to construct an extreme event distribution of storm erosion distances, which resulted in a mean 100-yr ARI erosion distance of -13 m at the Rangitata Huts.
- 24 The distribution of erosion distances for each component for each 50 m transect were combined via a 'Monte Carlo' simulation to return a probability distribution of 10,000 random combinations of total projected erosion at each transect. From this distribution a 'most likely' (50% probability of exceedance) and 'very unlikely' (5% probability of exceedance) future shoreline position were extracted for mapping.
- 25 The resulting projected 50% probability erosion distance at the Rangitata Huts with 1.2 m of SLR by 2120 used to define the landward boundary of the *Coastal Erosion Overlay* was calculated to be -15.4 m.
- 26 Recognizing the uncertainty with magnitude of SLR, beach responses and sediment supply, I consider that this projected erosion distance (with 50% probability) to be a fair and reasonable estimate of potential future coastal erosion distances at the hut settlement over the next 100 years.
- 27 I also consider that due to the extrapolation of linear regression trends employed in the erosion methodology, projected long-term shoreline positions does take into account the short to medium term impacts of flood events in the Rangitata, Opihi, and Orari Rivers referred to in paragraph 12 of the South Rangitata Reserve Inc submission.

Purpose of Hazard Areas and Overlays


- 28 Paragraph 17 of the South Rangitata Reserve Inc submission appears to question the purpose of the hazard areas, noting that the hazards are not immediate, civil defences systems are in place, and there is an early flood warning system. While it is true that the hazards are not immediate, this is the purpose of the hazard areas in the PDP, i.e. to protect people and property from the risks of present day and further flooding and erosion, the extent and/or frequency of which is changing with climate change and associated SLR. The PDP is consistent with NZCPS (2010) Policy 25 in *“avoiding the risk of social, environmental and economic hazard from coastal hazards for at least the next 100 years”*.
- 29 The introduction to the *Natural Hazards* chapter of the PDP also states that *“the purpose of this chapter is tominimise the need for emergency services in hazard events”*, giving a clear steer that civil defence should not be relied on to manage natural hazards.

Relationship between RPS, RCEP and PDP Hazard Zones

- 30 The operative 2013 RPS states that local authorities will have a joint responsibility for specifying the objectives, policies and methods to control the use of land, and to avoid or mitigate natural hazards, in areas subject to seawater inundation. ECan is limited to developing objectives, policies and non-regulatory methods, while territorial authorities will develop objectives, policies and methods which may include rules. As a result, the only rules to manage areas prone to coastal flooding are those in the PDP.
- 31 Conversely, the operative 2013 RPS states that ECan will have responsibility for specifying objectives, policies and methods for the use of land within 100-year coastal erosion hazard zones outside greater Christchurch as defined by maps in the RCEP. As outlined above, this creates a potential anomaly in the erosion hazard areas managed by the respective councils due to the age and inferior methodology of the RCEP coastal erosion mapping.
- 32 For example, as shown in Attachment A, the projected erosion distance used to define the Timaru PDP *Coastal Erosion Overlay* at the South Rangitata Huts are less than those used to define the RCEP Coastal Hazard 2 boundary. Therefore, the rules in the RCEP cover a larger area than the PDP rules. For most of the rest of the Timaru District shoreline, the reverse situation applies, with the *Coastal Erosion Overlay* in the PDP being greater than the *RCEP Coastal Erosion Zone*, therefore there is a strip of land where the PDP rules will apply independently of the RCEP Rules.
- 33 I am not sure how this will be handled in the PDP, but understand that under the 2024 Draft CRPS management of coastal erosion hazards will be the responsibility of the territorial authorities. Under this arrangement, the current definition of the *Coastal Erosion Areas* in the PDP will be required.

Consenting Pathways Options

- 34 *(ii) An assessment of the options for a consenting pathway which would allow mitigation of risk if appropriate, and recommended amendments to provisions if the recommended option/s necessitates a change.*
- 35 I consider that Mr. Willis's proposal to amend the rules in the *Sea Water Inundation Overlay* to mirror the Natural Hazard Rules *Flood Assessment Rule NH-R4 (1)*, under which *Flood Risk Certificates* are required that will allow activities to be assessed as *Restricted Discretionary* should the flooding not meet the *High Hazard Area* definition does provide a consenting pathway for new buildings and structures in these areas, including at South Rangitata Huts. I support that in areas that the flood assessment determines do meet the High Hazard threshold, building and sub-division activities should generally be non-complying activities.
- 36 For areas included in the *Coastal Erosion Overlay*, all of these areas are within the *Coastal Hazard Zone 1 or 2 of the RCEP*, for which there is a consenting pathway for the replacement of habitable building as *Permitted Activities* under Rule 9.1, and new buildings as *Restricted Discretionary Activities* under Rule 9.2.
- 37 Should the changes to the management of coastal erosion hazards pass to the Territorial Authorities as under the 2024 Draft RPS, then there will still be a consenting pathway for new buildings, structures, and extensions under PDP Rule CE-R4 (6), where these activities are *Restricted Discretionary*. The purpose of the Coastal Erosion Zone is achieved by the matters of discretionary including whether the proposal results in an increased risk to people and property, and the extent to which the proposal creates natural hazard risks on adjacent properties.

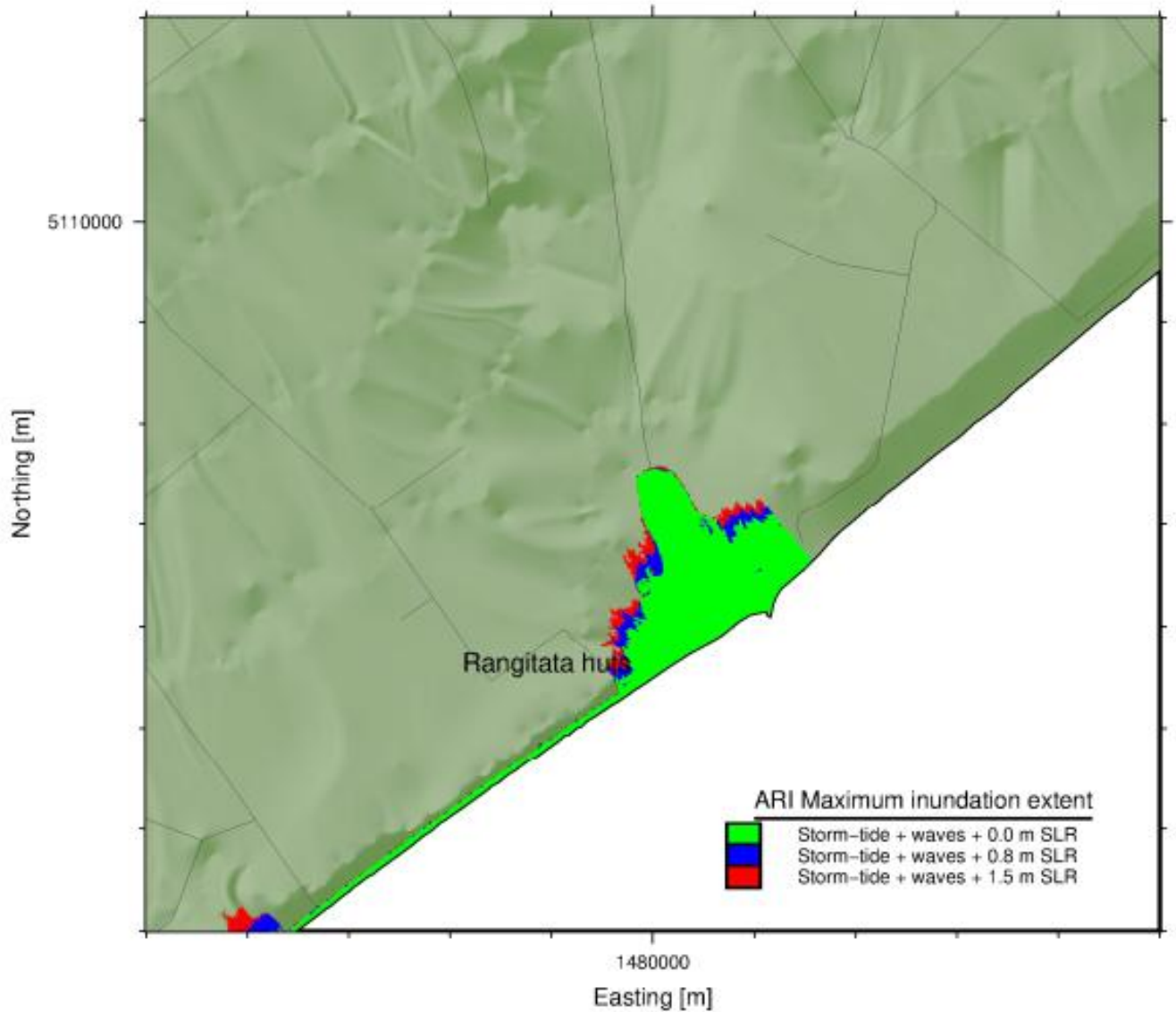
A handwritten signature in blue ink, appearing to read 'D. Todd'.

20 June 2025

Attachment A: RCEP Coastal Hazard (Erosion) and seawater Inundation Zones and Jacobs (2020) Erosion lines Applied in defining the Coastal Erosion Overlay in the Proposed Timaru District Plan.



Attachment B: 1% AEP coastal inundation near Rangitata River for present day sea-level, 0.8 m SLr and 1.5 m SLR. Source: NIWA (2020) Timaru District Coastal Inundation Assessment.



Appendix D – Evidence of Mr Kemp regarding discrepancies in the flood modelling

MEMORANDUM

To: Andrew Willis
Consultant Planner – Timaru District Plan
Review

Prepared by: Kevin Kemp
Stormwater Team Leader

Date: 19 June 2025

Subject Title Timaru District Council Investigation into
Flood Assessment Area Overlay
Discrepancy

1. The Panel directed that I:
 - a. provide advice regarding whether the Flood Assessment Area Overlay discrepancy at the Harvey Norman site is an anomaly in the Flood Assessment Overlay mapping or if there is the potential for other errors, and a process and timeframes for providing a revised overlay if this is necessary; and
 - b. liaise with yourself and Ms Vella regarding how these recommendations fit into Council's upcoming response to Minute 33.

Flood Assessment Area overlay – Harvey Norman site

2. The Digital Elevation Model (DEM) originally used to form the surface for Timaru Urban Catchment Stormwater Modelling was developed from Aerial LiDAR survey captured and processed in 2010. The processing of the 2010 LiDAR created depressions where large structures are located, in several places within the Timaru urban area. The stormwater modelling surface developed in 2010 is what generated the depression on the Harvey Norman site identified by PDP.
3. Upon further assessment of the 2010 DEM, we have identified further depressions within the Timaru urban area, particularly around the Timaru town centre where large areas of continuous elevated structures exist, which were processed out of the LiDAR data gathered in 2010.
4. TDC engaged Aerial Survey Ltd to process LiDAR data gathered across the Timaru urban area, including Washdyke, a portion of the Levels Plain and Pleasant Point, in 2020 and 2021.
5. The new 2020 LiDAR data has been processed into a format that can be incorporated into TDC modelling and upon assessment of the 2020 DEM, TDC has confirmed that the depressions processed into the 2010 DEM have been rectified within the 2020 DEM.

Revised overlay, process and timing

6. The 2020 DEM is currently being incorporated into the revised Flood Assessment Area Overlay proposed by Environment Canterbury. TDC proposes to notify the revised overlay as set out in the memorandum of counsel dated 9 June 2025.

Kevin Kemp
Stormwater Team Leader

Appendix E – Recommended NH, CE and DWP chapter amendments

Where I recommend changes in response to submissions, these are shown as follows:

- S42A recommended text to be added to the Proposed Plan is underlined.
- S42A recommended text to be deleted from the Proposed Plan is ~~struck through~~.
- Amendments recommended as a result on the evidence presented at Hearing F and in response to Panel Minute 34 are set out in blue font underline and ~~strike through~~

HAZARDS AND RISKS

Introduction

The Timaru District is framed by hills and mountains to the west and a coastline to the east, connected by expansive plains that are bounded by the Rangitata River to the north and the Pareora/Pureora River to the south. The plains themselves are crossed by other smaller but significant rivers.

Due to its location and geology the District is subject to a range of natural hazards including river flooding, coastal erosion and flooding, overland flows, slope instability, earthquakes, liquefaction and tsunamis. Flooding is a particular issue for the district with frequent flood events impacting large areas. Due to climate change, the risk profile associated with wild fires is expected to increase generally across many parts of the district.¹ Climate change is also likely to have significant implications for the District in terms of water shortages and ongoing water security issues and effects on food security.²

The purpose of this chapter is to protect people, Regionally Significant Infrastructure and property within the District from the worst effects of natural hazards and minimise the need for emergency services in hazard events, recognising that there may be occasions when some damage and loss of property cannot be avoided. It also intends to reduce the adverse effects of existing risks by controlling the re-establishment of buildings and structures in areas subject to flood hazards.

The Natural Hazards chapter contains policy direction to address the management of risk from non-coastal natural hazards throughout the District. Natural hazards that are solely coastal hazards are addressed within the Coastal Environment. This chapter and associated planning map overlays identify a range of natural hazards and the level of risk they pose and applies rules to avoid risk to development and activities within areas that have been identified as high risk (both scale and probability) from natural hazards. A precautionary approach has been taken to areas where it is difficult to map different levels of flood risk and accordingly large areas, particularly of the General Rural Zone, are identified as Flood Assessment Areas. Therefore, some types of natural hazards may be mapped within the plan (e.g. [high flood risk areas](#)),³ and others may be identified through either mapping or a certification approach within the Flood Assessment Area (e.g. [high hazard areas and](#)⁴ overland flow paths).

Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami risk. In recognition of its particular locational requirements interfacing with the sea, separate specific provisions are provided for the Port Zone. ~~No other natural hazard provisions apply unless otherwise specified in the provisions.~~ For the purposes of this chapter, only Objective NH-O4 and Policy NH-P11 apply in the Port Zone.⁵

Some hazards are only addressed at a policy level with related rules either included in a different chapter (for example, in relation to land stability and subsidence) or outside the District Plan (tsunami). Regulation 57 of the National Environmental Standard for Telecommunication Facilities specifically disapplies District Plan natural hazard provisions from telecommunication structures which are regulated under that standard. Therefore, the natural hazards provisions in this chapter do not apply to telecommunications infrastructure [regulated under this standard](#).⁶

¹ TDC [42.30]

² Hort NZ [254.51]

³ [Kāinga Ora \[229.39\]](#)

⁴ [Clause 16\(2\)](#)

⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁶ Connexa [176.60], Spark [208.60], Chorus [209.60] and Vodafone [210.60] [and the evidence of Mr Anderson dated 9 April \(paragraph 17\)](#)

Intergovernmental Panel on Climate Change projections have been included in the modelling that underlies this chapter and therefore is provided for in the rules and standards applied.

Objectives

NH-O1 Areas subject to natural hazards

Risk to human life and significant risk to property, from natural hazards is:

1. avoided in high hazard areas that are outside of urban zoned areas;⁷ and
2. avoided or mitigated in high hazard areas that are within urban zoned areas;⁸ and
3. avoided or mitigated elsewhere in all other areas⁹ to an acceptable level.

NH-O2 Regionally Significant Infrastructure

Risk from natural hazards to Regionally Significant Infrastructure is managed by locating ~~located~~¹⁰-outside of high hazard areas where practicable.

NH-O3 Natural hazard mitigation works

Natural hazard mitigation works reduce risks to people and property, with a preference for the use of natural features and buffers where practicable.¹¹

NH-O4 Adaptive management at the Port ¹²

Recognise that the Port of Timaru Zone is subject to natural hazards and provide for ~~its the~~ ongoing use of the Port of Timaru and activities with an operational need or functional need for their co-location with the Port, while managing natural hazards risk appropriately.

Policies

NH-P1 Identification of natural hazards and approach to management within ~~N~~natural ~~H~~hazard Areas¹³

Identify and map areas subject to natural hazards, taking into consideration the effects of climate change, and apply through rules a risk-based approach to the management of subdivision, use and development based on the following:

1. the type of natural hazard that applies; and
2. the level and severity of risk to people and property from the natural hazard; and
3. the sensitivity of activities to loss of life or damage to property from a natural hazard; and
4. the ability for communities to recover after a natural hazard event; and
5. for the Māori Purpose Zone, the extent to which managing the risk compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the outcome of any consultation with mana whenua.¹⁴

NH-P2 Consideration of tsunami risk

⁷ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

⁸ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

⁹ Clause 16(2)

¹⁰ Transpower [159.60]

¹¹ PrimePort [175.28] and Timaru District Holdings [186.14]

¹² PrimePort [175.28] and Timaru District Holdings [186.14]

¹³ Clause 16(2)

¹⁴ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

Encourage the consideration of the potential effects of inundation by tsunami when considering the location of activities where evacuation may be difficult, such as new education, health care, or aged care activities in areas at risk from tsunami events.

NH-P3 Role of natural features and vegetation in hazard mitigation

Protect, maintain and restore, where appropriate, natural topographic features and vegetation, including native [vegetation](#)¹⁵ [habitat](#)¹⁶ that assists with avoiding or mitigating the risk to people and significant risk to property from natural hazards.

NH-P4 Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flow paths¹⁷

Enable subdivision, use and development (excluding Regionally Significant Infrastructure) in areas subject to inundation by a 0.5% AEP flood event provided that:

1. it is not likely to suffer significant damage in a flood event; and
2. it will not significantly affect the functioning of the flood plain; and
3. it will not generate the need for new or upgraded public natural hazard mitigation works to mitigate or avoid the natural hazard; and
4. for natural hazard sensitive buildings,¹⁸ a minimum floor level above the 0.5% AEP design flood level can be achieved; and
5. for major hazard facilities will not be inundated, there is no risk of hazardous substances entering the environment;¹⁹ significant adverse effects on people and property are avoided; and
6. increased risk on other sites, including through floodwater displacement and diversion²⁰, is avoided as a priority and where this is not practicable, will be appropriately mitigated.

NH-P5 Subdivision and Regionally Significant Infrastructure²¹ in Liquefaction Awareness Areas

~~Require subdivision and Regionally Significant Infrastructure in Liquefaction Awareness Areas to apply appropriate measures to avoid or, where avoidance is not reasonably practicable due to the functional needs of the activity, mitigate risks to people and property.~~ Require the liquefaction risk in the Liquefaction Awareness Area Overlay to be identified and appropriately remedied or mitigated.²²

NH-P6 Subdivision and Regionally Significant Infrastructure²³ in Earthquake Fault Awareness Areas

~~Require subdivision and Regionally Significant Infrastructure²⁴ in the Earthquake Fault (Subdivision)²⁵ Awareness Areas overlay to be designed or located in a way that enables activities to avoid or, where avoidance is not reasonably practicable due to the functional need or operational needs²⁶ of the activity, mitigates risks to people and property.~~

NH-P7 Slope stability and subsidence risk

¹⁵ [Crossman evidence for OWL \[181\] paras 4.1 to 4.3](#)

¹⁶ Forest and Bird [156.87]

¹⁷ ECan [183.38]

¹⁸ ECan [183.33]

¹⁹ BP Oil et al [196.50], PrimePort [175.29] and Timaru District Holdings [186.15]

²⁰ Clause 16(2)

²¹ Transpower [159.61]

²² ECan [183.34]

²³ Transpower [159.62]

²⁴ Transpower [159.62]

²⁵ Clause 16(2)

²⁶ Waka Kotahi [143.68]

Require subdivision, use and development in areas subject to risks of slope instability and subsidence to demonstrate the appropriateness of the site for subdivision, use or development in a way that can avoid significant hazard risks to people and property and appropriately mitigate other risks.

NH-P8 Overland Flowpaths²⁷

~~Require subdivision, use and development in overland flowpaths to:~~

- ~~1. maintain the function of the overland flowpath; and~~
- ~~2. minimise any increased or new risk from flooding on surrounding properties.~~

NH-P98 Natural hazard mitigation works

Natural hazard mitigation works:

1. undertaken by or on behalf of²⁸ the Crown, Canterbury Regional Council or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, Historic Heritage, cultural, and archaeological ~~areas-sites~~,²⁹ riparian margins and Notable Trees are mitigated; or
2. not undertaken by or on behalf of³⁰ the Crown, Canterbury Regional Council or the Council, will only be acceptable where:
 - a. the natural hazard risk cannot otherwise be reasonably avoided; and
 - b. consideration has been given to alternative solutions such as the relocation, removal or abandonment of existing uses, buildings and structures and all alternatives are not economically viable; and
 - c. any adverse effects arising from the construction or operation of the works on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological ~~areas-sites~~,³¹ riparian margins and Notable Trees are avoided, remedied, or mitigated in accordance with the objectives and policies provisions³² in those Chapters; and
 - d. the construction or operation of the works will avoid or acceptably mitigate ~~not lead to~~³³ any increased or new risk from flooding ~~to~~ human life and property.

NH-P109 High Hazard Areas

Avoid subdivision, use and development (excluding Regionally Significant Infrastructure) in, ~~mapped or~~ identified high hazard areas, unless:

1. it is a building or structure³⁴ that is not a natural hazard sensitive building activity³⁵ or is unlikely to suffer damage; or
2. it can be demonstrated that the risks of the natural hazard can be mitigated so that:
 - a. in the event of a natural hazard, there is likely to be no loss of life or serious injury or and any ~~built development is not likely to suffer significant property~~³⁶ damage or loss; and

²⁷ ECan [183.38]

²⁸ Clause 16(2)

²⁹ Clause 10(2)(b) of Heritage NZ [114.3]

³⁰ Clause 16(2)

³¹ Clause 10(2)(b) of Heritage NZ [114.3]

³² [ECan \[183.128\] – consequential amendment to align with rule exclusions](#)

³³ Silver Fern Farms [172.27] and Alliance Group [173.24]

³⁴ Silver Fern Farms [172.28] and Alliance Group [173.25]

³⁵ Clause 16(2)

³⁶ Silver Fern Farms [172.28] and Alliance Group [173.25]

- b. it will not require new or upgraded public natural hazard mitigation works to mitigate the natural hazard; and
 - c. it is not likely to exacerbate the potential effects of the natural hazard on adjoining or surrounding land; and
 - d. it does not increase reliance on emergency services in a hazard event; or
3. it is located within an existing urban zoned area and the risks of the natural hazard are avoided or mitigated.³⁷

NH-P140 Regionally Significant Infrastructure in Natural Hazard Areas³⁸

~~Only allow Regionally Significant Infrastructure in Natural Hazard Areas where:~~

1. can only locate within high hazard areas where it has an operational need or functional need for the location and there are no feasible alternative locations; and
2. for other all³⁹ hazard areas:
 2. a. it is designed to maintain its integrity and function during and after a natural hazard event, or it is able to be readily re-instated after a natural hazard event; and
 3. b. it is designed and located to ensure that it will not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land.⁴⁰

NH-P11 PORTZ Port Zone⁴¹

Provide for the continued operation and development of the Port of Timaru and activities in the PORTZ Port Zone which have an operational need or functional need for their co-location with the Port by:

1. ensuring buildings, structures and earthworks do not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land; and
2. requiring natural hazard sensitive buildings to be flood resilient or relocatable; and
3. providing for natural hazard mitigation works to protect existing activities, property and infrastructure from natural hazard risk which cannot reasonably be avoided, and any adverse effects from the works are mitigated to the extent practicable.

Rules

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

For the purposes of this chapter, activities in the PORTZ Port Zone are only subject to the PORTZ specific rules and NH-R39, NH-RX and NH-RX. These PORTZ Port Zone specific rules do not cover

³⁷ Rangitata Dairies [44.2], Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1] and various submissions from Waipopo Huts Trust and Te Kotare Trust

³⁸ Clause 16(2)

³⁹ Transpower [159.63] – amendment to correct the wording, as intended in the s42A report (paragraph 7.24.6)

⁴⁰ Transpower [159.63] for all these changes.

⁴¹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

Major Hazardous Facilities and Hazardous Facilities in the [PORTZ Port Zone](#), which are covered by the Hazardous Substances Chapter.⁴²

For the purposes of NH-R3 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.⁴³

The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the Canterbury Regional Council. The rules in this chapter therefore do not apply within the beds of lakes and rivers.⁴⁴

NH-R1	<u>Buildings, structures and Earthworks, excluding land disturbance and for natural hazard mitigation works and its associated land disturbance under NH-R3</u> ⁴⁵	
Flood Assessment Area Overlay High Hazard Area Overlay ⁴⁶	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 If the area is subject to flooding in a 0.5% AEP rainfall, NH-S2 is complied with; and⁴⁷</p> <p>PER-2 If a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flow path.</p> <p><u>Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.</u>⁴⁸</p> <p>Notes: <u>1. A Flood Risk Assessment Certificate issued in accordance with NH-S1 will identify if the site is subject to flooding in</u></p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to: 1. The relevant matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse effects on the rate of flow and direction of overland flow path(s); and any adverse effects on property from blockage of or disturbance to the overland flowpath(s) <u>or displacement or diversion of floodwater;</u>⁵⁰ and <u>any increased flood risk for people, property, or public spaces; and</u> <u>the effectiveness and potential adverse effects of any proposed mitigation measures.</u>⁵¹

⁴² PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁴³ ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

⁴⁴ [OWL \[181.48\] and \[181.54\]](#)

⁴⁵ ECan [183.38]

⁴⁶ Kāinga Ora [229.39]

⁴⁷ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38]

⁴⁸ ECan [183.38]

⁵⁰ ECan [183.38]

⁵¹ ECan [183.38]

	<p><u>events up to and including a 0.5% AEP flood event.</u></p> <p><u>2. When considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u></p> <p><u>3. This rule applies in addition to all the remaining chapter rules.⁴⁹</u></p>	
NH-R2	Fences⁵²	
Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 At least 70% of the surface area of the fence is permeable above ground; or</p> <p>PER-2 A Flood Risk Assessment⁵³ Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flow path.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the type of fencing and materials proposed and the potential to obstruct water flow; and 2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and 3. any increased flood risk for people, property, or public spaces; and 4. the effectiveness and potential adverse effects of any proposed mitigation measures.
NH-R3	<p>Natural hazard mitigation works – maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal⁵⁴</p> <p><i>Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation⁵⁵</i></p>	
Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p><u>PER-1</u></p>	<p>Activity status where compliance not achieved with <u>PER-1</u>⁶⁵, PER-2, PER-3 or PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p>

⁴⁹ Clause 16(2)

⁵² Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38] and Joseph Rooney [177.15], Peter Bonifacio [36.15], Hort NZ [245.55] and ECan [183.39]

⁵³ ECan [183.26]

⁵⁴ ECan [183.40]

⁵⁵ [Clause 16\(2\)](#)

⁶⁵ [ECan \[183.40\]](#)

<p>High-Hazard Area Overlay⁵⁶</p>	<p><u>The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation;</u>⁵⁷ or</p> <p>PER-12 The activity is <u>undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of river control schemes; and or</u>⁵⁸</p> <p>PER-4-3 The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</p> <ol style="list-style-type: none"> <u>The natural hazard mitigation works is occur</u>⁵⁹ within 25m of the <u>existing alignment or location vertically and horizontally of existing natural hazard mitigation works;</u>⁶⁰ and <u>do not increase the footprint of the existing</u>⁶¹ natural hazard mitigation works <u>is not increased</u> by more than 25%; or <p>PER-3-4 The activity is undertaken by or on behalf of the <u>Port of Timaru Crown, Canterbury Regional Council, or the Council, or and is limited to the maintenance of existing natural hazard mitigation works within 310m of PREC7;</u>⁶² <u>and or</u></p> <p>PER-4</p>	<ol style="list-style-type: none"> the likely effectiveness of the natural hazard mitigation works and the need for them; and the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;</u>⁶⁶ and any potential-adverse effects of <u>from</u>⁶⁷ diverting or blocking overland flow path(s), including upstream and downstream flood risks; and any increased flood risk for people, property, <u>infrastructure</u>⁶⁸ or public spaces; and the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and any positive effects of the proposal on the community; <u>and the matters set out in NH-P8.</u>⁶⁹ <p>Activity status where compliance not achieved with PER-4 PER-4 PER-5: Restricted Discretionary⁷⁰</p> <p>Where</p> <p>RDIS-1</p>
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⁵⁶ Kāinga Ora [229.39]

⁵⁷ ECan [183.40]

⁵⁸ ECan [183.40]

⁵⁹ Clause 16(2)

⁶⁰ Clause 16(2)

⁶¹ Clause 16(2)

⁶² PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2). See also the evidence of Mr Walsh dated 9 April, paragraph 44

⁶⁶ ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

⁶⁷ ECan [183.40]

⁶⁸ Waka Kotahi [143.71]

⁶⁹ ECan [183.40]

⁷⁰ ECan [183.40]

	<p>If the site is subject to flooding in a 0.5% AEP rainfall event, NH-S2 is complied with.⁶³</p> <p>PER-5 <u>The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.</u>⁶⁴</p>	<p><u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council; ⁷¹ b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7;</u>⁷²</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>those matters set out for non-compliance with PER-1, PER-2, or PER-3 or PER-4.</u> <p>Activity status where compliance not achieved with RDIS-1: Discretionary⁷³</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the relevant matters of discretion of any infringed standard.⁷⁴
NH-R4	<p>NH-R4 Natural hazard sensitive buildings activities⁷⁵ other than Regionally Significant Infrastructure⁷⁶ or structures⁷⁷ and additions to such activities or structures with a ground floor area of 30m² or more^{78 79}</p>	
<p>1 Flood Assessment Area Overlay within Urban Zoned Areas⁸⁰</p>	<p>Note: if the new building, structure or extension on the ground floor is less than 30m², see NH-R7.⁸¹</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 <u>the natural hazard sensitive building complies with⁸² is built to the minimum</u></p>	<p>Activity status where compliance not achieved with PER-1 or PER-2 or PER-4: Non-Complying Restricted Discretionary⁸⁹</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and

⁶³ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26]

⁶⁴ ECan [183.40] and [183.41]

⁷¹ ECan [183.128]

⁷² PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁷³ ECan [183.40]

⁷⁴ ECan [183.40]

⁷⁵ Clause 16(2)

⁷⁶ This inclusion is not needed as RSI is excluded from the definition of Natural Hazard Sensitive Buildings.

⁷⁷ Road Metals [169.15] and Fulton Hogan [170.16] Dairy Holdings [89.6]

⁷⁸ Clause 10(2)(b) amendment as the 30m² threshold is proposed to be included in the definition of "natural hazard sensitive buildings".

⁷⁹ ECan [183.38] for all changes, except where separately identified

⁸⁰ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

⁸¹ ECan [183.38], [183.42]

⁸² Clause 16(2)

⁸⁹ Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

<p>finished floor level specified in an existing consent notice that is less than five years old; or</p> <p>PER-2 A Flood Risk Assessment⁸³ Certificate for the <u>natural hazard sensitive</u>⁸⁴ activity has been issued in accordance with NH-S1 <u>and the building complies with the minimum floor level specified in the Flood Assessment Certificate.</u>⁸⁵; and</p> <p>PER-3 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flow path; and⁸⁶</p> <p>PER-4 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is identified as a High Hazard Area; and⁸⁷</p> <p>PER-5 The Flood Risk Certificate issued under PER-2 states either:</p> <ol style="list-style-type: none"> 1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or 2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.⁸⁸ 	<ol style="list-style-type: none"> 2. any increased flood risk for people, property, or public spaces; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. any operational need or functional need for the activity to be established in this location; and 5. the extent to which it will require new or upgraded public natural hazard mitigation works; and 6. the extent of any additional reliance on emergency services; and 7. any positive effects of the proposal; and 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u>⁹⁰ <p>Activity status where compliance not achieved with PER-5: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the nature, design and intended use of the proposed building or structure; and 2. any increased flood risk for people, property, or public spaces; and 3. proposals to mitigate any risk created by non-compliance with the minimum floor levels, including risk to the health and safety of occupants; and 4. the potential for the activity to exacerbate natural hazard risk, including to any other sites; and 5. any increased reliance on emergency services;⁹¹
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⁸³ ECan [183.26]⁸⁴ Clause 16(2)⁸⁵ ECan [183.42]⁸⁶ ECan [183.42]⁸⁷ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].⁸⁸ ECan [183.38]⁹⁰ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]⁹¹ ECan [183.38]

2 Flood Assessment Area Overlay outside of Urban Zoned Areas⁹²	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> the natural hazard sensitive building complies with the minimum finished floor level specified in an existing consent notice that is less than five years old; or</p> <p><u>PER-2</u> A Flood Assessment Certificate for the natural hazard sensitive building has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate; and</p> <p><u>PER-3</u> The Flood Risk Assessment⁹³ Certificate issued under PER-2 states that the building is not located on land that is identified as a high hazard area.</p>	<p><u>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</u> 2. <u>any increased flood risk for people, property, or public spaces; and</u> 3. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 4. <u>any operational need or functional need for the activity to be established in this location; and</u> 5. <u>the extent to which it will require new or upgraded public natural hazard mitigation works; and</u> 6. <u>the extent of any additional reliance on emergency services;</u> 7. <u>any positive effects of the proposal; and</u> 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u>⁹⁴
2 High Hazard Area Overlay	<p><u>Activity status: Non-complying⁹⁵</u></p> <p>-</p> <p><u>Note:</u> <i>if the new building or extension on the ground floor is less than 30m², see NH-R7.</i></p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>
NH-R5	<p>Regionally Significant Infrastructure - maintenance, <u>repair</u>,⁹⁶ replacement and upgrading</p>	

⁹² Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

⁹³ [Clause 16\(2\)](#)

⁹⁴ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

⁹⁵ Kāinga Ora [229.39]

⁹⁶ Transpower [159.64]

<p>Flood Assessment Area Overlay</p> <p>High Hazard Area Overlay⁹⁷</p> <p>Earthquake Fault (infrastructure or facilities) Awareness Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The infrastructure:</p> <p>1. <u>is underground infrastructure only</u>;⁹⁸ <u>or</u></p> <p>2. <u>is within 520m</u>⁹⁹ of the existing alignment or location; and</p> <p>PER-2</p> <p>The above ground footprint of <u>any building or structure the infrastructure</u>¹⁰⁰ is not increased by more than 10%.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and 2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks <u>or displacement of floodwater</u>;¹⁰¹ and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. alternative locations for the Regionally Significant Infrastructure; and 5. any positive effects of locating the Regionally Significant Infrastructure at this location; and 6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and 7. the operational need or functional need for the activity to be established in this location.
<p>NH-R6</p>	<p>Regionally Significant Infrastructure — New</p> <p><i>NH-R6.1 does not apply if:</i></p> <ol style="list-style-type: none"> 1. <i>the infrastructure is below ground; or</i> 2. <i>above ground infrastructure, <u>where any structure</u></i>¹⁰² <i>is less than 10m² and is not located within a high hazard area as determined under NH-S1; or</i> 3. <i>the structure is located within a road corridor.</i> <p><i>NH-R6.42 shall not apply to buildings and infrastructure, <u>where any structure is</u></i>¹⁰³ <i>less than 10m² in area.</i></p>	
<p>1 Flood Assessment Areas Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p>	<p>Activity status where compliance not achieved with PER-2, <u>or PER-3</u>: See NH-R6.2 Restricted Discretionary</p> <p>Activity status where compliance not achieved with PER-3: Restricted Discretionary</p>

⁹⁷ Kāinga Ora [229.39]

⁹⁸ BP et al [196.54]

⁹⁹ PrimePort [175.30]

¹⁰⁰ Transpower [159.64]

¹⁰¹ ECan [183.43]

¹⁰² Transpower [159.65]

¹⁰³ Transpower [159.65]

	<p>A Flood Risk <u>Assessment</u>¹⁰⁴ Certificate for the activity has been issued in accordance with NH-S1; and</p> <p>PER-2 The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flow path; and¹⁰⁵</p> <p>PER-3 The Flood Risk <u>Assessment</u>¹⁰⁶ Certificate issued under PER-1 states that:</p> <ol style="list-style-type: none"> the activity is located on land that is not subject to flooding in a 0.5% AEP <u>rainfall flood</u>¹⁰⁷ event; <u>or</u> <u>any building located on land that is subject to flooding in a 0.5% AEP event complies with the minimum finished floor level requirement for the site;</u>¹⁰⁸ <u>and</u> <p>PER-3 <u>The activity is not located within a high hazard area identified by a Flood Assessment Certificate issued in accordance with NH-S1.</u></p>	<p>Where:</p> <p>RDIS-1 The activity is located on land that is not within a High Hazard Area as stated in a Flood Risk Certificate issued under PER-1.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the operational need or functional need for the activity to be established in this location; and any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and the effectiveness and potential adverse effects of any proposed mitigation measures; and any increased flood risk for people, property, or public spaces; and the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event <u>or maintain its integrity and function during and after a natural hazard event;</u>¹⁰⁹ <u>and</u> the extent to which it will require new or upgraded public natural hazard mitigation works; and the extent of any additional reliance on emergency services; and <u>the extent to which there are</u>¹¹⁰ <u>alternative locations for the Regionally Significant Infrastructure; and</u> <u>any positive effects of locating the Regionally Significant Infrastructure at this location.</u> <p>Activity status where compliance not achieved with RDIS-1: See NH-R6.3</p> <p>Activity status where compliance not achieved with PER-1: Non-complying</p>
2	Activity status: Permitted	Activity status where compliance not achieved: Restricted Discretionary

¹⁰⁴ ECan [183.26]¹⁰⁵ ECan [183.42], OWL [181.56]¹⁰⁶ ECan [183.26]¹⁰⁷ ECan [183.25]¹⁰⁸ OWL [181.56] and TDC [42.32]¹⁰⁹ OWL [181.56]¹¹⁰ Clause 16(2)

<p>Overland flow paths identified in a Flood Risk Certificate issued in accordance with NH-S1¹¹¹</p>	<p>Where:</p> <p>PER-1 The infrastructure is below ground; or</p> <p>PER-2 Above ground infrastructure is less than 10m²; or</p> <p>PER-3 The infrastructure is located within a road corridor.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and 2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. alternative locations for the Regionally Significant Infrastructure; and 5. any positive effects of locating the Regionally Significant Infrastructure at this location; and 6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and 7. the extent to which it will require new or upgraded public natural hazard mitigation works; and 8. the extent of any additional reliance on emergency services; and 9. the operational need or functional need for the activity to be established in this location.
<p>3 High Hazard Area Overlay¹¹²</p> <p>- High Hazard Area identified in a Flood Risk Certificate issued in accordance with NH-S1</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the operational or functional need for the activity to be established in this location; and 2. any effects arising from locating the regionally significant infrastructure in this location; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. any increased flood risk for people, property, or public spaces; and 5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and 6. alternative locations for the Regionally Significant Infrastructure; and 	<p>Activity status where compliance not achieved: Not applicable</p>

¹¹¹ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26] and ECan [183.38]

¹¹² ECan [183.44]

	<p>7. the extent to which it will require new or upgraded public natural hazard mitigation works; and</p> <p>8. the extent of any additional reliance on emergency services; and</p> <p>9. any positive effects of locating the Regionally Significant Infrastructure at this location.</p>	
4.2 Earthquake Fault (infrastructure or facilities) Awareness Areas	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The activity is sited at least 20 metres away from the zone of deformation.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and 2. the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. <p>Note: Any supporting technical report is also to be supplied to the Canterbury Regional Council.</p>	<p>Activity status where compliance not achieved: Discretionary</p>
NH-R7	<p>Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m² (excluding Regionally Significant Infrastructure)¹¹³</p>	
Flood Assessment Area Overlay High Hazard Overlay¹¹⁴	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1 The building or structure or addition is below ground; or</p> <p>PER-2 The new building or structure or addition has a ground floor area of less than 10m²; or</p> <p>PER-3 The new building or structure or addition is located within a road corridor; or</p>	<p>Activity status where compliance is achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and 2. any increased flood risk for people, property, or public spaces; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. any operational need or functional need for the activity to be established in this location; and

¹¹³ ECan [183.38], ECan [183.38]

¹¹⁴ Kāinga Ora [229.39]

	<p>PER-4 A Flood Risk Certificate for the site has been issued in accordance with NH-S1 and the certificate states that the activity is not located on land that is within an overland flow path.</p>	<p>5. any increased reliance on emergency services; and 6. any positive effects of the proposal.</p>
NH-R8 SUB-RX	Subdivision <u>within natural hazard overlays</u>¹¹⁵	
1 Flood Assessment Area Overlay <u>outside the Port Zone</u>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 A Flood Risk Assessment Certificate for the subdivision is issued in accordance with NH-S1; and</p> <p>RDIS-2 The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1. A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.¹¹⁶</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flow path(s); and 2. the provision for any overland flow paths to remain or the provision of secondary flow paths; and 3. any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and 4. any increased flood risk for people, property, or public spaces; and 5. the effectiveness and potential adverse effects of any proposed mitigation measures; and 	<p>Activity status where compliance not achieved with RDIS-2: Not applicable if located within an urban zoned area Restricted Discretionary</p> <p>Where:</p> <p>RDIS-3 The subdivision is within an urban zoned area.¹¹⁸</p> <p>non-complying if located outside of an urban zoned area</p> <p>Activity status where compliance not achieved with RDIS-1 or RDIS-3: Non-complying</p>

¹¹⁵ Speirs, B [66.45].¹¹⁶ ECan [183.47]¹¹⁸ ECan [183.47]

	<p>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</p> <p>7. any increase in reliance on emergency services and</p> <p>8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u> ¹¹⁷</p>	
<p>1A ¹¹⁹ <u>Flood Assessment Area Overlay within the Port Zone</u></p> <p><u>Sea Water Inundation Overlay within the Port Zone</u></p> <p><u>Coastal Erosion Overlay</u> ¹²⁰</p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. the design and layout of the subdivision, in relation to natural hazards; and</u> <u>2. any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</u> <u>3. any increased flood risk for people, property, or public spaces; and</u> <u>4. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> <u>5. the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u> <u>6. any increase in reliance on emergency services; and</u> <u>7. the matters set out in NH-P11 and CE-P15.</u> ¹²¹ 	<p><u>Activity status where compliance not achieved: Not applicable</u></p>
<p>2 Liquefaction Awareness Areas Overlay</p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. the appropriateness of the site for development; and 2. the liquefaction category that applies to the site and the level of risk to property and Regionally Significant Infrastructure; and 	<p><u>Activity status where compliance not achieved: Not applicable</u></p>

¹¹⁷ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

¹¹⁹ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules

¹²⁰ ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

¹²¹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

	<ol style="list-style-type: none"> whether the appropriate geotechnical data has been uploaded to the New Zealand Geotechnical Database; and the appropriateness of the techniques proposed for remediation and mitigation of the effects of any liquefaction hazard identified i.e. ground strengthening and if these are supported by a suitably qualified and experienced professional; and the extent to which the siting and layout of the proposal is appropriate. 	
3 Earthquake Fault (subdivision) Awareness Areas Overlay	<p>Activity status: Restricted Discretionary</p> <p>Where</p> <p>RDIS-1 The subdivision design ensures that any future building or structure will be located at least 20 metres away from any detailed area of fault or fold deformation.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. <p>Note: <i>The investigation report is also to be supplied to Canterbury Regional Council.</i></p>	<p>Activity status where compliance not achieved: Discretionary</p>
4 Coastal Erosion Overlay	<p>RDIS-1 <u>A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay.</u></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>the extent to which the proposal results in an increased risk of economic, social or environmental harm;</u> <u>whether the proposal includes hazard mitigation;</u> <u>the extent to which future building or structure has a functional need or operational need for its location; and</u> <u>the extent of any positive benefits that will result from the proposal; and</u> <u>the extent to which the proposal creates natural hazard risks on adjacent properties; and</u> 	<p><u>Activity status when compliance not achieved: Non-complying</u></p>

	6. the location of any proposed building that will accommodate a natural hazard sensitive building, including the level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period. ¹²²	
4 High Hazard Area Overlay¹²³	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
NH-R9	Natural hazard mitigation works, including associated earthworks — New¹²⁴	
Flood Assessment Area Overlay	Note: this rule applies to new natural hazard mitigation works, as opposed to maintenance, replacement and upgrading covered under NH-R3.	Activity status where compliance not achieved: Discretionary
High Hazard Area Overlay	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The works are undertaken by or on behalf of the Crown, Regional Council or the Council.</p> <p>RDIS-2 <u>The works are undertaken by or on behalf of the Port of Timaru and are located within 250m of PREC7.</u>¹²⁵</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The need for the natural hazard mitigation works and likely effectiveness of those works; 2. The extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 3. The extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; 	

¹²² ECan [183.109]¹²³ Kāinga Ora [229.39]¹²⁴ ECan [183.40]¹²⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

	<p>4. Any positive effects of the proposal on the community;</p> <p>5. Any increased flood risk for people, property, or public spaces.</p>	
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NH-RX	Natural hazard sensitive Buildings within the PORTZ Port Zone ¹²⁶	
<p><u>Flood Assessment Area Overlay</u></p> <p><u>High Hazard Overlay</u> ¹²⁷</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>PER-1</u> <u>The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or</u></p>	<p><u>Activity status where compliance is achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>any increased flood risk for people, property, or public spaces; and</u> <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> <u>any operational need or functional need for the activity to be established in this location; and</u> <u>any increased reliance on emergency services; and</u> <u>any positive effects of the proposal.</u>
<p><u>Sea Water Inundation Overlay</u></p>	<p><u>PER-2</u> <u>The building activity:</u> ¹²⁸</p> <ol style="list-style-type: none"> <u>complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> <u>will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> <u>the building has a footprint smaller than 100m²; or</u> <u>is relocatable.</u> 	

NH-RX	New buildings, structures and earthworks in the PORTZ Port Zone ¹²⁹	
<p><u>Flood Assessment Area Overlay</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>PER-1</u> <u>Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.</u> ¹³⁰</p>	<p><u>Activity status where compliance is achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>any adverse effects on the rate of flow and direction of overland flow path(s); and</u> <u>any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; and</u>

¹²⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹²⁷ [Kāinga Ora \[229.39\]](#)

¹²⁸ [Clause 16\(2\)](#)

¹²⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹³⁰ ECan [183.38]

	<p><u>Note: when considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u></p>	<ol style="list-style-type: none"> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures and</u> 5. <u>the benefits of or necessity for the proposed building, structure or earthworks.</u>
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Standards

NH-S1	Flood Risk <u>Assessment</u> ¹³¹ Certificate
<p>Flood Assessment Areas-Overlay</p> <p><u>Or Sea Water inundation overlay if directed via the CE Chapter</u>¹³²</p>	<div data-bbox="368 656 895 1805"> <ol style="list-style-type: none"> 1. A Flood Risk <u>Assessment</u>¹³³ Certificate is issued by <u>the Council</u> (that is valid for 3 years from the date of issue) which specifies: <ol style="list-style-type: none"> a. <u>If the site is within a high hazard area; and the flood event risk level for specific land, being:</u> <ol style="list-style-type: none"> i. <u>land not subject to flooding in a 0.5% AEP flood event;</u> or ii. <u>land subject to flooding in a 0.5% AEP flood event; or</u> iii. <u>land within a high hazard area;</u> iv. <u>or for sea water inundation, land subject to flooding in a 1% AEP storm surge event, coupled with sea level rise based on an Representative Concentration Pathway 8.5 climate change scenario; and</u> b. <u>where the site is not within a high hazard area, or where the site is within an urban zoned area, where 1(a)(ii) above identifies that the specific land is subject to flooding in a 0.5% AEP rainfall flood</u>¹³⁴<u> event, the a minimum finished floor level for any new building or structure (or part thereof) on the specific land to provide at least that is</u> <u>250</u>300<u>mm</u>¹³⁵ <u>freeboard</u> above </div> <div data-bbox="927 656 1498 730"> <p>Matters of discretion are restricted to: Not applicable</p> </div>

¹³¹ ECan [183.26]

¹³² Clause 16(2)

¹³³ ECan [183.26]

¹³⁴ ECan [183.25]

¹³⁵ ECan [183.50]

	<p>the flood level in a 0.5% AEP flood level event; and</p> <p>c. whether the specific land is located within an overland flow path; and</p> <p>d. <u>as required by NH-R6, if the site is located on land that is subject to flooding in a 0.5% AEP flood event.</u></p> <p>2. The AEP flood event risk level, minimum floor levels, stopbank risk¹³⁶ and overland flow path locations are to above will be determined by reference to:</p> <p>a. The most up to date models, maps and data held by Timaru District Council and Canterbury Regional Council; and</p> <p>b. Any information held by, or provided to, Timaru District Council or Canterbury Regional Council that relates to flood risk for the specific land; and</p> <p>c. <u>Will account for the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal).</u>¹³⁷</p> <p>Note: <i>A minimum finished floor level will not be provided <u>in the certificate</u></i>¹³⁸ <i>for sites located within a High Hazard Area <u>outside of urban zoned areas.</u></i>¹³⁹ <i>Rather, these will need to be determined through a resource consent process.</i>¹⁴⁰</p> <p><i><u>An application form and guidance on how to obtain a Flood Hazard Assessment Certificate are available on the District Council's website.</u></i>¹⁴¹</p>	
NH-S2	Volume of earthworks ¹⁴²	
4	The earthworks do not exceed:	Matters of discretion are restricted to:

¹³⁶ ECan [183.50]¹³⁷ ECan [183.50], see also the evidence of Mr Griffiths dated 9 April, paragraphs 20 to 22¹³⁸ Clause 16(2)¹³⁹ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]¹⁴⁰ Clause 16(2)¹⁴¹ Harvey Norman [192.12]¹⁴² Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38] and Joseph Rooney [177.15]

Flood Assessment Areas Overlay	1. 2,000m ² in area in any calendar year in a Rural zone; and 2. 250m ² in area in any calendar year in any other zone.	1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.
2 High Hazard Area Overlay High Hazard Area identified in a Flood Risk Assessment¹⁴³ Certificate issued in accordance with NH-S1	The earthworks do not exceed 250m ² in area in any calendar year.	Matters of discretion are restricted to: 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.

COASTAL ENVIRONMENT

Introduction

Timaru District's coastal environment is generally a narrow margin of land that lies between the coastal marine area and the farmed hinterlands and is identified by the Coastal Environment Area Overlay on the planning map.¹⁴⁴ It is a dynamic environment that has been modified by human activity, such as the building of the railway line, but continues to be subject to active natural processes.

The Coastal Environment contains several waterbodies and wetlands including the Rangitata, Ōpihi and Ōrāri River mouths, and Waitarakao /Washdyke Lagoon that are important breeding, feeding and resting places for braided river birds, wading birds and seabirds as well as areas of indigenous vegetation. The Waitarakao/Washdyke Lagoon was a renowned culturally significant kaika mahika kai (food-gathering area) for local mana whenua.

In general, outside of Timaru township and the small settlements, the absence of buildings and structures means that remoteness and wildness can be experienced across much of the coastal environment.

Public access to the coast is limited, with a coastal walkway and Caroline Bay being the main ways in which people connect with the coastal environment. Even within Timaru township itself, there is limited development within the coastal environment with the main township being located on rolling hills above the coast. This elevated position means that extensive views of the Coastal Environment are available

¹⁴³ ECan [183.26]

¹⁴⁴ Clause 16(2)

from the township and this contributes to the township's character, amenity and sense of place. The holiday huts at Milford and South Rangitata partly lie within the Coastal Environment.

The intent of the Coastal Environment chapter is to preserve the existing natural character of the Coastal Environment and protect it from inappropriate subdivision, use and development. This intent is achieved through the application of an overlay, which applies more directive rules to development and activities within the coastal environment, than would otherwise be applied in the underlying zones. The reason for this approach is that buildings, structures, infrastructure and earthworks have the potential to adversely affect the qualities that contribute to natural character, especially within those areas identified as having high natural character. Historic and passive activities such as non-intensive primary production, recreational walking and biking are able to continue as are existing urban zoned activities such as industrial activities, infrastructure and the Port of Timaru. The policy framework also recognises the importance of the coastal environment to Kāti Huirapa and provides for activities such as customary harvesting.

This chapter also sets the policy direction, and includes rules, for the management of risks arising from coastal hazards, as prescribed by the National Planning Standards. The intent is to minimise the risks to people and development from coastal hazards through appropriately locating new buildings or structures. The rules also acknowledge the Port of Timaru and its need to continue to develop and operate in an area of the coastal environment that is subject to significant coastal hazards. The Plan does not address managed retreat as it is unlikely to be achieved through it, but other actions are included so they can be considered through a consent process.

Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunamis. In recognition of its particular locational requirements interfacing with the sea, separate [natural hazard](#)¹⁴⁵ specific provisions are provided for the Port Zone. ~~No other natural hazard provisions apply unless otherwise specified in the provisions. The following objectives and policies therefore do not apply to the Port Zone: CE-O4, CE-O5, CE-P3, CE-P4, CE-P12, CE-P13, CE-P14.~~¹⁴⁶

The provisions of other chapters in this plan also apply to the coastal environment. For example, identified significant natural areas and indigenous biodiversity clearance in the coastal environment are addressed in the EIB Chapter. ONLs and ONFs in the coastal environment are addressed in the NFL Chapter. SASMs located in the coastal environment are addressed in the SASM Chapter.¹⁴⁷

Regulation 57 of the National Environmental Standard for Telecommunication Facilities specifically disappplies District Plan natural hazard provisions from telecommunication structures which are regulated under that standard. Therefore, the natural hazards provisions in this chapter do not apply to telecommunications infrastructure [regulated under this standard](#).¹⁴⁸

Activities within the coastal marine area, i.e. below mean high water springs, are within the jurisdiction of the Canterbury Regional Council. [The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the Canterbury Regional Council.](#) while Other activities within the beds of lakes and rivers are within the jurisdiction of both the Canterbury Regional Council and the Council and may require resource consent from the Canterbury Regional Council.¹⁴⁹

[As required by the Canterbury Regional Policy Statement \(Chapter 11\), the Coastal Erosion Rules in this District Plan only apply in the coastal erosion areas shown on the Planning map, and are landward of the](#)

¹⁴⁵ [Clause 16\(2\)](#)

¹⁴⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁴⁷ ECan [183.107] and ECan [183.110]

¹⁴⁸ Connexa [176.60], Spark [208.60], Chorus [209.60] and Vodafone [210.60] [and the evidence of Mr Anderson dated 9 April \(paragraph 17\)](#)

¹⁴⁹ ECan [183.130], [183.131]

coastal erosion hazard zones shown in the Regional Coastal Environment Plan (RCEP). All other coastal erosion planning rules are contained within the RCEP.¹⁵⁰

Objectives

CE-O1 Coastal natural character

The natural character of Timaru's Coastal Environment is preserved and protected from inappropriate subdivision, use and development, while enabling people and communities to provide for their social, economic and cultural wellbeing and their health and safety.

CE-O2 Quality of the Coastal Environment

The quality of the Coastal Environment is maintained and/or enhanced, while providing for safe access in appropriate locations to ensure that the public can enjoy the coastal environment.

CE-O3 Kāti Huirapa values

The relationship of mana whenua / Kāti Huirapa with, and their cultural values, traditions and ancestral lands and waters in, the coastal environment are recognised and provided for and Kāti Huirapa are able to exercise kaitiakitaka and rakatirataka in accordance with MW2.2.5.¹⁵¹

CE-O4 Coastal hazards

People, buildings and structures are protected from unacceptable risks arising from coastal hazards, including those exacerbated by climate change.¹⁵²

CE-O5 Natural defences ~~features and buffers~~¹⁵³

~~Natural features~~ Natural defences and buffers are protected, restored or enhanced ~~retained~~ and used for coastal hazard management, in preference to ~~natural hazard mitigation works~~ hard engineering natural hazard mitigation works,¹⁵⁴ wherever appropriate.¹⁵⁵

CE-O6 Existing urban activities

Recognise that parts of the coastal environment are highly modified, including by existing urban activities in urban zoned areas, ~~including the Port of Timaru,~~ and provide for these ongoing activities.¹⁵⁶

CE-O7 Adaptive management at the Port within the Port Zone¹⁵⁷

Recognise that the Port ~~of Timaru Zone~~ is subject to natural hazards and provide for ~~its~~ the ongoing use of the Port of Timaru and activities with an operational need or functional need for their co-location with the Port, while managing natural hazards risk appropriately.

CE-O8 Regionally Significant Infrastructure and Lifeline Utilities¹⁵⁸

¹⁵⁰ Clause 16(2)

¹⁵¹ Te Rūnanga o Ngāi Tahu [185.42]

¹⁵² Forest and Bird [156.145], Dir. General Conservation [166.101] and ECan [183.114].

¹⁵³ Forest and Bird [156.146], Dir. General Conservation [166.102]

¹⁵⁴ Clause 16(2)

¹⁵⁵ Forest and Bird [156.146], Dir. General Conservation [166.102]

¹⁵⁶ Silver Fern Farms [172.80]

¹⁵⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁵⁸ KiwiRail [187.68]

The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities are managed in accordance with EI-O2.

Policies

CE-P1 Identifying the Coastal Environment

Identify and map the inland extent of the Coastal Environment, and the different areas, elements and characteristics within it, in accordance with Policy 1 of the New Zealand Coastal Policy Statement.

CE-P2 Identifying areas of high coastal natural character

Identify and map¹⁵⁹ the natural character of the areas within the terrestrial part of Timaru's coastal environment that have high natural character in accordance with the matters set out in CE-P5 below and describe these in SCHED14 - Schedule of attributes/qualities of coastal high natural character areas.

CE-P3 Identifying coastal hazards

Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,¹⁶⁰ to the management of subdivision, use and development based on the following:

1. the sensitivity of the activity or use to loss of life, potential damage from a coastal natural hazard, the need for reliance on emergency services, and the ability for the activity or use to recover after a coastal natural hazard; and
2. the likelihood of adverse effects on people and property from a coastal natural hazard; and
3. the impact on the wider community from the loss of, or damage to, the activity or use.

CE-P4 Role of natural features and vegetation

Protect, and maintain, restore or enhance natural defences where appropriate, including natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards; and where practicable restore such features and vegetation.¹⁶¹

CE-P5 Coastal natural character matters

Recognise that ~~the following matters contribute to~~ the coastal natural character of the terrestrial part of Timaru's coastal environment include matters such as.¹⁶²

1. natural elements, processes and patterns; and
2. biophysical, ecological, geological and geomorphological aspects; and
3. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands; and
4. the natural movement of water and sediment; and
5. the natural darkness of the night sky; and
6. places or areas that are wild or scenic; and
7. places or areas with no or a low level of modification; and
8. experiential attributes, including the sounds and smell of the sea; and their context or setting.

CE-P6 Kāti Huirapa values

Recognise and provide for Kāti Huirapa's relationship with the coastal environment by:

¹⁵⁹ Forest and Bird [156.150]

¹⁶⁰ Dir. General Conservation [166.108] and Forest and Bird [156.151]

¹⁶¹ Forest and Bird [156.152], Dir. General Conservation [166.109] and ECan [183.118]

¹⁶² Forest and Bird [156.153]

1. enabling Kāti Huirapa to undertake customary harvest and cultural use of natural resources in the coastal environment; and
2. protecting Kāti Huirapa values associated with the coastal environment.

CE-P7 Restoration or rehabilitation of natural character

~~Enable~~ Promote and encourage the restoration or rehabilitation of the coastal natural character of the coastal environment and require consideration of opportunities for restoration or rehabilitation enhancement where a proposal has an adverse effect on coastal natural character qualities.¹⁶³

CE-P8 Maintain and/or enhance the quality of the coastal environment

Outside of urban zoned areas, ~~enable~~ ensure¹⁶⁴ subdivision, use and development ~~where it maintains and/or enhances~~ the following qualities that contribute to the quality, and the public's enjoyment of the coastal environment:

1. expansive views of the coastal marine area and skyline; and
2. generally low levels of noise that is dominated by the sound of the sea; and
3. the ability to undertake recreational activities such as walking, cycling and fishing; and
4. opportunities to connect with the natural environment i.e. bird watching; and
5. opportunities to provide access to the coastal marine area; and
6. clean, fresh air that smells of the sea; and
7. areas of indigenous vegetation, particularly around the coastal lagoons; and
8. a dark night sky; and
9. the attributes/ values that are identified in any overlay relating to the site.¹⁶⁵

CE-P9 Anticipated activities

~~Enable~~ Provide for¹⁶⁶ activities that are of a scale and type that:

1. will maintain the coastal natural character qualities identified in CE-P8 or
2. if located within urban zoned¹⁶⁷ areas, are consistent with the anticipated qualities of the applicable zone.

CE-P10 Preserving the natural character of the Coastal Environment

~~Enable~~ Manage¹⁶⁸ subdivision, use and development outside of areas of coastal high natural character so that:

1. it avoids significant adverse effects; and
2. it avoids, remedies or mitigates any other adverse effects on the qualities that contribute to the natural character of the Coastal Environment; while recognising that:
 - a. in rural zoned areas, rural industry,¹⁶⁹ buildings and structures for non-intensive¹⁷⁰ primary production¹⁷¹ and residential activities may be appropriate depending on their size, scale and nature and proximity to areas of High Natural Character;¹⁷²
 - b. for existing urban zoned¹⁷³ areas, development will likely be appropriate where it is consistent with the anticipated character and qualities of the zone; and

¹⁶³ Forest and Bird [156.155]

¹⁶⁴ ECan [183.122]

¹⁶⁵ Te Rūnanga o Ngāi Tahu [185.45]

¹⁶⁶ ECan [183.123]

¹⁶⁷ Silver Fern Farms [172.85]

¹⁶⁸ ECan [183.124]

¹⁶⁹ Fonterra [165.90]

¹⁷⁰ Fernlea Farms [171.21]

¹⁷¹ Hort NZ [245.74]

¹⁷² Fonterra [165.90] and HortNZ [245.74]

¹⁷³ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

- c. for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.
3. adverse effects of regionally significant infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-PX Managing the effects of the National Grid.¹⁷⁴

CE-P11 Preserve the natural character qualities of areas with Coastal High Natural Character

Only allow subdivision, use and development in areas of Coastal High Natural Character where:

1. for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-PX Managing the effects of the National Grid;¹⁷⁵ and
2. for other activities:
 - a. the activity avoids significant adverse effects on the identified natural character qualities of the Coastal High Natural Character area;¹⁷⁶ and
 - b. avoids, remedies or mitigates all other adverse effects on the identified natural character qualities; and
 - c. demonstrates that it is appropriate by ensuring that the area of Coastal High Natural Character continues to:
 - d. i.¹⁷⁷ recognise and provide for the on-going natural physical processes that have created the Coastal Environment; and
 - ~~ii.~~ retain the integrity of landforms and geological features; and
 - ~~iii.~~ retain a sense of remoteness and wildness; and
 - ~~iv.~~ iv. retain areas of indigenous vegetation, and enhance these where possible; and
 - ~~v.~~ recognise river mouths and lagoons as important breeding, feeding and resting places for wetland and coastal birds, including waders.

CE-P12 Coastal hazard areas (excluding Regional Significant Infrastructure)

1. In non-urban zoned¹⁷⁸ areas, avoid subdivision, use and development within the Coastal Erosion Overlay and Sea Water Inundation Overlay where there is a new or increased risk of loss of life, or significant damage to structures or property;
2. Within existing urban zoned¹⁷⁹ areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.

CE-P13 Regionally Significant Infrastructure in coastal hazard areas

Only allow Regionally Significant Infrastructure, ~~including the Port of Timaru,~~¹⁸⁰ in areas subject to coastal hazards where:

1. there is a functional or operational need for it to locate there; and
2. It will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.

CE-P14 Hard engineering natural hazard mitigation works¹⁸¹ within the Coastal Environment

¹⁷⁴ Transpower [159.84]

¹⁷⁵ Change arising from recommendations in the EI, TRAN and DWP S42A Report (paragraph 6.26.14) in response to Transpower [159.36]

¹⁷⁶ Silver Fern Farms [172.86] and Alliance Group [173.97]

¹⁷⁷ Clause 16(2)

¹⁷⁸ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

¹⁷⁹ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

¹⁸⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁸¹ Clause 16(2)

Only allow hard engineering natural hazard mitigation works within the coastal environment that reduces the risk of natural hazards when:

1. soft engineering measures would not provide an appropriate level of protection and it can be demonstrated that there are no other reasonable alternatives;
2. the construction of hard engineering measures will not increase the risk from coastal hazards on adjacent properties that are not protected by the hard engineering measures;
3. where managed retreat has not been adopted and there is an ~~immediate~~ a demonstrated clear¹⁸² risk to life or property from the natural hazard;
4. it minimises ~~avoids~~¹⁸³ the modification or alteration of natural defences and systems in a way that would compromise their function as natural defences; and
5. other significant adverse effects on natural defences and systems from those measures are avoided, and any ~~other~~ non-significant¹⁸⁴ adverse effects are avoided, remedied or mitigated.

CE-P15 PORTZ Port Zone¹⁸⁵

Provide for the continued operation and development of the Port of Timaru and activities in the PORTZ Port Zone which have an operational need or functional need for their co-location with the Port by:

1. ensuring buildings, structures and earthworks do not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land;
2. requiring natural hazard sensitive buildings to be flood resilient or relocatable; and
3. providing for natural hazard mitigation works to protect existing activities, property and infrastructure from natural hazard risk which cannot reasonably be avoided, and any adverse effects from the works are mitigated to the extent practicable.

Rules

Note: *The underlying zone rules also apply to activities within the Coastal Environment. In the instance of any conflict between the two chapters, the provisions of this chapter takes precedence.*

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

For the purposes of the natural hazards provisions in this chapter, activities in the PORTZ Port Zone are only subject to rules CE-R1, CE-R2, CE-R3, CE-R4, CE-R6, CE-R9, CE-R14, CE-RXX, CE-RX, CE-RZ, CE-RA ~~the PORTZ-specific rules and CE-R12~~. These PORTZ Port Zone specific rules do not cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.¹⁸⁶

For the purposes of CE-R9 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.¹⁸⁷

¹⁸² Tosh Prodanov [117.3],

¹⁸³ Silver Fern Farms [172.88]

¹⁸⁴ Silver Fern Farms [172.88]

¹⁸⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁸⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁸⁷ ECan [183.128]

CE-R1	Amenity planting and horticultural planting	
1 Coastal Environment Area Overlay	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
2 Coastal High Natural Character Area Overlay	Activity status: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11. 	Activity status when compliance not achieved: Not applicable
CE-R2	Plantation forestry	
1 Coastal Environment Area Overlay	Activity status: Permitted <u>Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.¹⁸⁸ 	Activity status when compliance not achieved: Not applicable
2 Coastal High Natural Character Area Overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
CE-R3	Planting of trees and/or vegetation for conservation, restoration, natural hazard mitigation works or enhancement purposes	
Coastal Environment Area Overlay	Activity status: Permitted Where: PER-1 With the exception of natural hazard mitigation works, the planting is limited to indigenous species.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.
CE-R4	Buildings and structures and extensions (excluding Regionally Significant Infrastructure and fences)	

¹⁸⁸ Forest and Bird [156.163]

1 Coastal Environment area overlay in Urban Zoned¹⁸⁹ Areas	Activity status: Permitted	Activity status when compliance not achieved with: Not applicable
2 Coastal Environment Area Overlay outside of Urban Zoned¹⁹⁰ Areas	Activity status: Permitted Where: PER-1 The building or structure does not exceed 150m ² in area; and PER-2 CE-S1, CE-S2, CE-S3 are complied with.	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and 2. the extent to which the building or structure will result in adverse cumulative effects; and 3. the extent to which the building or structure has a functional need or operational need for its location. Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
3 Coastal High Natural Character Overlay	Activity status: Permitted Where: PER-1 Any extension to an existing building or structure <u>or a new building or structure</u> does not exceed 10m ² in area; and PER-2 A new building or structure does not exceed 10m ² in area. ¹⁹¹	Activity status when compliance not achieved: Non-complying Restricted Discretionary <u>Where:</u> <u>RDIS-1</u> <u>Any extension to an existing building or structure or a new building or structure does not exceed 150m² in area.¹⁹²</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> 1. <u>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</u> 2. <u>the extent to which the building or structure will result in adverse cumulative effects; and</u>

¹⁸⁹ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

¹⁹⁰ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

¹⁹¹ Clause 16(2)

¹⁹² Fenlea Farms [171.23]

		<p><u>3.the extent to which the building or structure has a functional need or operational need for its location.</u>¹⁹³</p> <p><u>Activity status when compliance not achieved with RDIS-1: Non-complying</u></p>
<p>4</p> <p>Sea Water Inundation Overlay within urban areas</p>	<p>Activity status: Permitted¹⁹⁴</p> <p>Where:</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</p> <p>PER-3 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1; or</p> <p>PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.</p>	
<p>5</p> <p>Sea Water Inundation Overlay outside of urban areas</p>	<p>Activity status: Permitted¹⁹⁵</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</p>	

¹⁹³ Fenlea Farms [171.23]

¹⁹⁴ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

¹⁹⁵ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

	<p>PER-3 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.</p>	
6 Coastal Erosion Overlay	<p>Activity status: Restricted Discretionary¹⁹⁶</p> <p>Where</p> <p>RDIS-1 The activity includes an addition to an existing building or structure only; and</p> <p>RDIS-2 The extension has a maximum floor area of 25m² established in any continuous 10-year period from 22 September 2022; or</p> <p>RDIS-3 The extension is not to accommodate a natural hazard sensitive activity.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the building includes hazard mitigation; 3. the extent to which the building has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent of any adverse effects on the amenity values of the coastal environment; and 7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works. 	
CE-RX	Natural Hazard Sensitive Buildings ¹⁹⁷	
4.1 Sea Water Inundation	<p>Activity status: Permitted</p> <p>Where:</p>	Activity status when compliance not achieved: Restricted Discretionary

¹⁹⁶ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

¹⁹⁷ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

Overlay within urban zoned¹⁹⁸ areas	<p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or¹⁹⁹</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or²⁰⁰</p> <p>PER-3 1 The building or extension <u>natural hazard sensitive building</u>²⁰¹ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment²⁰² Certificate issued in accordance with NH-S1; or</p> <p>PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.²⁰³</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the extent to which²⁰⁴ the building includes natural hazard mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; 3. the extent to which the building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the extent to which the proposal requires any increased reliance on emergency services; and 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u>²⁰⁵
5.2 Sea Water Inundation Overlay outside of urban zoned²⁰⁶ areas	<p>Activity status: Permitted Where:</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or²⁰⁷</p> <p>PER-2</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the extent to which the proposal results in an increased risk to people and property;</u> 2. <u>the extent to which the building includes natural hazard mitigation</u>

¹⁹⁸ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

¹⁹⁹ Simo Enterprises [148.30] and Fenlea Farms [171.23]

²⁰⁰ Fenlea Farms [171.23]

²⁰¹ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

²⁰² ECan [183.26]

²⁰³ ECan [183.125]

²⁰⁴ Clause 16(2)

²⁰⁵ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

²⁰⁶ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

²⁰⁷ Simo Enterprises [148.30] and Fenlea Farms [171.23]

	<p>The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or²⁰⁸</p> <p>PER-3 1 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment²⁰⁹ Certificate issued in accordance with NH-S1; and</p> <p>PER-2 <u>The Flood Assessment Certificate issued under PER-2 states that the natural hazard sensitive building is not located on land that is identified as a high hazard area.</u>²¹⁰</p>	<p><u>such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</u></p> <ol style="list-style-type: none"> <u>the extent to which the building or structure has a functional need or operational need for its location; and</u> <u>the extent of any positive benefits that will result from the proposal; and</u> <u>the extent to which the proposal creates natural hazard risks on adjacent properties; and</u> <u>the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</u> <u>the extent to which the proposal requires any increased reliance on emergency services.</u> <p>Activity status when compliance not achieved <u>with PER-2</u>: Non-complying</p>
<p>6 3 Coastal Erosion Overlay</p>	<p>Activity status: Restricted Discretionary</p> <p><u>Except that this rule shall not apply to buildings associated with Temporary Military Training Activities that are in place for 31 consecutive days or less, excluding set-up and pack-out activities.</u>²¹¹</p> <p>Where</p> <p>RDIS-1 The activity is an addition <u>or extension</u>²¹² to an existing building or structure only; and</p> <p>RDIS-2 The <u>addition or extension</u> has a maximum floor area of <u>30²¹³25m²</u> established in any continuous 10-year period from <u>22 September 2022</u> <u>[insert date Plan becomes operative]</u>; ²¹⁴ or</p>	<p>Activity status where compliance not achieved: Non-complying</p>

²⁰⁸ Fenlea Farms [171.23]

²⁰⁹ ECan [183.26]

²¹⁰ ECan [183.125]

²¹¹ The New Zealand Defence Force [151.15]

²¹² Clause 16(2)

²¹³ ECan [183.125]

²¹⁴ ECan [183.125]

	<p>RDIS-3 The extension is not to accommodate a natural hazard sensitive activity.²¹⁵</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the building includes hazard mitigation; 3. the extent to which the building has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent of any adverse effects on the amenity values of the coastal environment; and 7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works. 8. <u>The risk to the building or structure taking into account:</u> <ol style="list-style-type: none"> a. <u>The nature of the building, including its materials and ability to be relocated;</u> b. <u>The anticipated lifespan of the building, structure or activity</u> c. <u>The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u>²¹⁶ 	
CE-R5	<p>Earthworks, excluding:</p> <ol style="list-style-type: none"> 1. earthworks for natural hazard mitigation works; and 2. any land disturbance; and 3. <u>earthworks for access tracks for network utilities under CE-RY.</u>²¹⁷ 	
Coastal High Natural Character Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p>	<p>Activity status when compliance not achieved: Discretionary</p>

²¹⁵ Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)

²¹⁶ ECan [183.109]

²¹⁷ Forest and Bird [156.66]

	<p>The earthworks are for the purpose of maintenance and repair of existing fence lines, roads or tracks, <u>underground network utilities and ancillary structures and are located within 2m of the fence line, road or track;</u>²¹⁸ or</p> <p>PER-2 The earthworks are for the purpose of installation of underground network utilities and ancillary structures;²¹⁹ or</p> <p>PER-3 Any other earthworks do not exceed the following quantum <u>per calendar year:</u>²²⁰</p> <ol style="list-style-type: none"> 1. 100m³ within the area of the site located within the Coastal High Natural Character Area Overlay, or 2. 100m² within the area of the site located within the Coastal High Natural Character Area Overlay. 	
<u>CE-RY</u>	<u>Vehicle access tracks for network utilities, including ancillary access tracks, outside of urban zoned areas</u> ²²¹	
<u>1 Coastal Environment</u>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The vehicle access track is not wider than 4m.</u></p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p><u>Matters of Discretion for PER-1 are restricted to:</u></p> <p><u>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9 and CE-P10.</u></p>
<u>2 Coastal High Natural Character Area Overlay</u>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where</u></p> <p><u>RDIS-1</u> <u>The vehicle access track is located within the Coastal High Natural Character Area Overlay.</u></p> <p><u>Matters of Discretion for RDIS-1 are restricted to:</u></p>	<p><u>Activity status when compliance not achieved: Not applicable</u></p>

²¹⁸ Forest and Bird [156.165]²¹⁹ Forest and Bird [156.165]²²⁰ Silver Fern Farms [172.90]²²¹ Forest and Bird [156.66]

	any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P11.	
CE-R6	Land disturbance	
Coastal Environment Area Overlay	Activity status: Permitted	Activity status when compliance not achieved with: Not applicable
Coastal Erosion Overlay		
Coastal High Natural Character Area Overlay		
Sea Water Inundation Overlay		
CE-R7	Regionally Significant Infrastructure - maintenance and upgrade	
	<u>Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ and CE-RA</u>	
1 Coastal Erosion overlay	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary
Sea Water Inundation Overlay		
	Where:	Matters of discretion are restricted to:
	PER-1 A new building or <u>building extension is located outside of the Coastal Erosion Overlay and</u> ²²² has a <u>collective</u> maximum <u>additional</u> ²²³ ground floor area per site of 200m ² in any continuous 10-year period from 22 September 2022 <u>[insert plan operative date]</u> ; ²²⁴ or	1. any impacts on natural elements, processes and patterns, and landforms; and
	PER-2 Any upgrading does not increase the building or structure coverage by more than 10% within a continuous 10-year period from 22 September 2022 <u>[insert plan operative date]</u> ; ²²⁵ or	2. the extent to which the building or structure has a functional need or operational need for its location; and
		3. the extent of any positive benefits that will result from the proposal; and
		4. the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and
		5. <u>The risk to the building or structure taking into account:</u>
		a. <u>The nature of the building, structure or activity, including its</u>

²²² ECan [183.126]²²³ Clause 16(2)²²⁴ ECan [183.126]²²⁵ ECan [183.126]

	<p>PER-3 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u>²²⁶; or</p> <p>PER-4 The building or extension <u>is located outside of the Coastal Erosion Overlay and</u>²²⁷ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk <u>Assessment</u>²²⁸ Certificate issued in accordance with NH-S1.</p> <p>PER-5 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.²²⁹</p>	<p><u>materials and ability to be relocated;</u> b. <u>The anticipated lifespan of the building, structure or activity</u> c. <u>The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u>²³⁰</p>
<p>2 Coastal Environment outside of urban zoned areas</p>	<p>Activity status: Permitted²³¹ Where: PER-1 <u>Any upgrading does not increase the building or structure envelope by more than 25% within a continuous 10-year period, up to a maximum of 1000m².</u></p>	<p>Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. <u>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</u> 2. <u>the extent to which the building or structure has a functional need or operational need for its location; and</u> 3. <u>the extent of any positive benefits that will result from the proposal.</u></p>
<p>2-3 Coastal High Natural Character Overlay</p>	<p>Activity status: Permitted Where: PER-1 <u>Any upgrading does not increase the building or structure envelope by more than 10% within a continuous 10-year period, up to a maximum of 200m².</u>²³²</p>	<p>Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. <u>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10²³³ and CE-P11; and</u></p>

²²⁶ Clause 16(2)

²²⁷ ECan [183.126]

²²⁸ ECan [183.26]

²²⁹ ECan [183.126], [183.125]

²³⁰ ECan [183.109], [183.126]

²³¹ Forest and Bird [156.167]

²³² Forest and Bird [156.167]

²³³ Clause 16(2)

		<ol style="list-style-type: none"> the extent to which the building or structure has a functional need or operational need for its location; and the extent of any positive benefits that will result from the proposal.
CE-R8	Regionally Significant Infrastructure – New <u>Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ and CE-RA</u>	

1 Coastal Erosion Overlay ²³⁴ Sea Water Inundation Overlay	Activity status: Permitted Where: PER-1 A new building or extension has a maximum ground floor area per site of 200m ² in any continuous 10-year period from 22 September 2022 <u>[insert plan operative date]</u> , ²³⁵ or PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u> , ²³⁶ or PER-3 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk <u>Assessment</u> ²³⁷ Certificate issued in accordance with NH-S1, or PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings	Activity status when compliance not achieved: Discretionary
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²³⁴ ECan [183.126]

²³⁵ ECan [183.127]

²³⁶ Clause 16(2)

²³⁷ ECan [183.26]

	below this level must be capable of being sealed mechanically. ²³⁸	
2 Coastal Erosion Overlay ²³⁹	<p>Activity status: <u>RDIS Permitted</u>^{240 241}</p> <p>Where:</p> <p><u>Except that this shall not apply to:</u></p> <p><u>1. Community land drainage infrastructure;</u></p> <p><u>2. Established community-scale irrigation and stockwater infrastructure; or</u></p> <p><u>3. Any building or structure that has a footprint less than 30m².</u></p> <p><u>PER-1</u></p> <p><u>The work, building or structure is for:</u></p> <p><u>1. Community land drainage infrastructure;</u></p> <p><u>2. Established community-scale irrigation and stockwater infrastructure; or</u></p> <p><u>PER-2</u></p> <p><u>Any building or structure that has a footprint less than 30m².</u></p>	<p>Activity status: <u>Not applicable Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1 Whether there is an operational or functional need for the location;</u></p> <p><u>2. The risk to the building or structure taking into account:</u></p> <p><u>a. The nature of the building, structure or activity, including its materials and ability to be relocated;</u></p> <p><u>b. The anticipated lifespan of the building, structure or activity</u></p> <p><u>c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u>²⁴²</p>
3 Coastal Environment outside of urban zoned areas	<p>Activity status: <u>Permitted</u></p> <p>Where:</p> <p><u>PER-1</u></p> <p><u>Any upgrading does not increase the building or structure envelope by more than 200m² within a continuous 10-year period.</u></p>	<p>Activity status when compliance not achieved: <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</u></p> <p><u>2. the extent to which the building or structure has a functional need or operational need for its location; and</u></p> <p><u>3. the extent of any positive benefits that will result from the proposal.</u></p>

²³⁸ ECan [183.127], [183.126], [183.125]

²³⁹ ECan [183.126]

²⁴⁰ ECan [183.126]

²⁴¹ This rule has been restructured to turn it from an exclusion to an RDIS rule, to a permitted rule with RDIS for non-compliance – it is essentially the same but more consistent with the PDP style

²⁴² ECan [183.109]

<p>2 4 Coastal High Natural Character Area Overlay</p>	<p>Activity status: Discretionary</p>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>CE-R9</p>	<p>Natural hazard mitigation works, including <u>associated</u>²⁴³ earthworks <u>and incidental vegetation removal</u>²⁴⁴; – maintenance, replacement and upgrading²⁴⁵ <i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i>²⁴⁶</p>	
<p>1 Coastal Environment Area Overlay</p> <p>Sea Water Inundation Overlay²⁴⁷</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p><u>PER-1</u> <u>The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; or</u>²⁴⁸</p> <p><u>PER-12</u> <u>The activity natural hazard mitigation works are for the operation, is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; or</u>²⁴⁹</p> <p><u>PER-4 3</u> <u>The activity is limited to the maintenance, replacement or</u></p>	<p>Activity status where compliance not achieved with <u>PER-1 PER-5: Restricted Discretionary</u></p> <p>Where</p> <p><u>RDIS-1</u>²⁵⁴ <u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council; or</u>²⁵⁵ <u>b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.</u>²⁵⁶</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;</u>²⁵⁷ and 3. any potential adverse effects of from²⁵⁸ diverting or blocking overland flow

²⁴³ Clause 16(2)

²⁴⁴ Clause 16(2) to align with NH-R3

²⁴⁵ ECan [183.128]

²⁴⁶ Clause 16(2)

²⁴⁷ ECan [183.128]

²⁴⁸ Clause 16(2)

²⁴⁹ ECan [183.128]

²⁵⁴ ECan [183.128]

²⁵⁵ ECan [183.128]

²⁵⁶ ECan [183.128], PrimePort [175 - various] and Timaru District Holdings [186 - various]

²⁵⁷ ECan [183.128]

²⁵⁸ ECan [183.128]

	<p>upgrading of existing natural hazard mitigation works that:</p> <ol style="list-style-type: none"> 1. The natural hazard mitigation works is <u>occur</u>²⁵⁰ within 25m of the existing alignment or location vertically and horizontally <u>of the existing natural hazard mitigation works</u>.²⁵¹ and 2. <u>Does not increase t</u>The footprint of the existing²⁵² natural hazard mitigation works is not increased by more than 25%; <u>and or</u> <p>PER-3 4 The activity is undertaken by or on behalf of the <u>Port of Timaru Crown, Canterbury Regional Council, or the Council</u>, or and is limited to the maintenance of existing natural hazard mitigation works within 310m of <u>PREC7</u>.²⁵³ <u>or</u></p> <p>PER-5 The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.</p>	<p>path(s), including upstream and downstream flood risks; and</p> <ol style="list-style-type: none"> 4. any increased flood risk for people, property, or public spaces; and 5. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and 6. any positive effects of the proposal on the community. 7. <u>the extent to which the works will result in adverse cumulative effects; and</u> 8. <u>the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and</u> 9. <u>the extent of any positive benefits that will result from the proposal; and</u> 10. <u>the extent to which the works have a functional need or operational need for its location; and</u> 11. <u>the matters set out in CE-P14</u>.²⁵⁹ <p><u>Activity status where compliance not achieved with RDIS-1: Discretionary</u></p> <p><u>Activity status where compliance not achieved with PER-1, PER-2, PER-3, or PER-4: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u> Those matters set out for <u>PER-4 PER-5</u>.</p>
<p><u>2 Coastal High Natural Character Area Overlay</u>²⁶⁰</p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p>	<p><u>Activity status where compliance is not achieved: Discretionary</u></p>

²⁵⁰ Clause 16(2)²⁵¹ Clause 16(2)²⁵² Clause 16(2)²⁵³ PrimePort [175 - various] and Timaru District Holdings [186 - various] and [clause 16\(2\)](#)²⁵⁹ [ECan \[183.40\]](#)²⁶⁰ [ECan \[183.128\]](#)

<u>Coastal Erosion Overlay</u> ²⁶¹	<u>RDIS-1</u> ²⁶² <u>Any new natural hazard mitigation works are:</u> <u>a. established by or on behalf of the Crown, Regional Council, or the Council; or</u> ²⁶³ <u>b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7.</u> ²⁶⁴ <u>Matters of discretion are restricted to:</u> those matters set out for non-compliance with PER-1. ²⁶⁵	
CE-R10	Planting of trees and/or vegetation not listed in CE-R1, CE-R2 or CE-R3	
Coastal High Natural Character Area Overlay	Activity status: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.	Activity status when compliance not achieved: Not applicable
CE-R11 SUB-RY	<u>Subdivision within the Coastal Environment</u> ²⁶⁶	
1 Coastal Environment Area Overlay	Activity status: Restricted Discretionary <u>Where:</u> <u>RDIS-1</u> <u>The site is not located within the Coastal High Natural Character Area Overlay.</u> Matters of discretion are restricted to: 1. any adverse impacts on the identified matters	Activity status when compliance not achieved: Not applicable <u>Discretionary</u> <u>Note: Where a resource consent is required as a Discretionary activity <u>under RDIS-1</u>,²⁶⁸ future building platforms must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.</u>

²⁶¹ ECan [183.128]²⁶² ECan [183.128]²⁶³ ECan [183.128]²⁶⁴ PrimePort [175 - various] and Timaru District Holdings [186 - various]²⁶⁵ ECan [183.128]²⁶⁶ Speirs, B [66.53], [66.45].²⁶⁸ [Clause 16\(2\) for clarity](#)

	<p>contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9²⁶⁷ and CE-P11; and</p> <p>2. the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects.</p>	
2 Sea Water Inundation Overlay	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk of economic, social or environmental harm; 2. whether the proposal includes hazard mitigation; 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the location of any proposed building that will accommodate a natural hazard sensitive activity. 	Activity status when compliance not achieved: Not applicable
3 Coastal High Natural Character Area Overlay	<p>Activity status: Discretionary</p> <p><i>Note: Future building platform must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.</i></p>	Activity status when compliance not achieved: Not applicable
4 Coastal Erosion Overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
CE-R12	Natural hazard mitigation works, including earthworks – New²⁶⁹	

²⁶⁷ [Clause 16\(2\) to address a policy omission](#)

²⁶⁹ ECan [183.128], [183.130]

<i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i>		
Coastal High Natural Character Area Overlay	Activity status: Restricted Discretionary Where: RDIS-1 The natural hazard mitigation works are undertaken by or on behalf of the Council, Crown or Regional Council; or RDIS-2 The works are undertaken by PrimePort and are within or adjacent to the Port Zone and are required to protect the ongoing operation of the Port. Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and 1. the extent to which the works will result in adverse cumulative effects; and 2. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and 3. the extent of any positive benefits that will result from the proposal; and 4. the extent to which the works have a functional need or operational need for its location. 	Activity status when compliance not achieved: Non-complying
CE- R13	Primary production not otherwise specified in this chapter	
Coastal High Natural Character Area Overlay	Activity status: Discretionary Where: DIS-1 The activity does not involve irrigation or intensive primary production	Activity status when compliance not achieved: Non-complying

CE-R14	<p>Quarrying/Mining / Quarrying²⁷⁰ Activity outside the beds of lakes and rivers and the coastal marine area and²⁷¹ excluding for natural hazard mitigation works or reclamation within or adjacent to the PORTZ Port Zone</p>	
<p>1. Coastal Environment Area Overlay</p>	<p>Activity status: Permitted²⁷²</p> <p>Where:</p> <p>PER-1 The activity is a farm quarry and is less than 500m².</p> <p><i>Note: consent for mining and quarrying may be required from the Canterbury Regional Council within the beds of lakes and rivers and the coastal marine area.</i>²⁷³</p>	<p>Activity status when compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9 and CE-P10; 2. the extent to which the works will result in adverse cumulative effects; and 3. the extent to which the activity results in the enhancement of natural character.
<p>Coastal Environment Area Overlay</p> <p>2. Coastal High Natural Character Area Overlay</p>	<p>Activity status: Non-complying</p>	<p>Activity status when compliance not achieved: Not applicable</p>

<p>NH-RXX CE-RXX</p>	<p>Natural Hazard Sensitive Buildings within the PORTZ Port Zone²⁷⁴</p>	
<p>Flood Assessment Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1</p>	<p>Activity status where compliance is achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p>

²⁷⁰ Road Metals [169.32] and Fulton Hogan [170.32]

²⁷¹ [ECan \[183.142\]](#)

²⁷² Road Metals [169.32], Fulton Hogan [170.32] for all these changes

²⁷³ [ECan \[183.142\]](#)

²⁷⁴ PrimePort [175 - various] and Timaru District Holdings [186 - various]

<p><u>Sea Water Inundation Overlay</u></p> <p><u>Coastal Erosion Overlay</u>²⁷⁵</p>	<p>The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or</p> <p><u>PER-2</u> The building <u>activity</u>:²⁷⁶</p> <ol style="list-style-type: none"> 1. <u>complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> 2. <u>will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> 3. <u>the building has a footprint smaller than 100m²; or</u> 4. <u>the building is relocatable.</u> 	<ol style="list-style-type: none"> 1. <u>any increased flood risk for people, property, or public spaces; and</u> 2. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 3. <u>any operational need or functional need for the activity to be established in this location; and</u> 4. <u>any increased reliance on emergency services; and</u> 5. <u>any positive effects of the proposal.</u>
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<p><u>NH-RX</u> <u>CE-RX</u></p>	<p><u>New buildings, structures and earthworks in the <u>PORTZ Port Zone</u></u></p> ²⁷⁷	
<p><u>Flood Assessment Area Overlay</u></p> <p><u>Coastal Erosion Overlay</u>²⁷⁸</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>PER-1</u> <u>Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.</u></p> ²⁷⁹ <p><u>Note: when considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u></p>	<p><u>Activity status where compliance is achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>any adverse effects on the rate of flow and direction of overland flow path(s); and</u> 2. <u>any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; and</u> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures and</u> 5. <u>the benefits of or necessity for the proposed building, structure or earthworks.</u>

²⁷⁵ ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

²⁷⁶ Clause 16(2)

²⁷⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

²⁷⁸ ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

²⁷⁹ ECan [183.38]

CE-RZ	<u>Upgrading of existing, or installation of new solar cells or an array of solar cells</u> ²⁸⁰	
<u>1 Coastal Environment</u>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The activity is located on an existing building; and</p> <p><u>PER-2</u> The activity is within an urban zoned area; and</p> <p><u>PER-2</u> CE-S1 and CE-S3 are complied with.</p>	<p><u>Activity status when compliance not achieved with PER-1 or PER-3: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u> Any adverse impacts on the identified matters contained in CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, and CE-P10.</p> <p><u>Activity status when compliance not achieved with PER-2: Discretionary</u></p>
<u>2 Coastal High Natural Character Area Overlay</u>	<p><u>Activity status: Discretionary</u></p> <p><u>Where:</u></p> <p><u>DIS-1</u> The activity is located on a building; and</p> <p><u>DIS-2</u> CE-S1 and CE-S3 are complied with.</p>	<p><u>Activity status when compliance not achieved: Non-complying</u></p>

CE-RA	<u>Upgrading an existing wind turbine or installation of a new wind turbine, for electricity generation</u> ²⁸¹	
<u>1 Coastal Environment</u>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The activity meets the definition of Small-Scale Renewable Electricity Generation; and</p> <p><u>PER-2</u> The activity is located within an urban zoned area; and</p> <p><u>PER-3</u> The activity is not visible from a High Natural Character area; and</p>	<p><u>Activity status when compliance not achieved with PER-1 or PER-2: Discretionary</u></p> <p><u>Activity status when compliance not achieved with PER3 or PER-4: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u> Any adverse impacts on the identified matters contained in CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, and CE-P10.</p>

²⁸⁰ Forest and Bird [156.73]

²⁸¹ Forest and Bird [156.74]

	PER-4 CE-S1 and CE-S3 are complied with.	
2 Coastal High Natural Character Area Overlay	Activity status: Discretionary Where: DIS-1 CE-S1 and CE-S3 are complied with.	Activity status when compliance not achieved: Non-complying

Standards

CE-S1	Height of buildings and structures	
Coastal Environment Overlay	<p>The maximum height of any building or structure must not exceed:</p> <ol style="list-style-type: none"> 1. 4m; or 2. if located within the General Industrial Zone or Port Zone, it shall be as per the applicable zone rules and standards. <p><u>Note: Height shall be measured from the existing ground level prior to any works commencing.</u>²⁸²</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, CE-P10 and CE-P11; and 2. the extent to which the height of the building or structure will result in: <ol style="list-style-type: none"> a. visual dominance; or b. incompatibility with the character and scale of buildings and structures within the surrounding area; or c. reduced views from publicly accessible areas; and 3. the extent to which the building or structure has a functional need or operational need for its location.
CE-S2	Site coverage by buildings and structures ²⁸³	
Coastal Environment Overlay	<p>The combined²⁸⁴ building and structure coverage of a site²⁸⁵ within the overlay shall not exceed a maximum floor area of:</p> <ol style="list-style-type: none"> 1. 500m² for sites that are less than 20ha in area; and 2. 500m² for every 20ha of site area for sites larger than 20ha in area, or a maximum of 2,000m² per property (whichever is the lesser); <p>unless</p> <ol style="list-style-type: none"> 3. if the building and structure is to be located within the an urban zoned²⁸⁶ 	<p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and 2. the extent to which the building or structure will meet a community or public need; and 3. the extent to which the building or structure has a functional need or operational need for its location.

²⁸² ECan [183.4]

²⁸³ ECan [183.132]

²⁸⁴ ECan [183.132]

²⁸⁵ ECan [183.132]

²⁸⁶ Silver Fern Farms [172.94]

	area, <u>in which case</u> ²⁸⁷ it shall be as per the applicable zone rules and standards.	
CE-S3	Building and structure external materials	

Coastal Environment Overlay	With the exception of the Port Zone, all <u>external cladding and roofing of</u> ²⁸⁸ buildings and structures must be finished in materials with a maximum reflectance value of 30%.	Matters of discretion restricted to: <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and 2. the extent to which the proposed exterior materials and colours respond to and respect the natural character qualities of the surrounding area. 3. the extent to which the building or structure has a functional need or operational need for its location.
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SUB-RX	Subdivision within the PORTZ ^{289 290}	
<u>1 Flood Assessment Area Overlay</u> <u>Sea Water Inundation Overlay</u>	<u>Activity status: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> 1. <u>the design and layout of the subdivision, in relation to natural hazards; and</u> 2. <u>any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</u> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 5. <u>the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u> 6. <u>any increase in reliance on emergency services.</u> 	<u>Activity status where compliance not achieved: Not applicable</u>

²⁸⁷ Clause 16(2)

²⁸⁸ Silver Fern Farms [172.95] and Alliance Group [173.96]

²⁸⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

²⁹⁰ Clause 16(2) – this rule is now combined with the non-PORTZ subdivision rule

DRINKING WATER PROTECTION

Introduction

The District contains a number of community drinking water supplies and private drinking water supplies that provide its residents with drinking water and water for other domestic use. These supplies may be at risk of contamination from some land use and subdivision activities and as such, require protection to maintain the health and safety of the residents of the District.

When considering an application for a resource consent, section 104G of the RMA requires that a consent authority must have regard to:

1. the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and
2. any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.

While the Canterbury Regional Council is responsible for the control of discharges of contaminants into or onto land or water, Timaru District Council manages land use and subdivision activities that may impact upon drinking water supplies. The Council have identified drinking water protection areas around community drinking water supplies. This protection overlay is referred to as the Drinking Water Protection Area Overlay. Protection is also given to private drinking water supplies, but these do not have mapped protection areas.

Objectives

DWP-O1 Protect drinking water supplies

Drinking water supplies are protected from land use and subdivision activities that may limit their ability to provide safe drinking water.

Policies

DWP-P1 Drinking Water Protection Area Overlay

Identify the location and extent of:

1. known drinking water supplies, as the drinking water protection area overlay on the District Plan Maps; and
2. unknown drinking water supplies, in accordance with the methodology set out within APP6 - Drinking Water Protection and subsequently include as part of the drinking water protection area overlay via a change to the District Plan.

DWP-P2 Protect drinking water supplies

Protect drinking water supplies ~~from~~ by avoiding land use and subdivision activities that ~~have the potential to~~²⁹¹ negatively affect their water quality

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless

²⁹¹ TDC [42.42]

expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

DWP-R1	Camping grounds	
DWPA - for Community Drinking Water Supply DWPA - within 50m from a private drinking water supply	Activity status: Permitted Where: PER-1 The camping ground is connected to a community wastewater treatment system.	Activity status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and Risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.
DWP-RX	Earthworks²⁹²	
DWPA - for Community Drinking Water Supply DWPA - within 50m from a private drinking water supply	Activity status: Permitted Where: PER-1 <u>All bores within the DWPA overlays are more than 50m deep; or</u> PER-2 <u>1. The earthworks are less than 250m²; and</u> <u>2. there is more than 1 m of separation between the base of the earthworks and the highest seasonal groundwater level.</u>	Activity status where compliance not achieved: Non-complying
DWP-R2 SUB-RZ²⁹³	Subdivision not connected to a community sewage wastewater treatment²⁹⁴ system, except that this shall not apply to boundary adjustments where no additional lots are created²⁹⁵	
DWPA - for Community Drinking	Activity status: Restricted Discretionary Where:	Activity status where compliance not achieved: Not applicable

²⁹² TDC [42.41], [42.42]

²⁹³ Speirs, B [66.54]

²⁹⁴ TDC [41.42]

²⁹⁵ Rooney, et al [174.61, 191.61, 249.61, 250.61, 251.61, 252.61]

<p>Water Supply</p> <p>DWPA - within 50m from a private drinking water supply</p>	<p>RDIS-1</p> <p>The subdivision is connected to a community wastewater treatment system.²⁹⁶</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and 2. the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and 3. risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021. 	
<p>DWP-RX</p>	<p>Buildings that which utilise onsite require septic/sewage facilities and disposal²⁹⁷</p>	
<p>DWPA - for Community Drinking Water Supply</p> <p>DWPA - within 50m from a private drinking water supply</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of Discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>The actual and potential environmental effects of the discharge on the quality and safety of human drinking-water.</u> 	<p>Activity status where compliance not achieved: Not applicable</p>
<p>DWP-R3</p>	<p>Mining or quarrying, including prospecting and exploration, <u>outside of the beds of lakes and rivers</u>²⁹⁸</p>	
<p>DWPA - for Community Drinking Water Supply</p> <p>DWPA - within 100m from</p>	<p>Activity status: Non-complying</p> <p><i><u>Note: Consent for mining and quarrying may be required from the Canterbury Regional Council works in the beds of lakes and rivers are also within the jurisdiction of the</u></i></p>	<p>Activity status where compliance not achieved: Not applicable</p>

²⁹⁶ Milward Finlay Lobb [60.29], Bruce Speirs [66.29], TDC [41.2]

²⁹⁷ TDC [42.41], [42.42] [and subsequent minor amendments for clarity](#)

²⁹⁸ ECan [183.142]

a private drinking water supply	<u>Regional Council and may require resource consent from that Council.</u> ²⁹⁹	
DWP-R4	Pipelines used for the transfer of any hazardous substances	
DWPA - for Community Drinking Water Supply	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable
DWPA - within 50m from a private drinking water supply		
DWP-R5	<u>Industrial activities including rural industry, which are located outside of an Industrial zone, or industrial precinct, or a special purpose zone for rural industry</u> ³⁰⁰	
DWPA - for Community Drinking Water Supply	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
DWPA - within 50m from a private drinking water supply		

<u>DWP-R6</u>	<u>Composting facilities;</u> <u>Offal pits;</u> <u>Silage storage;</u> <u>Vegetation clearance;</u> <u>Intensive primary production</u> ³⁰¹	
<u>DWPA - for Community Drinking Water Supply</u>	<u>Activity status: Non-complying</u>	<u>Activity status where compliance not achieved: Not applicable</u>

²⁹⁹ ECan [183.142]³⁰⁰ Fonterra [165.96] and Silver Fern Farms [172.99]³⁰¹ TDC [42.41], [42.42]

**DWPA -
within 50m
from a
private
drinking
water
supply**

Definitions

Amend the definitions of Flood Risk Certificate as set out below.

Flood RISK Assessment³⁰² **Certificate**

means a certificate issued by Timaru District Council which specifies:

- a. the flood event risk level for specific land (being either land not subject to flooding in a 0.5% AEP flood event, or land subject to flooding in a 0.5% AEP flood event, or land within a high hazard area); and
- b. where a. above identifies that the specific land is subject to flooding in a 0.5% AEP flood event, the minimum finished floor level for any new building or structure (or part thereof) on the specific land to provide at least 300mm freeboard above the flood level in a 0.5% AEP flood event; and
- c. ~~if the specific land is within 150m of a stopbank, the minimum finished floor level for any new building or structure (or part thereof) on the specific land to avoid risk from a stopbank failure;~~
and³⁰³
- d. whether the specific land is located within an overland flow path.

Insert a new definition for Urban Zone / Urban Zoned Areas as follows:

Urban Zone / Urban Zoned Areas

Urban zone or urban zoned areas: for the purpose of the Natural Hazard and Coastal Environment chapters, means all zones with the exception of the General Rural, Rural Production, Rural Lifestyle, Future Urban, and any Open Space and Recreation zones that do not share at least 50% of their boundary with a qualifying urban zone.³⁰⁴

Insert a new definition for flood resilient as follows:

Flood resilient: means the use of materials, construction systems and design types that are capable of withstanding direct and prolonged contact with floodwaters without sustaining damage that would result in the need to replace the materials used in the building. This can be achieved by:
i. utilising suitable materials comprising stainless or galvanized steel, aluminium, closed cell foam panels, stone, concrete, pressure treated or marine-grade plywood, fibre cement sheeting, and / or other non-porous materials;

³⁰² ECan [183.108]

³⁰³ ECan [183.50]

³⁰⁴ Te Rūnanga o Ngāi Tahu [185.46],

ii. locating all electrical and data outlets and appliances above predicted flood levels (0.2% AEP), including heat pump and air conditioning compressors and electrical switchboards.³⁰⁵

Insert a new definition for relocatable as follows:

Relocatable: for the purposes of the Natural Hazards and Coastal Environment Chapters, means a building that is intended for relocation, either in part or whole, to another site and demonstrates compliance with the following:

- 1) the building shall be generally of timber or metal framing and excludes any structures that have cast in situ concrete walls, concrete block walls, brick and stone walls (including brick veneer), unless such structures are certified by a qualified structural engineer to be of a specific design which would enable at least the greater part of the building to be relocated if required;
- 2) the building can be removed from the site in less than seven consecutive days;
- 3) the building is fully self-contained or able to disconnect from Council reticulated services in less than two days; and
- 4) has a building footprint of less than 150m².³⁰⁶

Amend the definition of earthquake fault awareness areas as follows:

Earthquake Fault Awareness Areas: means land located on either side of a ~~an identified active~~ a known or suspected active earthquake fault line that is mapped to ensure that landowners and service providers are aware of the presence of a fault line before they decide to buildcould be permanently deformed (ripped, buckled or warped) during an earthquake on that fault.³⁰⁷

Amend the definition of high hazard areas as follows:

High Hazard Area means:

~~means flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1 or where depths are greater than 1 metre, in a 0.2% annual exceedance probability flood event.~~

- a. land likely to be subject to coastal erosion; or
- b. land where there is inundation by floodwater and where the water depth (metres) x velocity (metres per second) is greater than or equal to 1, or where depths are greater than 1 metre, in a 0.2% Annual Exceedance Probability flood event.

When determining a. and b. above, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.³⁰⁸

Amend the definition of liquefaction awareness areas as follows:

³⁰⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

³⁰⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

³⁰⁷ ECan [183.148]

³⁰⁸ ECan [183.14], Silver Fern Farms [172.2] and Alliance Group [173.3]

Liquefaction Awareness Area: means land ~~at risk from~~ where liquefaction and lateral spreading is possible during an earthquake, but which requires site specific assessment to determine the actual level of risk to property.³⁰⁹

Amend the definition of natural hazard mitigation works as follows:

Natural Hazard Mitigation Works means: structures and associated engineering works to prevent or control the impacts of natural hazards and includes both soft engineering natural hazard mitigation works³¹⁰ and hard engineering natural hazard mitigation works, retaining walls, stop banks and flood protection works.³¹¹ Retaining walls not required for a hazard mitigation purpose are excluded from this definition. Raised building floor levels and raised land which are required to be raised to meet the requirements of a flood assessment certificate are excluded from this definition.³¹²

Replace the definition of “Natural Hazard Sensitive Activities” with the following definition:

Natural Hazard Sensitive Buildings means buildings which:

1. is/are used as part of the primary activities on the site; or
2. contains habitable rooms; or
3. buildings which are connected to a potable water supply and wastewater system.

For the purposes~~ed~~ of clause 1, the following buildings are not included.

- i. farm sheds used solely for storage; or
- ii. animal shelters which comply with v below: or
- iii. carports; or
- iv. garden sheds; or
- v. any buildings with a dirt/gravel or similarly unconstructed floor; or
- vi. any buildings or extensions with a building floor area less than 30m²; or³¹³
- vii. Regionally Significant Infrastructure.³¹⁴

Note: This definition also applies to the conversion of existing buildings into natural hazard sensitive buildings and extensions greater than 30m² to existing natural hazard sensitive buildings.³¹⁵

Add a definition for “natural defences” as follows.

Natural defences include dunes, beaches, estuaries, wetlands, intertidal areas, coastal vegetation, natural ponding areas and water body margins. It excludes artificial water races and drainage infrastructure such as swales and stormwater management areas.³¹⁶

Amend the definition of overland flowpath as follows:

³⁰⁹ ECan [183.7]

³¹⁰ Clause 16(2)

³¹¹ EnviroWaste [162.4] and ECan [183.14A]

³¹² EnviroWaste [162.4] and ECan [183.14A]

³¹³ Clause 16(2) amendment to change the location of the floor area from the rule into the definition and ECan [183.1] to refer to building floor area

³¹⁴ ECan [183.173] and ECan [183.127]

³¹⁵ ECan [183.38] and [183.125]

³¹⁶ Dir. General Conservation [166.109]

Overland Flowpath means the route at a low point of terrain³¹⁷ along which stormwater flows over land in a rain event, and excludes permanent watercourses or intermittent rivers or streams.

Add a definition for composting facilities as follows:

Composting facilities³¹⁸

For the purposes of the DWP Chapter, means: buildings, grounds and equipment used for the receiving of organic material, manufacture of compost, storage and disposal of more than 20 m³ of composted material, but does not include domestic composting activities or where compost is stored on an impervious surface and stormwater runoff is appropriately collected and treated.

Add a definition for offal pits as follows:

Offal pits³¹⁹

For the purposes of the DWP Chapter, means: a simple pit or trench, dug into the ground for disposing of animal parts or an animal which has died or been killed on the farm, but does not include burial of a single animal provided this complies with the following conditions:

- a. The dead animal results from agricultural production on the same property; and
- b. The dead animal is buried in a pit which does not contain any water, and is immediately and completely covered by sufficient soil or plant material so as to prevent discharge of odour to air, or other nuisance; and
- c. The burial location is not within any area or zone identified in a proposed or operative district plan for residential, commercial or industrial purposes; and
- d. The burial site is at least 50 m from any:
 - i. surface water body; or
 - ii. bore used for water abstraction; or
 - iii. property boundary.

Add a definition for silage storage as follows:

Silage storage³²⁰

For the purposes of the DWP Chapter, means: silage storage of more than 20 m³ where contaminants are able to leach into the ground, and excludes wrapped silage and storage of silage on an impervious surface where stormwater runoff is appropriately collected and treated.

Add a definition for vegetation clearance as follows:

³¹⁷ ECan [183.6]

³¹⁸ TDC [42.41]

³¹⁹ TDC [42.41]

³²⁰ TDC [42.41]

Vegetation clearance³²¹

For the purposes of the DWP Chapter, means: the removal of vegetation by physical, mechanical, chemical or other means but excludes:

- a. cultivation for the establishment of, or harvesting of, crops or pasture;
- b. clearance for the establishment or maintenance of utilities or structures;
- c. removal of a species listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Pest Management Strategy;
- d. clearance for the purposes of maintaining existing fence lines, vehicle tracks, firebreaks, drains, ponds, dams or crossings;
- e. domestic gardening and the maintenance of amenity planting;
- f. clearance by, or on behalf of, the Canterbury Regional Council for the purposes of maintaining the flood-carrying capacity of a river;
- g. exotic vegetation clearance by the Department of Conservation or Land Information New Zealand for the purposes of pest management and maintenance of public access; and
- h. vegetation clearance by chemical means where this is more than 50m from a drinking water supply bore.

Planning Maps / Overlays

Amend the planning maps to remove the CE overlay on 86 Sheffield Street, Timaru.³²²

Amend the coastal erosion layer for Caroline Bay and the Port area as per Figure 3 provided by ECan.³²³

Amend the HNC overlay on 158 Pratley Road as set out in Figure X.³²⁴

Amend the Flood Assessment Overlay as per the .pdf set out in the evidence of Mr Kemp (Timaru and Geraldine Urban Areas).³²⁵

Amend the Liquefaction Awareness Overlay to exclude the property situated at 72 Shaw Road, RD 21 Geraldine.³²⁶

Remove all the mapped high hazard areas from the planning map.³²⁷

³²¹ TDC [42.41]

³²² Paul Smith [204.1]

³²³ ECan [183.133]

³²⁴ Fenlea Farms [171.17]

³²⁵ ECan [183.28], Kāinga Ora [229.39]

³²⁶ Barkers Fruit [179.4]

³²⁷ Kāinga Ora [229.39]

Delete from the Planning Maps the Drinking Water Protection Area Overlay from 470 Pleasant Point Highway.³²⁸

Add a Drinking Water Protection Area Overlay to 72 Shaw Road, Geraldine.³²⁹

³²⁸ Fulton Hogan [170.7]

³²⁹ Barkers Fruit Processors Limited [179.2]
