



Thursday 24 September 2026

Canterbury Regional Council –
Jolene Irvine
C/O – Environment Matters Limited –
Myles McCauley

Email: jolene.irvine@ecan.govt.nz and myles@environmentmatters.co.nz

Dear Jolene and Myles,

**DECISION ON NOTIFICATION FOR LAND USE CONSENT
RESOURCE CONSENT NO. 102.2026.59.1
CANTERBURY REGIONAL COUNCIL
SEADOWN DRAIN BETWEEN WAITARAKAO-WASHDYKE LAGOON AND THE TIMARU DISTRICT
COUNCIL WASTEWATER TREATMENT PONDS, WASHDYKE, AT OR ABOUT MAP REFERENCE NZTM
1461390, 5087385**

I advise that the notification decision for Land Use Consent 102.2026.59.1 is to limit notify the application pursuant to Section 95E of the Resource Management Act 1991 ('the Act'). This decision was made by an independent commissioner pursuant to an authority delegated by Timaru District Council, in accordance with section 34A of the Act.

Please find attached the Planning Officer's notification recommendation to this letter. The next step if you wish to proceed is to request a notification deposit which, after that is paid, we will endeavour to notify the application. In accordance with Section 88H of the Act all time lapsed from the issue of this letter is excluded until the deposit is paid.

If you have any queries regarding your application, please contact me on the details below and quote the resource consent number.

Yours faithfully,

Patrick O'Toole
Intermediate Planner

Reference Number: 102.2026.59.1
Email: patrick.otoole@timdc.govt.nz
Phone: 03 684 0376

**REPORT ON AN APPLICATION FOR LAND USE CONSENT
PURSUANT TO SECTIONS 95A & 95B OF THE RESOURCE MANAGEMENT ACT 1991**

Consent Number:	102.2026.59.1
Applicant:	Canterbury Regional Council
Application Description:	Land use consent for Phase 1 of the Seadown Drain realignment, between the outlet into Waitarakao-Washdyke Lagoon and the north-eastern corner of the Timaru District Council wastewater treatment ponds, comprising excavation of a new drain channel, construction of a new coastal stopbank and a new inland flood protection bank, associated access tracks, maintenance benches and localised drainage, retirement of the existing drain and stopbank, and ecological restoration planting. Erection of structures and land disturbance within the Coastal Environment Area, earthworks within a Site and Area of Significance to Māori, clearance of indigenous vegetation, and drainage affecting wetlands
Activity Status:	NON-COMPLYING
Property Address:	Seadown Drain between Waitarakao-Washdyke Lagoon and the north-eastern corner of the Timaru District Council wastewater treatment ponds, Washdyke, including works within No. 2 drain on Section 10 Seaforth SETT, at or about Map Reference NZTM 1461390, 5087385
Legal Description(s):	Section 10 Seaforth SETT held in RT CB532/130, [101 Aorangi Road] Section 5 Meadows SETT held in RT CB35D/748, Section 17 Meadows SETT held in RT 556935, Part Section 6 Meadows SETT held in RT CB8F/1041, [122 Aorangi Rd] Lot 1 DP 419868 held in RT 475687, [124 Aorangi Road] Lot 2 DP 419868 held in RT 475688, [8 Milward Street] Lot 2 DP 548518 held in RT 939221, Lot 3 DP 397304 held in RT 383320, [68-72 Sheffield Street] Lot 4 DP 365071 held in RT 264047, [86 Sheffield Street] Lot 2 DP 403105 held in RT 420746, and Part RES 2593

District Plan 2005 Zone:	Industrial H Zone and Rural 3 Zone
Partially Operative District Plan Zone:	General Industrial Zone (GIZ), General Rural Zone (GRUZ) and Natural Open Space Zone (NOSZ)
Author:	Patrick O'Toole
Date of Report:	23 September 2026

1. INTRODUCTION

This report has been prepared under section 42A of the Resource Management Act 1991 (the Act) to document the assessment of the subject application. This report also constitutes the reasons for the decision as required under section 113 of the Act.

2. PROPOSAL, SITE AND HISTORY DESCRIPTION

2.1 PROPOSAL DESCRIPTION

Canterbury Regional Council ('Environment Canterbury / the Applicant') has applied for land use consent to authorise the realignment of part of the Seadown Main Drain and its associated coastal stopbank at Washdyke. The consents sought from the Timaru District Council (the Council) are a short-term land use consent for construction works, and a long-term land use consent for the presence of utilities within wetlands and the ongoing presence of the realigned drainage system. A ten-year duration is sought for the construction consent and an unlimited duration for the long-term consent.

Five further consents are sought concurrently from Canterbury Regional Council in its regional capacity under sections 9, 13, 14 and 15 of the Act. Those applications are processed separately by that authority. I refer to them where the activities they authorise are relevant to my assessment.

Purpose and Staging

The Seadown Main Drain and its coastal stopbank form part of the Seadown Drainage Scheme. Coastal erosion has brought the beach to the seaward face of the existing stopbank in places, and the Applicant advises that the existing system is likely to provide protection for approximately a further 10 to 15 years, a period that could be shortened by a single significant storm. The proposal relocates the drain and stopbank inland in advance of that point in order to extend the life of the scheme.

The realignment is ultimately proposed over the full 7.1km length of the drain and is being consented in two phases. This application relates to Phase 1, extending from the point at which the No. 2 Drain joins the Seadown Main Drain (at or about map reference NZTM 1462175, 5088385) south to a point approximately 185m north-north-east of Waitarakao / Washdyke Lagoon (at or about map reference NZTM 1461075, 5086975). The Applicant has advised that the realigned drain will be approximately 1,950m long and the new stopbank approximately 1,560m long. Phase 2, extending north to Phillips Lagoon, is to be the subject of a future application. The Applicant advises that both phases are being planned concurrently and that the overall realignment is one project.

Components of the Proposal

The proposal comprises six principal elements: excavation of a new drain channel inland of the existing alignment; construction of a new coastal stopbank between the existing and new alignments;

construction of a new inland flood protection bank landward of the new drain; retirement in place of the existing drain and stopbank; ancillary works including maintenance access tracks, localised drainage channels, culverts and a car park; and ecological restoration by way of indigenous planting.

The new channel is to be excavated on a sinuous alignment with a design invert of 0.5m RL, consistent with the existing drain, requiring a cut generally between 2m and 3m below existing ground level. It is to have a planted berm on its western bank and a maintenance access strip on its eastern bank, with a lower planted step on the eastern side. In two locations, west of the Council's wastewater treatment plant and west of the Council's proposed stormwater pond, new channels are to be cut through existing wetland areas; the Applicant advises these are designed to relieve ponding rather than to drain those wetlands.

The new coastal stopbank is to be located a minimum of approximately 50m inland of the existing drain. The Applicant has advised crest heights of 5m above datum north of Aorangi Road and 4m above datum south of it, being between approximately 1.75m and 2.75m above local ground level. North of Aorangi Road it is to be at least 13m wide toe to toe, and south of Aorangi Road at least 10m wide. Almost all of the stopbank is to be constructed from material excavated on site, with less than 5 percent of the fill imported as clean natural material. Figure 1 illustrates the location of the existing stopbank and drain relative to the proposed new drain and stopbank.



Figure 1: Existing stopbank and drain (seaward) and new proposed drain and stopbank (landward) to the west of formations (Source: Appendix 13, Application Documents).

The inland flood protection bank is proposed on the landward side of the new drain to protect the adjoining industrial land and District Council infrastructure from floodwater in the event of a breakout of the Ōpihi River to the north. It is 6m to 10m wide, with a crest ranging between approximately 3.9m and 4.45m above datum, being between approximately 0.9m and 2.2m above local ground level. The bank is not continuous: where existing infrastructure already provides an equivalent barrier, principally the eastern embankments of the District Council's wastewater ponds and its proposed stormwater pond, no new bank is required, and the proposed works fill the gaps between those higher points. The bank is to be penetrated at approximately three locations to allow existing swales and waterways to discharge to the realigned drain, with backflow protection installed. At the No. 1 Drain no structure is proposed; instead, the bank is carried inland up both sides of that drain until it ties into higher ground.

The Applicant's stated design intention is that the crest of the inland bank will be higher than that of the coastal stopbank, so that in a large Ōpihi River breakout the coastal stopbank overtops and releases floodwater seaward before the inland bank could be overtopped or breached.

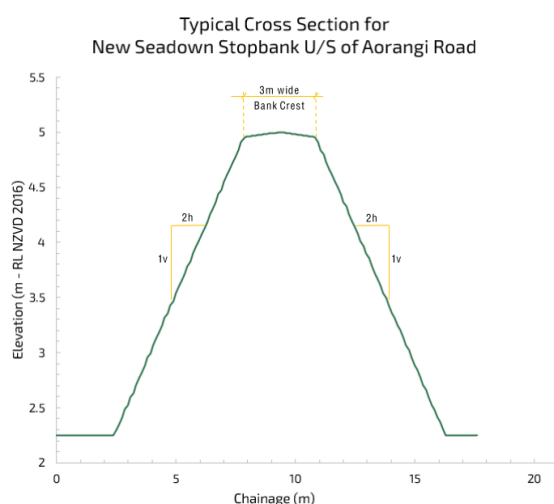


Fig. 2A (above): Stopbank cross-section upstream of Aorangi Road.

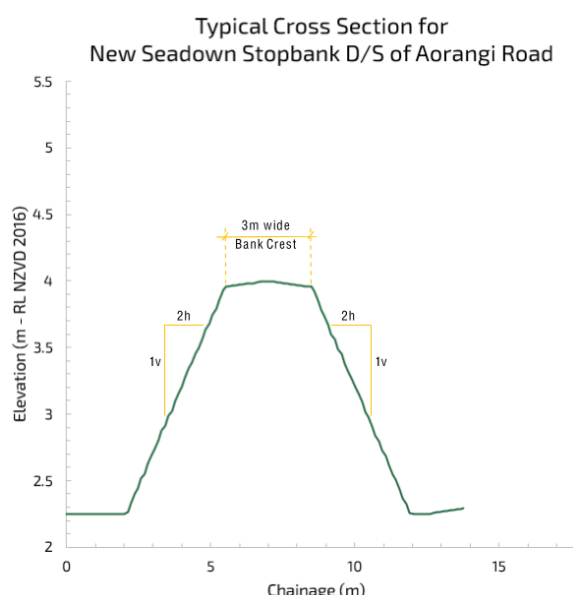


Fig. 2B (below): Stopbank cross-section downstream of Aorangi Road (Source: App. 13, Application Docs).

Neither the existing drain nor the existing stopbank is to be removed or filled along its length. The existing drain will be cut off from its inflow by the deposition of material over approximately 45m at its northern end, covering some 300m² and forming a turning bay for maintenance vehicles. Filling is also proposed over approximately 85m of the drain on the south side of Aorangi Road and approximately 45m of the No. 1 Drain. The Applicant advises that the retired drain will continue to hold water intercepted from groundwater and rainfall, will remain connected at its southern end to allow fish to move out of it, and is expected over time to fill naturally and reduce to a wet area. Approximately 350m at the southern extent of the existing stopbank is to be maintained to design standard by weed removal, topping up of small depressions in the crest and regrassing; the remainder is to be retained but not formally maintained.

Aorangi Road is to be raised where the inland bank crosses it, ramped at a gradient of 1 vertical to 10 horizontal, with new entranceways formed to the Farm Brands New Zealand eastern access and to the Seadown Shooting Complex. On completion, Aorangi Road is to be closed to general vehicle traffic from a point near the new culvert to its termination at the beach, with access retained for authorised

vehicles by way of a locked gate and a car park provided to maintain public foot access. The existing stormwater retention basin serving the Farm Brands New Zealand site is to be reconstructed between the new drain and the inland bank, with a new discharge swale formed.

The Applicant proposes a minimum of 2ha of indigenous planting within the Phase 1 area, comprising planting of the drain berm, the planted step and the affected wetland areas. In response to further information, the Applicant has advised that an order has been placed for in excess of 12,000 indigenous plants across 17 species, and that it will design, in collaboration with Te Rūnanga o Arowhenua, a standardised monitoring programme recording aquatic and terrestrial habitat and biodiversity in both the retired and realigned sections, with data collected before works and again five and ten years afterwards.

Construction Methodology

The works are anticipated to require two construction seasons, being 2026–27 and 2027–28. The new drain is to be constructed ‘offline’ in discrete cells not connected to the existing system, with excavated material stockpiled to dry before being used to form the stopbanks. Cells are to be connected progressively, with silt curtains installed in both the offline cell and the receiving watercourse at each connection. The Applicant has confirmed that no temporary diversions, damming or over-pumping will occur. Banks are to be stabilised by hydroseeding before each upstream connection, and the final connection at the northern end — which diverts most of the flow into the new system — is to be the last step, subject to stated triggers including a clarity difference of no more than 35 percent, the drain not being in high flow, and a 48-hour rainfall forecast below 10mm.

Amendment to the Application

In responding to the requests for further information the Applicant amended the application to include the installation of a manually operated flap gate on the extended culvert in the Aorangi Road south drain as a discretionary activity under Rule 5.141A of the Canterbury Land and Water Regional Plan, together with an assessment of the effects of that structure on fish passage. That is a matter for the Canterbury Regional Council, but the amendment is recorded here so that the description of the activity is complete.

Further Information

Pursuant to section 92(1) of the Act, Timaru District Council requested further information on 29 July 2026 and processing was placed on hold under section 88C from that date. Canterbury Regional Council issued a separate request on 1 July 2026, to which this Council contributed. Responses were received on 19 and 24 August 2026 respectively and are referred to throughout this report.

2.2 SITE DESCRIPTION

The subject site comprises a corridor of land approximately 1,950m long running broadly parallel to the coast between Aorangi Road and Waitarakao / Washdyke Lagoon, together with the land on either side of the existing Seadown Main Drain. It is zoned Rural 3 (Coastal) and Industrial H in the Timaru District Plan 2005 (DP 2005), and General Rural Zone, General Industrial Zone and Natural Open Space Zone in the Partially Operative Timaru District Plan 2026 (POTDP). The legal descriptions of the parcels affected are set out in the header to this report.

The land is low-lying and generally flat, with a maximum elevation across the wider drainage system of approximately 13m above sea level along the Main South Line to the west. Groundwater is shallow, with a median depth near the coast of approximately 1.8m below ground level, and the drainage network intercepts and conveys groundwater as well as surface runoff.

The existing Seadown Main Drain runs south-west toward Waitarakao and is between approximately 5m and 7m wide, carrying a typical baseline flow of 0.2 to 0.4 cubic metres per second. A stopbank lies immediately seaward of the drain. Its function is to protect the drain from coastal processes rather than to provide flood protection to land. Several tributary drains enter from the west, including the No. 1 Drain, the No. 2 Drain and two drains either side of Aorangi Road.

The land to the west of the drain is in mixed industrial and utility use. From south to north it comprises the Paul Smith Earthmoving site, industrial land occupied by Hilton Haulage, the Council's southern wastewater treatment ponds and wastewater treatment plant, the Farm Brands New Zealand rendering plant on Aorangi Road, the Seadown Shooting Complex, and the Council's northern wastewater ponds. Farmland lies beyond to the north. To the east is the beach and the Pacific Ocean. The nearest residential dwelling is approximately 750m from the works, on Aorangi Road.

The coastline here is receding. Beach profile monitoring records historic rates of change of between approximately 1.1m and 2.3m per year, and the beach fronting Waitarakao has retreated more than 400m since the 1880s. At several profiles between Waitarakao and Aorangi Road the landward edge of the beach has already reached the seaward face of the existing stopbank. The coastline is also subsiding at an average rate of approximately 1.5mm per year, which increases relative sea level rise.

Waitarakao / Washdyke Lagoon lies immediately south of the site. It is a coastal lagoon of recognised ecological and cultural significance, is a wildlife refuge, and has reduced in area by more than 150ha since the 1880s as the beach has rolled landward. The Seadown Main Drain is a significant freshwater input to the lagoon.

Four areas of wetland totalling approximately 3ha have been delineated within the site: the extent of the existing Seadown Main Drain (0.77ha), a small wetland within the shooting complex (0.01ha), a constructed stormwater retention pond associated with the Farm Brands New Zealand site (0.1ha to 0.13ha), and two areas referred to as the pit-derived wetlands south of Aorangi Road (2.14ha). The Applicant's wetland expert Ms Jean Jack, Team Leader Land Ecology, assesses the existing drain and the pit-derived wetlands as ecologically significant, the latter on account of areas of raupō reedland totalling less than 0.1ha. In response to further information the Applicant has confirmed that the shooting complex wetland is a natural inland wetland for the purposes of the National Policy Statement for Freshwater Management 2020 and that Table 6 of the application, which stated otherwise, is incorrect.

In the POTDP the site is subject to the Coastal Erosion Overlay, the Coastal Environment Area Overlay, the Sea Water Inundation Overlay and the Flood Assessment Area Overlay. The Coastal High Natural Character Area Overlay applies over the existing drain and the land to its east. The entire works area lies within the Wāhi Tūpuna Overlay and forms part of SASM3 (Caroline Bay – Te Aitarakihi – Smithfield – Washdyke), and the land over and east of the existing drain lies within the Wāhi Taoka Overlay as SASM3b (Waitarakao). A designation for the Council's wastewater treatment plant and ponds applies between the northern Hilton Haulage site and the northern extent of the works.

Several areas of contaminated land have been identified, principally lead-contaminated soil associated with the shooting complex, a hydrocarbon-affected layer at the Hilton Haulage damaged vehicle yard, and soil beneath a former tyre stockpile. Areas of the site are recorded on the Canterbury Regional Council Listed Land Use Register.

Given the scale of the application site aerial photographs of the northern and southern extents of the Phase 1 works are illustrated in Figures 3A and 3B.



Figure 3A: Aerial photograph of existing stopbank and drain and future northern portion of Phase 1 works.



Figure 3B: Equivalent photograph of southern extent of stopbank and drain and future works (Source: Council GIS).

2.3 SITE HISTORY

The following is a summary of the relevant site history:

Resource Consents:

Land Use Consent 102.2025.147.1 was granted by this Council on 10 April 2026 to the Applicant. It is a global consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 authorising the disturbance of contaminated soil ancillary to the works now applied for. That consent covers nine land parcels and is subject to conditions requiring a certified Site Management Plan, supplemental characterisation, controls on soil reuse and encapsulation, and site validation reporting.

Building Consents:

There is no building consent history relevant to this application.

3. TIMARU DISTRICT PLAN

3.1 ZONING AND COMPLIANCE ASSESSMENT

The Timaru District Plan 2005 (DP 2005) was made operative on 8 March 2005 and was/continued to be the principal resource management document for the Timaru District until the (then) Proposed District Plan (PDP) was notified on 22 September 2022 and selected provisions gained automatic legal effect. Following a series of eight public hearings and panel deliberations, a Final Decision for the PDP was issued 22 March 2026. Following this date, all provisions in the Final Decision of the PDP gained full legal effect in addition to the operative DP 2005 provisions.

An appeals period of 30 working days, closing on 6 May 2026, was put into effect for any person who made a submission during the hearings process and wished to appeal Council's decision to the Environment Court. This application was lodged after the appeals period closed, meaning any provision in the PDP that was not appealed is treated as operative pursuant to section 86F of the Act, and the corresponding DP 2005 rule treated as inoperative.

The following applicable provisions of the PDP have had appeals lodged with the Environment Court:

- NH-R3 – Land disturbance;
- NH-R4 – Natural hazard mitigation works including associated earthworks and incidental vegetation removal;
- CE-R4 – Buildings and structures and extensions (excluding regionally significant infrastructure and fences); and
- CE-R7 – Land disturbance.

Where a provision is subject to appeal it has been assessed against both the POTDP and DP 2005.

Appeal to Rule NH-R4 – Consent Order [2026] NZEnvC 193

Of the appealed provisions listed above, the appeal against NH-R4 has been resolved since this application was lodged. On 29 July 2026 the Environment Court issued a consent order in *Canterbury Regional Council v Timaru District Council* [2026] NZEnvC 193 (ENV-2026-CHC-049). Under section 279(1)(b) of the Act the Court allowed the appeal to the extent that the amendments shown in Annexure 1 to the order are made to the PDP and otherwise dismissed it.

The appeal concerned the application of NH-R4 and whether activities managed under that rule should also be subject to management by the rules in the underlying zones. The parties agreed that NH-R4 is better placed to cover the relevant matters for natural hazard mitigation works and should be the one rule applying to such an activity, and that the zone rules should not also apply, as this could frustrate the operation of the rule. Rather than amend NH-R4 itself, the parties agreed that the reference to the Zone Chapters sat better in the introductory text at the beginning of the Natural Hazards rules, where there is already guidance for plan users on how the rules in that chapter work, and that this location is more consistent with the drafting approach of the PDP, under which a rule specifies the activities to which it applies rather than how other rules do or do not apply.

As amended by the consent order, that introductory text now reads:

“For the purposes of NH-R4, the rules in the Ecosystems and Indigenous Biodiversity Chapter, Natural Character Chapter, Natural Features and Landscapes Chapter, Sites and Areas of Significance to Māori Chapter, and all Part 3 – Area Specific Matters – Zone chapters, do not apply to the activities covered under this rule.”

As the appeal against NH-R4 has been resolved, I proceed on the basis that NH-R4 and the amended introductory text have full legal effect in the below assessment.

Regionally Significant Infrastructure v Natural Hazard Mitigation Works

The realignment of the Seadown Main Drain engages a different set of provisions to the establishment of the new stopbanks. ‘Natural hazard mitigation works’ and ‘regionally significant infrastructure’ are distinct defined terms in the PDP, managed by different rules, and I have been careful not to conflate them. The definitions of each are provided below.

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 works and hard engineering natural hazard mitigation works, retaining walls, stop banks and flood protection works. 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.

REGIONALLY SIGNIFICANT INFRASTRUCTURE

Regionally Significant Infrastructure is:

- a. the strategic land transport network, including National Routes, Regional Arterials and District Arterials;*
- b. Richard Pearce (Timaru) Airport;*
- c. Port of Timaru;*
- d. the telecommunication network;*
- e. national, regional and local renewable electricity generation activities of any scale;*
- f. the National Grid;*
- g. sewage collection, treatment and disposal networks;*
- h. community land drainage infrastructure;***
- i. community potable water systems;*
- j. established community-scale irrigation and stockwater infrastructure;*
- k. transport hubs;*
- l. bulk fuel supply infrastructure including terminals, wharf lines and pipelines;*
- m. the electricity distribution network; and*
- n. For the purposes of the SD-08 and the Energy and Infrastructure Chapter, the Redruth Landfill and Resource Recovery Facility in Timaru.*

The drain meets the definition of regionally significant infrastructure (RSI) whereas the new stop banks meet the definition of natural hazard mitigation works, and I have accordingly assessed the drain against the rules directed to that infrastructure, principally NH-R8 *Regionally significant infrastructure – new* and CE-R9 *Regionally significant infrastructure - new*, outside and in addition to NH-R4 *Natural hazard mitigation works*. I note that in both cases I have treated the proposal as new infrastructure (and not the equivalent provisions for ‘maintenance/upgrade’ RSI under NH-R7 and CE-R8) because the Seadown drain is ultimately well outside the original footprint of the structure and in time will be a new drain when the old drain is surrendered.

Like the direction brought about by the consent order for NH-R4, the Energy and Infrastructure (EI) chapter notes in the introductory text at the beginning of its rules:

“Except for Port Zone rules applying to port activities, the rules in Sections A–F of this chapter apply instead of the rules in any Part 3 Area-Specific Matters zone chapter. The zone chapter rules therefore do not apply. The Development Area chapter and the Part 2 District-Wide Matters chapters continue to apply to activities provided for in Sections A–F, meaning resource consent may still be required under Part 2.”

The EI chapter is the district-wide chapter that manages network utilities. These are defined as a project, work, system or structure that is a network utility operation undertaken by a network utility operator. Environment Canterbury meets the definition of a network utility operator in this case, having the same meaning as section 166(1)(e) of the Act as a person who undertakes or proposes to undertake a drainage or sewerage system. The relevant rule is EI-R24 that addresses the "construction of new underground and above ground ... open drains and channels, pipes, water reservoirs, storage ponds".

I have therefore excluded the zone provisions from this proposal entirely but assess the rules in the Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, and Natural Features and Landscapes chapter relevant to the new drain despite not applying to the stop banks because of the new introductory text to the Natural Hazards chapter and covered by NH-R4.

For completeness, the consent order relates to the PDP only. It does not affect the assessment of the DP 2005 provisions, including the Rural 3 Zone, set out under the heading ‘District Plan 2005’ below. I note the PDP was renamed to the ‘Partially Operative Timaru District Plan’ (‘POTDP’) during processing also and is referred to as such from hereon.

Partially Operative Timaru District Plan 2026

EI – Energy and Infrastructure

Rule	Assessment
Section A - Rules for Energy and Infrastructure Activities (not otherwise listed in this chapter)	
<i>EI-R4 Vehicle access tracks for network utilities, including ancillary access tracks</i> All zones Activity status: Permitted Where: PER-1	COMPLIES

The access track is unsealed; and PER-2 The access track, including unformed paper roads, is not classified as a road under the District Plan; and PER-3 The access track is 6m or less in width.	(1) Complies. The tracks will remain unsealed. (2) Complies. The new maintenance tracks are not classified as roads. (3) Complies. The access tracks will be less than 6m in width.
Section C - Rules for Network Utilities - Three Waters	
El-R24 Construction of new underground and above ground: <i>water supply, wastewater systems and stormwater infrastructure not covered under El-R21</i> <i>open drains and channels, pipes, water reservoirs, storage ponds; and</i> <i>other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)</i> (1) Rural zones Activity status: Permitted Where: PER-1 New buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone. (2) All zones except rural zones Activity status: Restricted Discretionary Matters of discretion are restricted to: - the functional needs or operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and - the bulk, height, location and design of the activity, including any associated buildings or structures; and - the impact on the character and qualities of the surrounding area; and - the potential adverse effects on the spiritual and cultural values of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects; and	DOES NOT COMPLY Not Applicable (1) Both the GRUZ and the NOSZ are classified as rural zones. The new drain does not meet the definition of structure however and therefore this rule does not apply. Applies (2) The new drain is located within the GIZ and the drain is therefore a Restricted Discretionary activity.

5. dust nuisance, sedimentation, land instability, erosion and contamination effects.	
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NH – Natural Hazards

Rule	Assessment
NH-R3 Land disturbance Coastal Erosion Overlay Sea Water Inundation Overlay Activity status: Permitted	APPLIES
NH-R4 Natural hazard mitigation works including associated earthworks and incidental vegetation removal Flood Assessment Area Overlay Coastal Environment Area Overlay Sea Water Inundation Overlay Activity status: Permitted PER-5 The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the CRC 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.	APPLIES The stopbank is considered to be new natural hazard mitigation work. This is a Permitted activity.
NH-R8 Regionally significant infrastructure – new 1 Flood Assessment Area Overlay Activity status: Permitted Where: PER-1 A Flood Assessment Certificate for the activity has been issued in accordance with NH-S1; and PER-2 The Flood Assessment Certificate issued under PER-1 states that: - the activity is located on land that is not subject to flooding in a 0.5% AEP flood event; or - 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; and PER-3 The activity is not located within a high hazard area identified by a Flood Assessment Certificate issued in accordance with NH-S1.	DOES NOT COMPLY Does Not Comply (1) The drain is defined as regionally significant infrastructure while the stopbank is not. A Flood Assessment Certificate has not been produced for this activity in accordance with NH-S1 since this is not a building with a finished floor area and is ancillary to natural hazard mitigation work. This is therefore a Non-Complying activity. Does Not Comply (2) For the reasons above, and FAC has not been produced. This is a Restricted Discretionary activity. Complies (3) The area of the new drain is not located within a high hazard area. The proposal complies and is a Permitted activity.

3 Coastal Erosion Overlay Sea Water Inundation Overlay Activity status: Permitted Where: PER-1 The work, building or structure is for: 1. community land drainage infrastructure; or 2. established community-scale irrigation and stockwater infrastructure; or PER-2 Any building or structure that has a footprint less than 30m².	Complies (2) The new drain is community land drainage infrastructure and is therefore a Permitted activity.
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Standard	Assessment
<i>NH-S1 Flood Assessment Certificate</i> Flood Assessment Area Overlay Sea Water Inundation Overlay 1. A Flood Assessment Certificate is issued by the Council (that is valid for three years from the date of issue) which specifies: a. if the site is within a high hazard area; and b. where the site is not within a high hazard area, or where the site is within an urban zoned area, a minimum finished floor level that is 300mm above the 0.5% AEP flood level; and c. if located within the Overland Flowpath Assessment Area Overlay, whether the specific land is located within an overland flow path; and d. as required by NH-R8, if the site is located on land that is subject to flooding in a 0.5% AEP flood event. 2. The above will be determined by reference to: a. the most up to date models, maps and data held by the Council and the CRC; and b. any information held by, or provided to Council or the CRC that relates to flood risk for the specific land; and c. 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). Notes: 1. <i>A minimum finished floor level will not be provided in the certificate for sites located within a high hazard area outside of urban zoned areas. Rather, these will</i>	DOES NOT COMPLY A Flood Assessment Certificate has not been provided with the application. This is a technical non-compliance.

<i>need to be determined through a resource consent process.</i> 2. <i>An application form and guidance on how to obtain a Flood Assessment Certificate are available on the Council's website.</i>	
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SASM – Sites and Areas of Significance to Māori

Rule	Assessment
<i>SASM-R1 Earthworks not including quarrying and mining</i> Within the General Rural Zone or Rural Lifestyle Zone and within one or more of the following: Wāhi tūpuna overlay (outside an ONL or VAL overlay) Wāhi taoka overlay Activity status: Permitted Where: PER-1 The activity is either: 1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / network utilities, do not exceed a maximum area of 2000m² in any 12-month period per site; or 2. earthworks for the purpose of maintaining, repairing or replacing existing fences, roads, tracks, pipelines, buildings, rock weirs or natural hazard mitigation works, and are within the footprint or the area of ground previously modified by the existing fence, road, track, pipeline, building or natural hazard mitigation works; and PER-2 Except where an Archaeological Authority has been obtained from HNZPT, the earthworks are undertaken in accordance with the Accidental Discovery Protocol, contained within APP4 - Accidental Discovery Protocol.	DOES NOT COMPLY Does Not Comply (1) The earthworks associated with the creation of the new drain exceed 2,000m² in area over a 12-month period. While the earthworks associated with the new stopbank and inland flood protection bank are covered by NH-R4 (exempt) the earthworks associated with the new drain still breach this rule. Those drain earthworks are also happening outside the footprint of the area of ground previously containing that structure. This is a Restricted Discretionary activity. Complies (2) The earthworks associated with the new drain will be undertaken in accordance with the Accidental Discovery Protocol.

ECO – Ecosystems and Indigenous Biodiversity

Rule	Assessment
<i>ECO-R1 Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, ECO-R3 for National Grid activities or ECO-R6 for restoration or enhancement of a Significant Natural Area)</i> In the Coastal Environment Area Overlay Activity status: Permitted Where:	COMPLIES Complies The proposal meets the definition of a Permitted activity under PER-2.

PER-1

The indigenous vegetation to be cleared is causing an imminent danger to human life, structures, or network utilities, or affecting the safe operation of network utilities, and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or

PER-2

The clearance of indigenous vegetation is within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, railway tracks, stock water or irrigation systems, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, network utilities, or regionally significant infrastructure, or for an upgrade in seal cover of an existing road; or

PER-3

The clearance of indigenous vegetation is carried out by Kāi Tahu whānui for the purposes of mahinga kai or other customary uses, in accordance with tikaka; or

PER-4

The clearance is of indigenous vegetation that:

1. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or
2. is within an area of improved pasture and:
 1.
 - a. is caused by grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or
 - b. is for the purpose of maintaining improved pasture outside any originally rare ecosystems within the upper Rangitata and provided the clearance is not of any 'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists); or

PER-5

The clearance of indigenous vegetation is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement; or

PER-6

The clearance of indigenous vegetation occurs as

part of indigenous biodiversity restoration or enhancement, including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin. PER-7 The clearance or indigenous vegetation is within a riparian margin and is associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R4. This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF.	
ECO-R2 Clearance of indigenous vegetation for natural hazard mitigation works 2. Riparian margins (excluding a river that is a High Naturalness Waterbody In the Coastal Environment Area Overlay Activity status: Permitted Where: PER-1 The indigenous vegetation removed is only pohuehue (<i>muehlenbeckia australis</i>, <i>muehlenbeckia axillaris</i> or <i>muehlenbeckia complexia</i>); and PER-2 The indigenous vegetation clearance is carried out solely by the CRC, Council, or an agent authorised by one of these parties.	NOT APPLICABLE For the purposes of NH-R4, the rules in the Ecosystems and Indigenous Biodiversity Chapter, Natural Character Chapter, Natural Features and Landscapes Chapter and Sites and Areas of Significance to Māori Chapter do not apply.

NATC – Natural Character

Rule	Assessment
NATC-R1 Vegetation planting Riparian margins Activity status: Permitted Where: PER-1 The planting: 1. includes indigenous species only; and 2. is to restore or enhance the natural character or ecological values of the riparian margin; or PER-2 ...	NOT APPLICABLE The proposed planting scheme (along the drain-berm/riparian margin of the realigned drain) is for indigenous species only to enhance the natural character and ecological values of the riparian margin associated with the new Seadown Drain.

PA – Public Access

Rule	Assessment
PA-R1 Any new land use, subdivision or development <i>All sites overlaid or adjoining water bodies identified in the Public Access Provision</i> Activity status: Permitted Where: PER-1 ... PER-2 The activity is located in the General Industrial Zone and is on a site that is less than 5,000m² and does not require a discretionary or non-complying activity resource consent in any other chapters of the District Plan; or PER-3 The activity is located in other zones and does not require a discretionary or non-complying activity resource consent in any other chapters of the District Plan; or PER-4 ...	NOT APPLICABLE Though a section of Part RES 2593 is subject to a public access overlay, at no point does this overlay intersect with the proposed area of works. I therefore do not consider this section to be applicable.

CE – Coastal Environment

(This chapter assesses both NHMW and RSI)

Rule	Assessment
CE-R3 Planting of trees and/or vegetation for conservation, restoration, natural hazard mitigation works or enhancement purposes <i>Coastal Environment Area Overlay</i> Activity status: Permitted Where: PER-1 With the exception of natural hazard mitigation works, the planting is limited to indigenous species.	APPLIES Vegetation is proposed within the Coastal Environment Area Overlay and will be indigenous species.
CE-R4 Buildings and structures and extensions (excluding regionally significant infrastructure and fences) 1. Coastal Environment Area Overlay in urban zoned areas Activity status: Permitted	DOES NOT COMPLY Complies (1) The new stopbank is considered a permitted addition within the GIZ. Does Not Comply

2. Coastal Environment Area Overlay outside of urban zoned areas Activity status: Permitted Where: PER-1 The building or structure does not exceed 150m² in area; and PER-2 CE-S1, CE-S2, CE-S3 are complied with.	(2) The new stopbank exceeds 150m² in area within that part of the site zoned NOSZ and GRUZ. The stopbank additionally does not comply with standard CE-S2. This is therefore a Restricted Discretionary activity.
<i>CE-R6 Vehicle access tracks for network utilities, including ancillary access tracks, outside of urban zoned areas</i> Coastal Environment Area Overlay Activity status: Permitted Where: PER-1 The vehicle access track is not wider than 4m.	CAN COMPLY The access tracks will likely be less than 4m wide and can be secured via condition of consent.
<i>CE-R7 Land disturbance</i> Coastal Environment Area Overlay Activity status: Permitted	APPLIES
<i>CE-R9 Regionally significant infrastructure - new</i> 1. Coastal Environment Area Overlay outside of urban zoned areas Activity status: Permitted Where: PER-1 Any upgrading does not increase the building or structure envelope by more than 200m² within a continuous 10-year period.	DOES NOT COMPLY Does Not Comply (1) The proposed area of the new drain will exceed the original drain footprint over 200m². The new stopbank also exceeds this maximum permitted area increase. This is therefore a Restricted Discretionary activity.
Standard	Assessment
<i>CE-S1 Height of buildings and structures</i> Coastal Environment Area Overlay The maximum height of any building or structure, measured from existing ground level prior, must not exceed: 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.	COMPLIES The coastal stopbank has a crest between approximately 1.75m and 2.75m above local ground level, and the inland flood protection bank between approximately 0.9m and 2.2m above local ground level. Measured from existing ground level, as this standard requires, neither structure exceeds 4m. Within that part of the site zoned General Industrial Zone, limb 2 defers to the applicable zone standards, which do not apply to activities covered by NH-R4.

CE-S2 Coverage by buildings and structures Coastal Environment Area Overlay The combined building coverage and structure coverage of a site within the overlay shall not exceed a maximum area of: 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); unless 3. the building and structure is located within an urban zoned area, in which case, it shall be as per the applicable zone rules and standards.	DOES NOT COMPLY The area of the new stopbank structure is greater than 500m².
CE-S3 Building and structure external materials ...	NOT APPLICABLE

NOISE – Noise

Rule	Assessment
NOISE-R4 Construction noise All zones Activity status: Permitted Where: PER-1 The noise from construction activities undertaken on a site must be measured, assessed, managed and controlled to comply with the requirements of New Zealand Standards NZS 6803:1999 Acoustics – Construction Noise.	CAN COMPLY The Applicant has volunteered a condition of consent to keep construction noise in line with NZS 6803:1999. This is a Permitted activity.

District Plan 2005

With Rules NH-R3 and NH-R4 of the POTDP subject to appeal, I have assessed the proposal against the corresponding operative provisions in General Rule 6.16 Natural Hazards of the District Plan 2005, and no provisions apply to the proposal. Appeals against Rules CE-R4 and CE-R7 have no equivalent in the District Plan 2005, however an assessment against the Rural 3 Zone is considered relevant given the definition of this zone provided at Policy 1.1.3(1):

“The Rural 3 Zone covers those areas the coastal environment of the District which retain a high degree of natural character, and where inappropriate use and development would threaten those natural character values. This policy recognises the importance placed by the Resource Management Act on preserving the natural character of the coastal environment, and protecting it from inappropriate subdivision, use and development.”

Rural 3 Zone (R3)

Rule	Assessment
1.11.3.1 – Permitted activities	APPLIES

(1) Protection and/or enhancement of indigenous vegetation and habitats of indigenous fauna. (11) Clearance, disturbance and trimming of vegetation which is not significant indigenous vegetation or significant habitats of indigenous fauna, or significant trees. (14) Drainage works other than those affecting wetlands. (19) Utility services not within significant indigenous vegetation and significant habitats of indigenous fauna.	(1) Additional indigenous vegetation brought about by the realignment is significant. (11) Clearance of vegetation ancillary to the creation of the new drain and stopbank will be undertaken. (14) This applies to the extent of the new drain realignment outside of existing wetland areas. (19) The drain fits the definition of a 'utility service'. Work associated with the establishment of the drain outside of significant indigenous vegetation/habitats of indigenous fauna is considered permitted.
<i>1.11.3.3 – Discretionary activities</i> (4) Utility services within significant indigenous vegetation and significant habitats of indigenous fauna. (6) Public utilities	APPLIES (4) The Seadown Drain (including its new realigned position) is defined as a utility service. The site also meets the definition for significant indigenous vegetation and habitat of indigenous fauna by including species in Table B2, Part B2 of the ODP. The drains realignment within these areas are considered a Discretionary activity. (6) The proposed new stop banks are considered flood protection works and therefore meet the definition of public utilities. The proposed stop banks are therefore a Discretionary activity in this zone.
<i>1.11.3.4 – Non-complying activities</i> (1) Clearance by any means (including burning and spraying with herbicides) of significant indigenous vegetation and significant habitats of indigenous fauna. (2) Drainage affecting wetlands and reclamation (or infilling) of wetlands.	APPLIES (1) The proposed earthworks and drain realignment involve the clearance of significant indigenous vegetation (raupo). (2) The existing drainage channel will be passively drained with monitoring proposed to limit the possibility of trapped fauna. This is still a Non-complying activity.

3.2 ACTIVITY STATUS

Overall, the application is assessed as a **Non-Complying Activity**.

4. NATIONAL ENVIRONMENTAL STANDARDS

National Environmental Standards are regulations made under the Resource Management Act 1991 that set nationally consistent technical standards, methods, or requirements for various activities that effect the environment. A total of 10 National Environmental Standards are currently in effect, as follows:

- The National Environmental Standards for Air Quality 2004.
- The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;

- The National Environmental Standards for Commercial Forestry 2023; and
- The National Environmental Standards for Electricity Transmission Activities 2009;
- The National Environmental Standards for Freshwater 2020;
- The National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023;
- The National Environmental Standards for Marine Aquaculture 2020;
- The National Environmental Standards for Sources of Drinking Water 2007;
- The National Environmental Standards for Storing Tyres Outdoors 2021; and
- The National Environmental Standards for Telecommunication Facilities 2016.

The National Environmental Standards are not relevant to this application¹.

5. SECTION 95/NOTIFICATION ASSESSMENT

5.1 Public Notification (Section 95A)

Section 95A of the RMA requires consent authorities to follow the below steps in order to determine whether to public notify an application for resource consent:

Step 1 - Mandatory public notification in certain circumstances s95A(3)

In this case, public notification is not required under Step 1 as:

- the applicant has not requested public notification of the application (section 95A(3)(a)); and
- public notification is not required under section 95C due to the refusal/failure to provide further information or to agree to the commissioning of a report (section 95A(3)(b)); and
- a joint application was not lodged to exchange reserve land under the Reserves Act 1977 (section 95A(3)(c)).

Step 2 - If not required by Step 1, public notification precluded in certain circumstances s95A(5)

In this case, public notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes public notification (section 95A(5)(a)); and
- the application is not for one of the following:
 - a controlled activity; or
 - a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity as defined by section 87AAB of the Act.

Step 3 - If not Precluded by Step 2, Public Notification is Required in Certain Circumstances s95A(8)

In this case, public notification is not required under Step 3 as:

¹ Consent for the works under the NES-CS was granted 10 April 2026. I note consent under the NES-F is required but these regulations do not deal with the functions of territorial authorities under section 31 of the RMA 1991.

- the application is not subject to a rule or national environmental standard that requires public notification (section 95A(8)(a)); and
- the adverse effects of the activity on the environment will not be more than minor (section 95A(8)(b)).

An assessment of the adverse effects of the activity on the environment is provided below:

Mandatory exclusions from assessment (s95D)

A consent authority when deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor:

- a. must disregard any effects on persons who own or occupy land in, on or over which the activity will occur or any land adjacent to that land (s95D(a));*

The activity will occur in, on or over the following land parcels. The adverse effects of the activity on the persons who own or occupy that land are disregarded for the purposes of this section 95A assessment:

- Section 10 Seaforth SETT — Janet Margaret Kelliher, Scott David Kelliher, Wayne Colin Kelliher and Martin Wakefield Trust 2017 Limited;
- Section 5 Meadows SETT, Section 17 Meadows SETT, Part Section 6 Meadows SETT, Lot 1 DP 419868 and Lot 3 DP 397304 — Timaru District Council (Section 17 occupied by the Seadown Shooting Complex);
- Lot 2 DP 548518 — Hilton Haulage Limited Partnership;
- Lot 4 DP 365071 — Washdyke Limited Partnership, occupied by Hilton Haulage Limited Partnership;
- Lot 2 DP 403105 — Paul Smith Earthmoving Limited; and
- Part RES 2593 — the Crown, administered by the Department of Conservation.

I have treated the following parcels as land adjacent to the land on which the activity will occur, being land that shares a boundary with the works footprint or is separated from it only by a road or drainage reserve. The adverse effects of the activity on the persons who own or occupy that land are also disregarded:

- Lot 1 DP 27945 and Section 15 Meadows SETT — Gavin Barry Ladbroke;
- Lot 1 DP 26593 — the Crown, administered by the Department of Conservation;
- Lot 2 DP 419868 — Wallace Group Limited Partnership / Farm Brands New Zealand Limited Partnership; and
- Section 1 SO 10048 — McCain Foods.

The exclusion in section 95D(a) applies only to the public notification test under section 95A. The persons listed above are assessed under section 95E at section 5.2 of this report. Figure 4 below identifies all land parcels excluded from the section 95A assessment.

- Paul Smith Earthmoving Limited, as owner of Lot 2 DP 403105; and
- the Seadown Shooting Complex Committee, as occupier of Section 17 Meadows SETT.

The adverse effects of the activity on those persons are disregarded under section 95D(e), and under section 95E(3)(a) for the purposes of the limited notification assessment at section 5.2.

Letters of support have been provided by the Department of Conservation and by Hilton Haulage Limited Partnership. Neither letter is a written approval, and the effects of the activity on those persons are not disregarded.

The Seadown Shooting Complex Committee (Complex) provided a letter rather than a written approval on the Council's standard form. I am satisfied that the letter constitutes written approval for the purposes of section 95D(e), and I adopt the same treatment as Environment Canterbury in its notification recommendation report on the companion applications CRC264624–628, which records the Complex among the written approvals provided by the applicant and distinguishes the correspondence from the Department of Conservation and Hilton Haulage Limited Partnership as letters of support only. No written approval has been withdrawn since lodgement.

Assessment of Effects

In summary, the matters that make district land use consent necessary are: the construction of the new open drain and channel as regionally significant infrastructure within the Flood Assessment Area Overlay and the Coastal Erosion Overlay (Rule NH-R8), within the Coastal Environment Area (Rule CE-R9), and as a network utility under the Energy and Infrastructure chapter (Rule EI-R24); earthworks associated with the new drain within a Site and Area of Significance to Māori (Rule SASM-R1); the new coastal stopbank and inland flood protection bank as buildings and structures within the Coastal Environment Area (Rule CE-R4); the coverage of the new structures within the Coastal Environment Area (Standard CE-S2); the absence of a Flood Assessment Certificate (Standard NH-S1, through PER-1 of Rule NH-R8); and, under the District Plan 2005 Rural 3 Zone, utility services within significant indigenous vegetation and significant habitats of indigenous fauna and public utilities (Rules 1.11.3.3(4) and (6)), the clearance of significant indigenous vegetation (Rule 1.11.3.4(1)) and drainage affecting wetlands (Rule 1.11.3.4(2)).

The proposal is a non-complying activity under both plans. Under the POTDP that status arises under Rule NH-R8, because a Flood Assessment Certificate has not been obtained and PER-1 of that rule is accordingly not met (a technical non-compliance since the Flood Assessment Certificate is predicated on the natural hazard mitigation being undertaken). Under the District Plan 2005 it arises under Rules 1.11.3.4(1) and (2) of the Rural 3 Zone. The two are independent of one another.

Effects on water quality, water quantity, groundwater, and the beds and margins of water bodies are regional matters and are assessed by Environment Canterbury in its notification recommendation report on the companion applications CRC264624 to CRC264628. I address them only where they bear on a district function.

Structure of this Assessment

While I recognise the proposal is a non-complying activity overall, I have used the matters of discretion in Rules NH-R8, CE-R9, CE-R4, SASM-R1 and EI-R24, and in Standard CE-S2, as a guide to give this assessment its structure.

The two rules that make this application non-complying under the District Plan 2005, being the clearance of significant indigenous vegetation and drainage affecting wetlands, reach this activity

status through an assessment of coastal natural character and cultural values rather than through biodiversity significance. I have therefore given them their own heading rather than distributing them among the matters of discretion, so that the effects which give this application its activity status are assessed in their own terms.

Policy EI-P2 is relevant throughout. It is reached through Policies CE-P8 and CE-P9, which are in turn identified in the matters of discretion for Rule CE-R9, Rule CE-R4 and Standard CE-S2, and it sets out how the adverse effects of regionally significant infrastructure are to be managed. I note that Policy EI-P5, which is also cross-referenced in CE-P8 and CE-P9, concerns the National Grid and has no application to this proposal.

Functional and Operational Need, and Alternatives

Policy EI-P2(1)(a) directs that adverse effects on the coastal environment outside urban zoned areas, on Sites and Areas of Significance to Māori, and on riparian margins are to be avoided — unless functional needs or operational needs require that the infrastructure be located in those areas. Only where that threshold is met does the policy move to clause 1(b), which permits effects to be managed through the avoid, remedy, mitigate, offset and compensate sequence. Functional and operational need is therefore not merely one matter of discretion among several; under EI-P2 it is what determines which limb of the policy applies.

Functional and operational need also appears expressly in the matters of discretion for Rule NH-R8 (limb 1, matter 1 and limb 3, matter 1), Rule CE-R9 (matter 2), Rule CE-R4 (limb 2, matter 3), Standard CE-S2 (matter 3), Rule SASM-R1 (matter 8) and Rule EI-R24 (matter 1 of both limbs). Alternative locations are raised by Rule NH-R8 (limb 1, matter 8), Rule SASM-R1 (matter 4) and Policy EI-P2(3)(a) and (3)(e), the latter directing regard to the extent to which adverse effects have been addressed through site, route or method selection and to the extent to which there are feasible alternative sites, routes or methods available.

Functional Need

The Seadown Main Drain is an existing asset of the Seadown Drainage Scheme. It must discharge to Waitarakao-Washdyke Lagoon, and it must run along the narrow coastal plain between the Washdyke industrial area and the coast, because that is where the catchment it drains, and the receiving environment it discharges to both lie. There is no materially different location available to it.

The driver for relocation is coastal erosion, which is recorded at an average of 1–2m per year and which the Applicant expects will leave the existing stopbank able to provide protection for only a further 10–15 years. The drain and its defence must therefore move inland if the scheme is to continue to function. Moving inland necessarily means moving into land subject to the Coastal Environment Area Overlay, within SASM-3, and across riparian margins, because those overlays apply to the whole of the corridor available.

I am satisfied that there is a functional need for the realigned drain and its associated flood protection works to be located within the environments identified in Policy EI-P2(1)(a), and that clause 1(b) of that policy is therefore the applicable limb.

Operational Need

The Applicant has identified an operational need to construct the works “offline” — that is, not in flowing water — to the maximum extent practicable, with a minimum unexcavated buffer of no less than 20m maintained between the existing and new systems until the connections are made, and with the connections themselves undertaken last. That sequencing is what allows the existing scheme to

continue to operate throughout construction and is a significant constraint on how the works can be staged and where material can be placed.

The staging of the project into two phases is also driven by operational need. The northern section requires investigation and design which could not be completed in time for works to commence in the 2026–27 construction season, and the Applicant has elected to consent and construct the southern section first rather than delay the whole project.

Alternatives

Alternatives are raised by Rule NH-R8 (limb 1, matter 8), Rule SASM-R1 (matter 4) and Policy EI-P2(3)(a) and (3)(e), the latter directing regard to the extent to which adverse effects have been addressed through site, route or method selection and to the extent to which there are feasible alternative sites, routes or methods available.

Section 10 of the application addresses alternatives in two paragraphs. It identifies the “do-nothing” alternative, which it correctly discounts on the basis that the drainage system would cease to function when coastal processes prevail, and it identifies one design alternative — a straight engineered cut with functional vegetation — which the Applicant has deliberately not pursued in favour of a sinuous alignment adopted for ecological and amenity reasons. The evaluation against the matters of discretion in Rule SASM-R1 at section 8.3.2 of the application adds only that alternatives “are limited given the location and type of works required”.

On the two questions the application does address, I accept its position. The do-nothing alternative is not realistic, and the decision to adopt a sinuous rather than a straight alignment is a decision in favour of better environmental outcomes which I would not disturb.

Conclusion on Need and Alternatives

There is a clear functional and operational need for the works to be located where they are proposed, in the broad sense of the corridor available.

Natural Hazard Risk

The realigned drain is new regionally significant infrastructure within the Flood Assessment Area Overlay and the Coastal Erosion Overlay, and Rule NH-R8 applies to it. This section addresses the matters of discretion under that rule.

Under limb 1, which applies within the Flood Assessment Area Overlay, those matters are the operational or functional need for the activity to be established in this location; any adverse effects arising from locating the infrastructure there; the effectiveness and potential adverse effects of any proposed mitigation measures; any increased flood risk for people, property or public spaces; the ability of the infrastructure to be efficiently recovered after a hazard event or to maintain its integrity and function during and after a natural hazard event; the extent to which it will require new or upgraded public natural hazard mitigation works; the extent of any additional reliance on emergency services; the extent to which there are alternative locations; and any positive effects of the location.

Under limb 3, which applies within the Coastal Erosion Overlay, the matters are whether there is an operational or functional need for the location, and the risk to the structure having regard to its nature and materials and ability to be relocated, its anticipated lifespan, and the level of certainty of the projected future shoreline.

Functional and operational need and alternative locations are addressed under the preceding heading, and positive effects cannot be assessed under a s95 assessment. This section addresses the

remaining matters, together with the absence of a Flood Assessment Certificate under Standard NH-S1.

The Deteriorating Baseline

The starting point is that the existing situation is not stable. Appendix 2 *Coastal Processes Advice/Science Advice* of the application records coastal erosion averaging 1–2m per year, occurring intermittently in response to storm events, against a background of 400m of shoreline retreat since the 1880s following construction of the Timaru breakwater, and slow subsidence averaging 1.48mm per year. Sections of the existing stopbank are at significant erosion risk, and a high likelihood of seawater and beach gravels overwashing into the drainage network already exists during significant storms. The Applicant estimates that the existing stopbank may continue to provide protection for only 10–15 years, and that this period could shorten materially in a single major storm or a closely spaced sequence of smaller ones.

The relevant comparison is therefore not between the proposal and the present day, but between the proposal and a drainage and flood protection system whose seaward defence is expected to fail within the medium term. That is also the comparison to which Policy EI-P2(3)(c) directs attention, being the impact of not upgrading the infrastructure.

Increased Flood Risk for People, Property and Public Spaces

Matter 4 of Rule NH-R8 limb 1 directs attention to any increased flood risk for people, property or public spaces. The Applicant's stated design principle is that, in a large Ōpihi River breakout, the new coastal stopbank will overtop before the inland flood protection bank, so that floodwater is released seaward and away from the Washdyke industrial area rather than being retained against the inland bank. The hydraulic modelling relied on to demonstrate that is at Appendix 5, *Hydraulic Modelling Advice*. Council's Stormwater Team Leader Mr Kevin Kemp reviewed this advice and in particular noted the relevance of figure 19 (shown below as Figure 5 for reference):

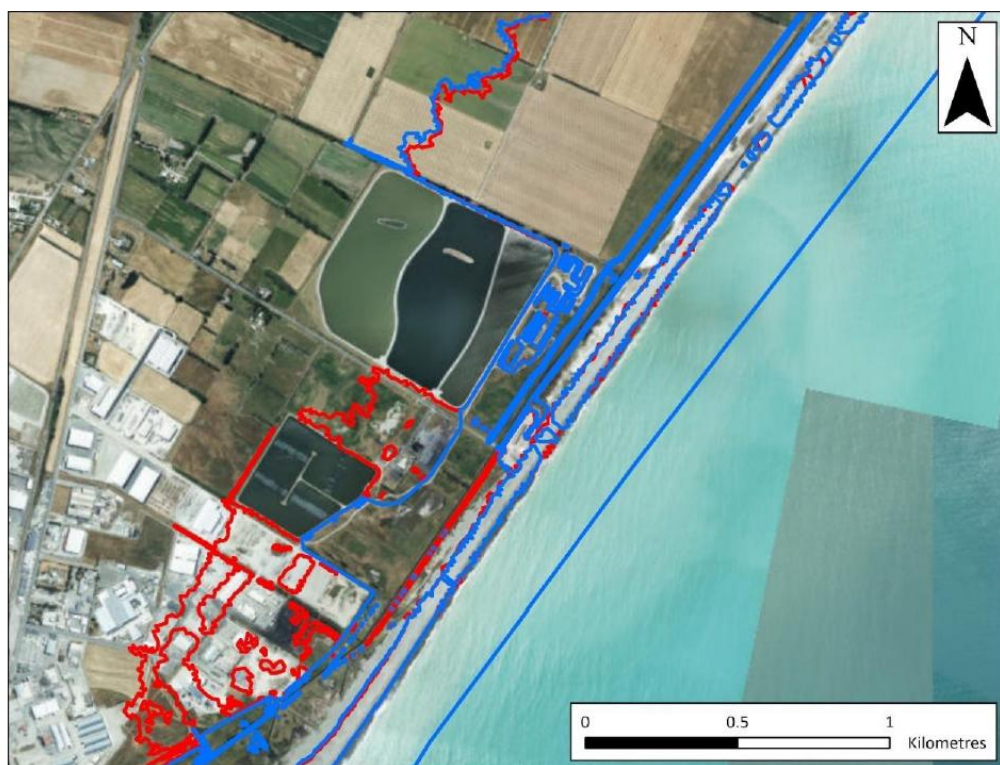


Figure 19: Maximum modelled inundation extent of Ōpihi breakout under present day configuration (red line) and proposed stopbank configuration (blue line)

Figure 5: Caption inset.

Figure 5 illustrates a reduction in inundation extents in the industrial zone and a slight increase of inundation extents in the rural area upstream of the Wastewater Treatment Plant maturation ponds on the north side of Aorangi Road. Regarding the industrial properties south of 122 Aorangi Road, the new coastal stop bank is designed at a level slightly lower than the new industrial stop bank hugging the boundary of the industrial zone. This will encourage any potential flood conveyance along this route to top over the coastal stopbank before spilling into the industrial zone.

He goes on to confirm that “from reviewing the hydraulic assessment and my knowledge of the proposed projects, I see that the proposal will have an improvement in flood risk for the industrial zone in various flood event scenarios”. I therefore adopt this expert advice/review of Appendix 5 for this report.

No risk to people is apparent. The land between the two banks is the drain corridor itself; the buildings on the Ladbroke parcels are derelict, unoccupied and located seaward of the existing stopbank; and the industrial activities on the Hilton Haulage, Washdyke Limited Partnership and Paul Smith Earthmoving sites lie inland of the new inland bank and will be better protected than at present.

As to property, the modelling shows a reduction in inundation extent within the industrial zone. It also shows a slight increase in inundation extent in the rural area upstream of the wastewater treatment plant maturation ponds on the north side of Aorangi Road. That is the one location at which the proposal increases flood risk, and matter 4 requires it to be addressed rather than subsumed within the overall improvement. The increase is described as slight, it falls on rural land in productive use rather than on buildings or public space, and it arises from the relocation of the system rather than from any failure of the design. The landowners most directly concerned are the owners of Section 10 Seaforth SETT, whom I have assessed as affected persons under section 95E at section 5.2 below for other reasons.

I am satisfied that the proposal does not increase flood risk for people, property or public spaces in any respect that is more than minor, and that across the wider environment it materially reduces it.

Public Natural Hazard Mitigation Works and Emergency Services

NH-R8, limb 1, matter 6 asks about the extent to which the activity will require new or upgraded public natural hazard mitigation works, and matter 7 about the extent of any additional reliance on emergency services.

The proposal is itself public natural hazard mitigation works, undertaken by the Applicant in the exercise of its functions under the Soil Conservation and Rivers Control Act 1941 and the Local Government Act 2002 (see section 4.1 of the application document). The question is therefore whether locating the drain where it is proposed will oblige further such works beyond those applied for. The inland flood protection bank is required because the realigned drain sits inland of its present position, and it forms part of this application rather than being deferred to a future one. Beyond that, the proposal reduces rather than increases the need for public mitigation works, because it removes the recurring requirement to repair a defence that is being actively eroded. Phase 2 is a continuation of the same project rather than a consequence of this one.

As to matter 7, the proposal does not introduce any activity or occupation that would give rise to additional demand on emergency services. It reduces modelled inundation of the industrial area, which if anything reduces the likelihood of emergency response being required there, and it does not enable development in a hazard area. I consider there will be no additional reliance on emergency services.

Flood Assessment Certificate — Standard NH-S1

A Flood Assessment Certificate has not been obtained. PER-1 of Rule NH-R8 limb 1 requires that such a certificate be issued in accordance with Standard NH-S1, and the rule provides that where compliance is not achieved with PER-1 the activity is a non-complying activity.

NH-S1 is directed principally at buildings and at the minimum finished floor levels appropriate to them and applies awkwardly to an earth embankment and an open drain channel. The notes to the standard record that for sites within a high hazard area outside urban zoned areas no minimum finished floor level is provided in the certificate, and that such matters are instead to be determined through a resource consent process, which is what is occurring here. Ultimately the substance the certificate would have supplied is the Council's own assessment of flood risk, and that substance I consider in the form of Mr Kemp's review.

Risk Borne by the Proposal

Rule NH-R8 limb 3, which applies within the Coastal Erosion Overlay, directs attention to whether there is an operational or functional need for the location, and to the risk to the structure taking into account its nature and materials and ability to be relocated, its anticipated lifespan, and the level of certainty of the projected future shoreline.

The structures are earth embankments, constructed almost entirely from material excavated on site, with less than 5 percent of the fill imported as clean natural material. They are inherently repairable using ordinary earthmoving plant and locally available material and, as this proposal itself demonstrates, capable of being relocated. That is a materially lower risk profile than a fixed engineered structure of equivalent function.

As to the certainty of the projected shoreline, the *Coastal Processes Advice* at Appendix 2 identifies a long-run, well-documented and continuing trend with an identified cause, rather than a speculative projection. In the terms used by the rule, the erosion is very likely within the medium term rather than uncertain over a longer-term period, which supports the proposal.

Effectiveness of the Mitigation Proposed

Matter 3 of Rule NH-R8 limb 1 directs attention to the effectiveness and potential adverse effects of any proposed mitigation measures. The engineered mitigation comprises backflow protection where local drainage discharges to the realigned drain, bunding carried inland up both sides of the No. 1 Drain until it ties into higher ground, tie-ins to the eastern wall of the southern wastewater treatment ponds and to the proposed stormwater basin, raised bunding around the Hilton Haulage recovery yard and along the Paul Smith Earthmoving boundary, and the topping up of the southern 350m of the existing coastal stopbank. Taken together these are conventional and appropriate measures for works of this kind, and Mr Kemp's review confirms that in combination they achieve the intended outcome.

The Applicant has however confirmed that the final design drawings are still being produced and that the dimensions supplied are expressly "subject to change in detail as the project and drawings are finalised". It has offered a condition requiring drawings to be submitted at least 10 working days before works commence.

Recovery and Resilience After a Hazard Event

Matter 5 of Rule NH-R8 limb 1 asks about the ability of the regionally significant infrastructure to be efficiently recovered after a hazard event, or to maintain its integrity and function during and after a natural hazard event. Policy EI-P2(3)(b) directs regard to the need to quickly repair and restore disrupted services, and the Natural Hazards chapter policy on regionally significant infrastructure in natural hazard areas requires that such infrastructure be designed to maintain its integrity and

function during and after a natural hazard event or be able to be readily re-instated. The matter is framed as alternatives, and the proposal satisfies both.

As to maintaining integrity and function, the design principle confirmed by Mr Kemp is itself a resilience measure: releasing floodwater seaward before the inland bank is loaded means the structure protecting the industrial area is not the one placed under pressure first. The system is also being moved away from the coastal edge that presently causes its degradation.

As to reinstatement, as I have stated above, the banks are earth structures repairable with ordinary plant, the scheme is operated and maintained by the Applicant (which holds existing global consents authorising flood protection maintenance works); and the proposal includes maintenance benches and an access track, which is what makes rapid access for repair possible.

Conclusion on Natural Hazard Risk

The proposal will substantially reduce natural hazard risk to the Washdyke industrial area, State Highway 1, the Council's wastewater treatment ponds and the surrounding rural land, relative to a baseline in which the existing defence is expected to fail within 10 to 15 years. The structures are of a form well suited to the hazard environment and to repair and recovery; the shoreline trend to which they respond is well evidenced; and the design principle on which the flood outcome depends has been reviewed and confirmed by the Council's Stormwater Team Leader.

Subject to the slight increase in inundation extent upstream of the maturation ponds being quantified, the adverse effects of the proposal in relation to natural hazard risk will be no more than minor.

Coastal Natural Character, Landform and Coastal Processes

This matter arises under Rule CE-R9 (matter 1), Standard CE-S2 (matter 1) and Rule CE-R4 (limb 2, matter 1), together with Rule EI-R24, which in both limbs identifies the impact on the character and qualities of the surrounding area. Rules CE-R9 and CE-R4 direct attention to the matters identified in Policies CE-P3, CE-P4, CE-P5, CE-P6 and CE-P8, and Standard CE-S2 adds Policy CE-P9.

I note that the matters of discretion for Rule CE-R9, which applies to new regionally significant infrastructure, are in identical terms to those for Rule CE-R8, which applies to the maintenance and upgrade of existing regionally significant infrastructure. Nothing in this assessment turns on which of the two applies.

Natural Character of the Receiving Environment

Policy CE-P3 identifies the elements of coastal natural character: natural elements, processes and patterns; biophysical, ecological, geological and geomorphological aspects; natural landforms such as dunes and wetlands; the natural movement of water and sediment; the natural darkness of the night sky; places that are wild or scenic; places with no or a low level of modification; and experiential attributes including the sounds and smell of the sea.

Measured against those matters, and my personal knowledge of the application site area, the natural character of the Phase 1 area is low. The existing Seadown Drain is an artificial channel with a constructed stopbank alongside it. The land on its inland side comprises industrial activity, the Council's wastewater treatment ponds and plant, a shooting complex and grazed pasture. Land drainage assets have been a feature of the area for many decades. The exception is the southern extent, where the alignment approaches Waitarakao-Washdyke Lagoon and enters the Department of Conservation reserve, and where natural character, ecological and experiential values are materially higher.

The elements of CE-P3 most engaged are therefore the natural landforms of the lagoon margin and the wetland areas, and the natural movement of water and sediment along the coast.

Natural Elements, Processes and Patterns, and Landforms

The proposal does not seek to arrest or alter coastal processes. It responds to them by relocating assets landward of an actively eroding edge. The existing stopbank is not to be removed: the Applicant's position, which I accept, is that removing it would reduce the overall footprint of the scheme but would forgo the substantial additional protection it continues to provide against coastal processes, at prohibitive cost. Retaining it means the beach and foredune system continues to interact with an existing structure rather than with a new one placed further seaward.

In landform terms, the proposal substitutes one linear engineered feature for another of similar character, set 100m to 200m further inland. The new channel is longer and sinuous rather than straight, and will be planted, so that in form it reads as a more naturalised feature than the drain it replaces. The element that introduces genuinely new built landform is the inland flood protection bank, which creates an embankment where none presently exists along the eastern edge of the industrial land; it is read against a backdrop of industrial buildings, the wastewater treatment ponds and the plant, and stands between approximately 0.9m and 2.2m above local ground level.

Scale and Coverage of the Structures

Standard CE-S2 is infringed because the combined coverage of the new structures exceeds 500m². Its matters of discretion direct attention to the extent to which the structure meets a community or public need and to functional or operational need, in addition to the natural character policies. Rule CE-R4, which applies to the stopbanks because they are not regionally significant infrastructure, adds the extent to which the structure will result in adverse cumulative effects.

Community or Public Need

The structures exist to maintain flood and land drainage protection for the Washdyke industrial area, State Highway 1, the Council's wastewater treatment plant and ponds and the surrounding rural land. That is a public need in the most direct sense, and it is the reason the coverage standard is exceeded: an earth embankment's footprint is a function of its height and batter slopes, and cannot be reduced without reducing the protection it provides. I record that this finding goes to whether the coverage is justified, which the standard expressly asks, and not to offsetting the effects of the coverage against its benefits.

The Applicant's position is that the stopbank has been designed to have a minimal footprint consistent with being structurally sound for its purpose, and that there is little scope to reduce it. That is inherent in the nature of an earth embankment, whose footprint is a function of its height and batter slopes. The coverage the standard is directed at — buildings and structures occupying and visually dominating coastal land — is of a different character from a low, planted, linear embankment. The community and public need is addressed under 'Positive Effects' below and is substantial.

Coastal Environment Qualities — Policy CE-P6

Policy CE-P6 identifies the qualities to be maintained or enhanced outside urban zoned areas. Of those, the ones engaged here are expansive views of the coastal marine area and skyline, areas of indigenous vegetation particularly around the coastal lagoons, a dark night sky, and the ability to undertake recreational activities and to access the coastal marine area. Public access and recreation are addressed under the next heading. Indigenous vegetation is addressed under 'Indigenous Vegetation, Wetlands and Ecological Values' below.

As to views, neither structure exceeds 4m above existing ground level and Standard CE-S1 is complied with. Views of the coastal marine area from Aorangi Road and from the beach will be substantially unchanged; views from the inland side will include a low planted embankment in place of open paddock in the vicinity of the industrial land. As to the night sky, the works are not proposed to be lit and no permanent lighting forms part of the proposal.

Preserving Natural Character — Policies CE-P8, CE-P9 and EI-P2

Policy CE-P8 applies outside areas of coastal high natural character and requires that subdivision, use and development avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character qualities, while providing that the adverse effects of regionally significant infrastructure are managed in accordance with Policy EI-P2. For the reasons given under the previous heading, functional need is established and the sequence in EI-P2(1)(b) applies.

Policy CE-P9 applies to areas of coastal high natural character. The Coastal High Natural Character Area Overlay applies over the existing drain and the land to its east. The new drain, the new coastal stopbank and the inland flood protection bank are all located inland of that overlay and no new structure is proposed within it, so no rule of the Coastal Environment chapter directed at works within that overlay is engaged. Policy CE-P9 is nonetheless identified in the matters of discretion for Standard CE-S2 and I address it for that reason.

Policy CE-P9 requires that areas of coastal high natural character continue to recognise ongoing natural physical processes, retain the integrity of landforms and geological features, retain a sense of remoteness and wildness, retain and where possible enhance areas of indigenous vegetation, and recognise river mouths and lagoons as important breeding, feeding and resting places for wetland and coastal birds including waders. Effects on those qualities do not stop at the overlay boundary: the realigned drain discharges into Waitarakao, which is a wildlife reserve under Department of Conservation stewardship and habitat for wetland and coastal birds.

In my assessment the proposal is consistent with Policy CE-P9. The overlay area is not built in; the retirement of the existing system will over time allow the land within the overlay to become less rather than more modified; the restoration planting will add indigenous vegetation where little presently exists; and the cessation of vehicle access to the beach, addressed below, will reduce an existing pressure on the foreshore and on nesting habitat.

Policy CE-P5 requires consideration of opportunities for restoration or rehabilitation where a proposal has an adverse effect on coastal natural character qualities. The proposal includes such measures and they are assessed below. Policy EI-P2(2)(d) and (2)(e), which direct that adverse visual effects be minimised through landscaping and that infrastructure adopt sensitive design integrating with the site and landform, are met by the planting of the drain berm and planted step and by the low profile of both embankments.

Conclusion on Coastal Natural Character

The natural character values of the Phase 1 area are low other than at its southern extent; the proposal substitutes one engineered linear feature for another of similar scale and lower visual prominence; it does not interfere with coastal processes but relocates assets in response to them; and it introduces restoration planting where little indigenous vegetation presently exists. Effects on coastal natural character, landform and coastal processes across the wider environment will be no more than minor, and in the medium term the proposal is likely to improve natural character within the area covered by the Coastal High Natural Character Area Overlay.

Public Access, Recreation and Coastal Amenity

Policy CE-P6 identifies among the qualities of the coastal environment the ability to undertake recreational activities such as walking, cycling and fishing, opportunities to connect with the natural environment, opportunities to provide access to the coastal marine area, generally low levels of noise dominated by the sound of the sea, clean fresh air, and a dark night sky. Policy EI-P2(2)(b) directs that compliance with recognised noise standards be required, and Policy EI-P2(3)(d) directs regard to the time, duration or frequency of adverse effects. Both limbs of Rule EI-R24 add dust nuisance, sedimentation, land instability, erosion and contamination effects, and limb 2 adds the impact on the character and qualities of the surrounding area.

Construction Period and Sequencing

The works are anticipated to require two construction seasons being 2026–27 and 2027–28. They will be carried out offline to the greatest practicable extent, with connections into the existing system undertaken last. The effects addressed under this heading are, with one exception, confined to that period.

Public Access to the Coastal Marine Area

The one permanent proposed change is to public access. During construction, beach access from Aorangi Road will be closed and impassable. Once the works are complete, Environment Canterbury propose Aorangi Road to be closed to all but authorised traffic from near the new culvert to its current termination at the beach, with access via a locked gate, a new car park provided in the vicinity, and foot access available at all times. The Applicant records (at sections 8.16 and 8.21.5 of the report) that the Council is in agreement with that configuration and that it will add approximately 120m of walking for public access at this location. Figure 6 shows the intended formation.

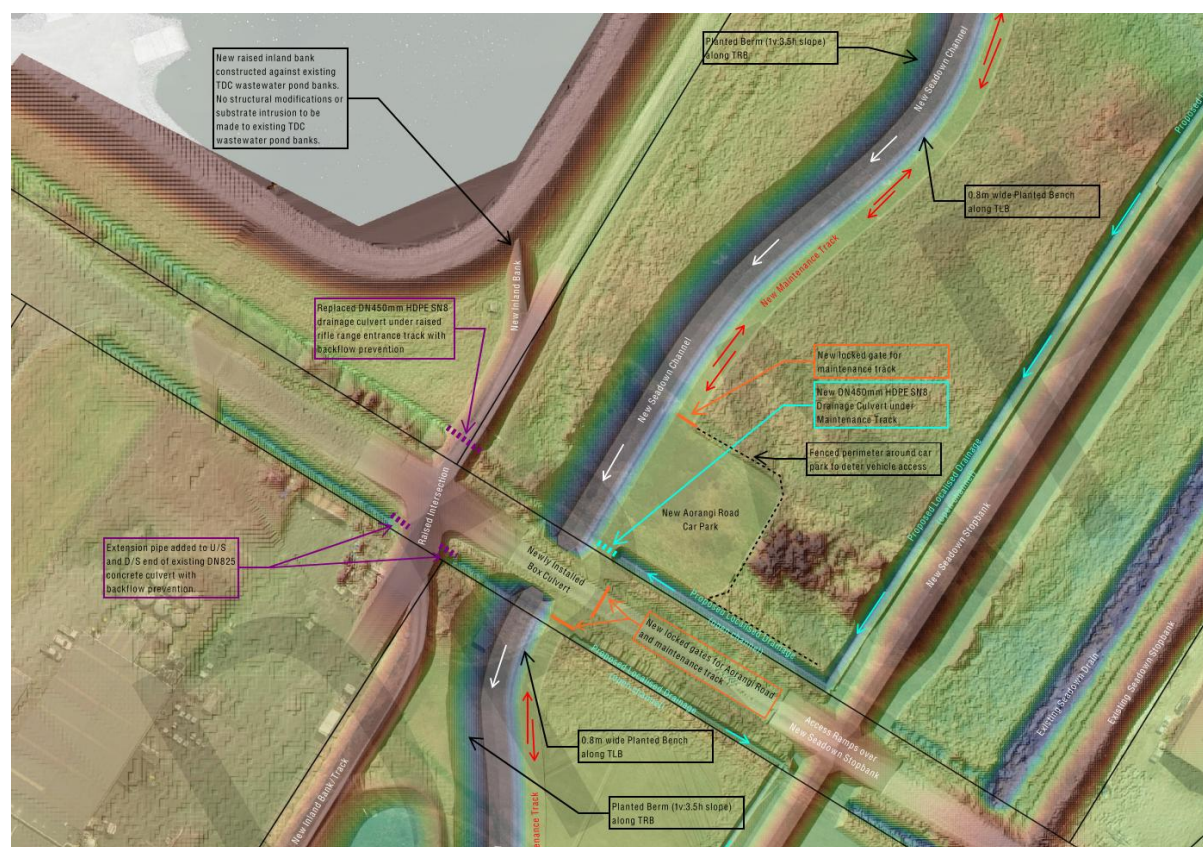


Figure 6: Proposed raised intersection and traffic measure changes to Aorangi Road (Source: Appendix 13).

Upon consultation with Council's Land Transport Unit this is incorrect. The Land Transport Unit advised on 23 September 2026 that it is still reviewing the proposed design, that it remains in detailed discussion with the Applicant and its designer regarding concerns about the geometric design around the floodway and about the proposal to install a locked gate, and that "at this stage we cannot provide any confirmation". The application records an agreement that the relevant unit of the Council has not given.

The permanent arrangement is in any event not something this consent can deliver. Aorangi Road is legal road, and a permanent restriction of public vehicle access over it requires a separate statutory process for stopping or closing a road under the Local Government Act 1974, undertaken by the Council as road controlling authority, together with that unit's acceptance of the design. Neither forms part of this application, and neither can be secured by a condition of this consent.

I have therefore assessed the application on the basis that public vehicle access to the beach along Aorangi Road continues, other than during construction. The only effect on public access to the coastal marine area authorised by this consent is the temporary closure described above.

Should the permanent arrangement later proceed, it will do so under a process with its own notification and consultation requirements.

Traffic and Road Network

Aorangi Road carries a small volume of traffic. It will generally remain open during the works period, with occasional closures required principally when the road surface is raised in the area of the new culvert and when new accessways are formed for the shooting complex and for the Farm Brands New Zealand site. The Applicant states that closures and works within the road will be undertaken in consultation with the Council and that specific permissions will be obtained at the time, and that without those permissions the works could not proceed.

The raising of Aorangi Road where the inland flood protection bank crosses it, ramped at a gradient of 1 vertical to 10 horizontal, forms part of the works. The Council's Land Transport Unit advised on 23 September 2026 that it remains in detailed discussion with the Applicant and its designer regarding concerns about the geometric design around the floodway, and that at this stage it cannot provide any confirmation. That is a road safety matter for the Council in its capacity as road controlling authority. It is being worked through outside this consent process, and the Applicant has accepted that the specific works cannot proceed without the permissions that process produces. I am satisfied that it is capable of resolution and that it does not give rise to an adverse effect on the wider environment that is more than minor, but it is not resolved at the date of this report.

Construction traffic will otherwise use the existing and proposed maintenance track network along the alignment rather than the industrial road network. Almost all fill is won on site, with less than 5 percent imported, which substantially limits heavy vehicle movements on the public road.

Noise, Dust and Air Quality

Construction noise can comply with the permitted standard. The Applicant has volunteered a condition requiring noise from construction activities to be measured, assessed, managed and controlled in accordance with NZS 6803:1999, which satisfies PER-1 of Rule NOISE-R4 and meets the direction in Policy EI-P2(2)(b) that compliance with recognised noise standards be required. The nearest receivers are industrial activities, the shooting complex and the wastewater treatment plant. There are no noise sensitive activities in proximity to the works. The quality identified in Policy CE-P6 of a noise environment dominated by the sound of the sea is not permanently altered; construction noise is temporary and confined to two seasons.

Dust and sediment tracking will be managed through a construction management plan. Works within the identified area of contamination will be carried out in accordance with the Contaminated Land Management Plan required by land use consent 102.2025.147.1, granted under the NES-CS on 10 April 2026, which contains controls on soil reuse, encapsulation and validation. The dry, exposed nature of the site and its proximity to the coast mean dust is a real but manageable construction effect.

Dust, Sedimentation, Land Instability, Erosion and Contamination — Rule EI-R24

Both limbs of Rule EI-R24 identify “dust nuisance, sedimentation, land instability, erosion and contamination effects” as a matter of discretion.

Contamination is the most significant of these. Several areas of contaminated land have been identified within the works footprint, principally lead-contaminated soil associated with the shooting complex and soil beneath a former tyre stockpile, and areas of the site are recorded on the Listed Land Use Register. Those effects have already been assessed and consented under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), by land use consent 102.2025.147.1 granted on 10 April 2026, which imposes requirements for site characterisation, controls on soil reuse, encapsulation and site validation reporting. The works will be undertaken in accordance with that consent and the Contaminated Land Management Plan prepared under it. I am satisfied that contamination effects are appropriately managed and will be no more than minor.

Construction effects on the qualities of the coastal environment will be temporary, confined to two construction seasons, and manageable through conditions. The permanent change to public vehicle access to the beach is a change in the kind of access rather than its loss and carries an environmental benefit. Subject to the matters identified above, effects under this heading on the wider environment will be no more than minor.

Sedimentation and erosion arise principally during construction. The works are to be undertaken offline to the greatest practicable extent, with a minimum unexcavated buffer of no less than 20m maintained between the existing and new systems until the connections are made, and the Applicant has proposed that earthworks proceed only in defined conditions relating to soil moisture, drain flow and forecast rainfall. Stabilisation by hydroseeding is to occur progressively at the end of each stage rather than at the end of the project. Discharges of sediment to water are a regional matter assessed by Environment Canterbury.

Land instability is addressed by the *Geotechnical Factual Report* at Appendix 9, and the structures are low earth embankments founded on flat alluvial land rather than on sloping or unstable ground. I do not consider land instability to be a material issue for this proposal.

Lighting and the Night Sky

No permanent lighting forms part of the proposal and no night works are identified in the indicative construction programme. The quality of a dark night sky identified in Policy CE-P6 is not affected.

Conclusion on Public Access, Recreation and Amenity

Construction effects on the qualities of the coastal environment will be temporary, confined to two construction seasons, and manageable through conditions. The permanent change to public vehicle access to the beach is a change in the kind of access rather than its loss, is supported by the Council, and carries an environmental benefit. Subject to the matters identified above, effects under this heading on the wider environment will be no more than minor.

Cultural Values — Kāti Huirapa and Te Rūnanga o Arowhenua

Cultural values are engaged by two rules. Rule SASM-R1 is infringed by the earthworks associated with the new drain, which exceed 2,000m² in a 12-month period and occur outside the footprint of ground previously containing that structure. Rule EI-R24, which applies to the construction of the new drain, separately identifies in limb 2 “the potential adverse effects on the spiritual and cultural values of Kāti Huirapa”. That second rule matters because it sits in the Energy and Infrastructure chapter and is therefore unaffected by the disapplication of the Sites and Areas of Significance to Māori chapter for activities covered by Rule NH-R4 (natural hazard mitigation works). Policy CE-P4 and Policy EI-P2(1)(a) apply in addition.

Since this assessment cannot sensibly apply to a single continuous earthworks operation, I have therefore assessed the cultural effects of the earthworks as a whole.

The Values Engaged

The entire works area lies within SASM-3 (Caroline Bay – Te Aitarakihi – Smithfield – Washdyke) under the Wāhi Tūpuna Overlay, which SCHED6 records as an important area for food gathering and processing including wai puna, mahika kai, kāika nohoaka, pā and tauraka waka. All of the land over the footprint of and east of the existing drain lies within the Wāhi Taoka Overlay as SASM-3b (Waitarakao), recorded as a highly significant mahika kai with important value for taoka species. The adjacent beach is a Rūnanga sensitive area and the works lie within a Mātaitai Protection Zone. Within the Wāhi Taoka Overlay the new works are confined to the tie-ins at each end of the Phase 1 area; the retirement of the existing drain also occurs there, and is the aspect of the proposal with the greatest cultural significance because the existing channel is itself part of the mātaitai.

The Position of Te Rūnanga o Arowhenua

Aoraki Environmental Consultancy Limited (AECL) acts for Te Rūnanga o Arowhenua (Arowhenua) in resource management matters. By letter to this Council dated 23 September 2026, its General Manager confirmed that AECL was involved on behalf of Arowhenua in the preparation of the consents, that “the concerns and comments of Arowhenua are therefore captured in the assessment of environmental effects”, and that “Arowhenua supports these consents being granted and will continue to work with Environment Canterbury as the applicant should any matters arise from the consenting process”. Environment Canterbury holds correspondence from AECL to similar effect, which additionally records that AECL has reviewed the further information response.

That letter is not a written approval and I have not treated it as one. I have accordingly not applied section 95D(e) or section 95E(3)(a) to Arowhenua, and I have assessed the effects of the proposal on cultural values on their merits. I note the letter directly answers matter 1 of Rule SASM-R1: Arowhenua has been consulted and the outcome of that consultation is support for the consents being granted.

Effects on Cultural Values — Matters 2, 3 and 7

The principal effect relates to mahika kai and to the status of the existing drain as part of the mātaitai. The existing channel is to be passively drained and retired, with monitoring to limit the possibility of trapped fauna, and Arowhenua is engaged in managing fish populations during that process.

Matter 7 directs attention to effects on mahika kai and customary uses where earthworks remove indigenous vegetation. The vegetation to be removed is almost entirely wetland margin species, together with one tī kōuka and one harakeke on the south bank of the No. 2 Drain. Those species, and the raupō within the pit-derived wetlands, carry customary as well as ecological value, and the restoration planting responds directly: the plant order includes 3,025 harakeke, 2,795 kuawa, 900

raupō, 454 oioi and 86 tī kōuka. In cultural terms the proposal is likely to increase rather than reduce the availability of these species along the alignment.

The proposal is consistent with the values identified in SCHED6, and no recorded wāhi tapu is affected.

Alternatives, Mitigation and Accidental Discovery — Matters 4 and 5

Alternatives are addressed under ‘Functional and Operational Need, and Alternatives’ above, and the matter identified there — whether an alternative alignment could reduce the extent of works within the Wāhi Taoka Overlay — applies here too.

The earthworks will be undertaken in accordance with the Accidental Discovery Protocol at APP4, satisfying PER-2 of the rule. That is an appropriate and necessary safeguard given the recorded history of occupation and food gathering, and it should be secured by condition. No archaeological sites are recorded by the New Zealand Archaeological Association within the project area, and no scheduled historic heritage items, heritage settings or notable trees are affected. Fish salvage and monitoring during retirement of the existing channel, the restoration planting, and the monitoring programme to be co-designed with Arowhenua are the substantive mitigation measures, and I consider them appropriate to the scale and nature of the proposal.

Opportunities to Recognise Kāti Huirapa — Matter 6

Matter 6 asks not only about adverse effects but about the extent to which the activity provides an opportunity to affirm the connection between mana whenua and place, to enhance cultural values, to provide for the relationship of Kāti Huirapa with their taoka, and to maintain or enhance their ability to access and use the area.

The realignment was co-designed; it replaces a straight functional drain with a longer, sinuous, planted channel intended to support mahika kai; it establishes a monitoring programme to be designed with Arowhenua recording habitat and biodiversity in both the retired and realigned sections before works and again at five and ten years; it increases the availability of culturally significant plant species; and it removes no existing access.

Benefits of the Infrastructure — Matter 9

Matter 9 directs attention to the local, regional and national benefits of the infrastructure, including the impact on wellbeing, health and safety if the work is not undertaken. That is a matter relevant under section 104 rather than to this assessment.

Notification of Te Rūnanga o Arowhenua

Rule SASM-R1 carries the note that limited notification of Arowhenua is likely to be required under the rule. That note calls for an assessment rather than directing an outcome, and the assessment is made under section 95E at section 5.2 of this report. On the evidence set out above, and in particular the letter of 23 September 2026, I do not consider Arowhenua to be adversely affected, and I have reached that conclusion on the merits rather than by disregarding effects under section 95E(3)(a).

Conclusion on Cultural Values

The effects of the proposal on cultural values across the wider environment will be less than minor. The proposal was developed with mana whenua, avoids recorded wāhi tapu, maintains the connection between the catchment and Waitarakao, and offers material opportunities to enhance mahika kai values along the new alignment. Arowhenua, through its adviser, supports the consents being granted.

Indigenous Vegetation, Wetlands and Ecological Values

This heading addresses the two rules that give the application its non-complying status: Rule 1.11.3.4(1) of the District Plan 2005 Rural 3 Zone, being the clearance of significant indigenous vegetation and significant habitats of indigenous fauna, and Rule 1.11.3.4(2), being drainage affecting wetlands. It also addresses Rule 1.11.3.3(4), utility services within significant indigenous vegetation and significant habitats of indigenous fauna, which is a discretionary activity in that zone.

The POTDP assesses these topics but through different lenses. Policy CE-P3 identifies biophysical and ecological aspects and natural landforms including wetlands as elements of coastal natural character; Policy CE-P6 identifies areas of indigenous vegetation, particularly around the coastal lagoons; Policy CE-P9 requires areas of indigenous vegetation to be retained and enhanced where possible and recognises lagoons as important breeding, feeding and resting places for wetland and coastal birds including waders; and matter 7 of Rule SASM-R1 addresses vegetation removal through its effect on mahika kai. The rules of the Ecosystems and Indigenous Biodiversity chapter do not apply to the natural hazard mitigation works, for the reasons given at section 3.1.

Indigenous Vegetation Clearance

The extent of indigenous vegetation to be removed is limited. The further information response of 24 August 2026 confirms that almost all of it is wetland margin species, that the terrestrial area is dominated by exotic grass species, and that two individual indigenous plants — one tī kōuka and one harakeke — are present on the south bank of the No. 2 Drain and will be removed. It also confirms that the clearance is not limited to pohuehue.

Within the pit-derived wetlands, the wetland report identifies the areas of raupō reedland as ecologically significant, given the reduced extent of indigenous vegetation in the Low Plains context. The Applicant's position is that the raupō reedland will be avoided as far as practicable and that, if works within it prove unavoidable, plants will be relocated to a suitable location on site to support their survival.

For the purposes of the rule assessment at section 3.1 I have proceeded on the basis that clearance of significant indigenous vegetation will occur, because the Applicant's position is one of avoidance so far as practicable rather than avoidance, and because a consent which did not authorise that clearance would not authorise the works as designed.

Wetlands

Three wetland areas are affected. The Farm Brands New Zealand retention pond, an area of 0.1ha, is a constructed stormwater retention pond built 10 to 15 years ago which presents shallow water with floating *Azolla rubra* and which the wetland report does not consider ecologically significant. It will be entirely reworked and replaced with a similar facility partially overlapping the existing footprint to the west.

The pit-derived wetlands, an area of 2.14ha, formed naturally following excavation approximately ten years ago. They comprise open water and *Juncus* rushland with areas of raupō and crack willow, and other indigenous wetland species including bachelor's button, giant rush, sharp spike sedge and swamp sedge. Approximately 0.5ha of rushland may be removed where the alignment passes through their eastern extents.

The existing drainage channel is to be passively drained as part of the retirement of the existing system, with monitoring proposed to limit the possibility of trapped fauna.

Restoration Planting

The proposal includes ecological restoration, comprising planting of the drain berm, the planted step and the affected wetland areas. The Applicant has advised that an order has been placed for in excess of 12,000 indigenous plants across 17 species; the schedule supplied to this Council on 24 August 2026 totals 15,518 plants. It has also undertaken to design, in collaboration with Te Rūnanga o Arowhenua, a standardised monitoring programme recording aquatic and terrestrial habitat and biodiversity in both the retired and realigned sections, with data collected before works and again five and ten years afterwards.

I note however that the area to be planted varies between Appendix 7 *Wetland Assessment* referring to “the 2-ha planting”; and Table 10 of the application referring to both a “2-7 ha planting” and to a “1.6 ha planting”. I also note the response to this Council’s request for further information requesting an explicit area instead relies on a plant count.

These are not like-for-like comparisons, and I do not regard the difference in stated area as critical in itself, given how limited the existing indigenous vegetation component of the area to be planted was assessed to be. What matters is that the restoration planting is the only measure capable of occupying the remedy, mitigate and offset steps of Policy EI-P2(1)(b), so its eventual extent, species composition and survival are what determine how the proposal performs against that policy. I assess that below.

The Effects Management Sequence — Policy EI-P2(1)(b)

Because functional need requires the infrastructure to be located within the coastal environment, within a Site and Area of Significance to Māori and across riparian margins, Policy EI-P2(1)(b) applies. It requires that adverse effects be avoided where practicable; where they cannot be avoided, remedied where practicable; where they cannot be remedied, mitigated where practicable; where more than minor residual adverse effects cannot be avoided, remedied or mitigated, that offsetting be provided where possible; if offsetting is not possible, that compensation be provided; and if compensation is not appropriate, that consideration be given to whether the activity itself should be avoided.

In responding to Environment Canterbury, the Applicant has accepted that the effects management hierarchy discussion in the application “is incorrect” and has stated that “no offsetting or compensation are required”. That statement was made in answer to a question directed at Policy 4.82 of the Canterbury Land and Water Regional Plan. The same hierarchy arrives here as a district policy, through Policies CE-P8 and CE-P9 and the matters of discretion for Rule CE-R9 and Standard CE-S2, and it has not been addressed on that footing.

I do not consider that the residual adverse effects of the proposal on indigenous vegetation and wetlands will be more than minor, and on that assessment the offsetting and compensation steps of the sequence are not reached. That assessment depends, however, on the restoration planting being secured at an extent commensurate with what is lost, which is the matter identified above.

Habitat and Fauna

The realignment will result in a longer channel than the existing drain, with a planted berm and planted step, replacing a straight functional drain. Appendix 6 *Seadown Drain Relocation: Ecology Assessment* assesses the ecological effects and records the loss of approximately 0.6ha of the existing 3ha of channel habitat. Effects on fish passage, inanga spawning habitat, water quality and instream values are regional matters assessed by Environment Canterbury; I record that works within the mapped inanga spawning habitat at the southern end of the site are to be carried out under the Applicant’s existing global consents CRC175009 to CRC175011.

In district terms the relevant consideration is Policy CE-P9's recognition of lagoons as important breeding, feeding and resting places for wetland and coastal birds including waders. The proposal does not reduce the area of the lagoon or its margins, adds planted freshwater margin habitat where little presently exists, and — through the cessation of vehicle access to the beach addressed above — removes an existing pressure on foreshore habitat.

Conclusion on Indigenous Vegetation, Wetlands and Ecological Values

Subject to the restoration planting being secured by condition at a defined and adequate extent, and subject to the matters identified above concerning the raupō reedland and the corrected wetland extent, the effects of the proposal on indigenous vegetation, wetlands and ecological values across the wider environment will be no more than minor, and over the medium term the proposal is likely to result in a net improvement in indigenous vegetation cover along the alignment.

Conclusion on Effects on the Environment

Having assessed the proposal against the matters identified above, and disregarding the effects excluded by section 95D, I consider that the adverse effects of the activity on the environment will not be more than minor.

Step 4 - Public Notification in Special Circumstances s95A(9)

In this case, public notification is not required under Step 4 (section 95A(9)). Special circumstances are those that are exceptional, abnormal or unusual, but something less than extraordinary or unique; outside the common run of applications of this nature; or circumstances which make public notification desirable notwithstanding the conclusion reached at the earlier steps.

Public Notification Determination

For the reasons set out above, public notification of the application is not required under section 95A of the Act.

5.2 Limited Notification (Section 95B)

Step 1 - Certain affected groups and persons must be notified s95B(2) and s95B(3)

In this case, limited notification is not required under Step 1 as:

- there are no affected protected customary rights groups (section 95B(2)(a)); and
- there are no affected customary marine title groups (section 95B(2)(b)); and
- the activity is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgement (section 95B(3)(a)).

Step 2 - If not required by Step 1, Limited Notification precluded in certain circumstances s95B(6)

In this case, limited notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes limited notification (section 95B(6)(a)); and
- the application is not for a controlled activity (section 95B(6)(b)).

Step 3 - If not Precluded by Step 2, Certain Other Affected Persons Must be Notified s95B(7) and (8)

In this case, limited notification is required under Step 3 as:

- the application is not for a 'boundary activity' and there are accordingly no owners of an allotment with an infringed boundary who are deemed affected persons under section 95B(7); but
- there are affected persons in accordance with section 95E (section 95B(8)).

An assessment of the adverse effects of persons is provided below:

Assessment of Effects on Persons

Section 95E of the Act states that a person is 'affected' if the consent authority decides that the activities adverse effects on the person are minor or more than minor (but not less than minor). The consent authority, in assessing an activities adverse effects on a person:

- a. may disregard an adverse effect of the activity if a rule or a national environmental standard permits an activity with that effect; and*
- b. must, if the activity is a controlled or restricted discretionary activity, disregard an adverse effect of the activity if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts direction; and*
- c. must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11 of the Act.*

A person is not an affected person if the person, has given, and not withdrawn, approval for the proposed activity or the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the persons written approval.

Persons Who Have Given Written Approval

Timaru District Council, Farm Brands New Zealand Limited Partnership, Paul Smith Earthmoving Limited and the Seadown Shooting Complex Committee have given written approval. Under section 95E(3)(a) they are not affected persons and the effects of the activity on them are disregarded.

Owners and Occupiers of Land on Which the Works Will Occur

Section 10 Seaforth SETT — Janet Margaret Kelliher, Scott David Kelliher, Wayne Colin Kelliher and Martin Wakefield Trust 2017 Limited. The works extend onto this property at the northern connection. No. 2 drain runs parallel to the boundary, with its true left bank set into the property by approximately 12 m and its true right bank by approximately 5 m, and the capacity of that section of drain will be increased within the existing drain footprint and toward the property boundary. Whether or not the land affected is productive, the works involve a physical loss of land and a legal agreement with the landowner will be required. The landowners are aware of the project and have indicated no concerns but have not provided written approval. I consider they are adversely affected to at least a minor degree.

Lot 2 DP 548518 — Hilton Haulage Limited Partnership. The realigned drain and the new inland flood protection bank cross the eastern end of this site. The works also include clean-up and resurfacing of the recovery yard at the south-eastern end of the property and construction of raised bunding around that yard and up both sides of No. 1 drain. Hilton Haulage has confirmed its support for the project,

and the works will better protect the majority of the site from flooding, but it has not given written approval. I consider Hilton Haulage Limited Partnership is an affected person.

Lot 4 DP 365071 — Washdyke Limited Partnership. The application describes this parcel as owned by Quarry Capital; the Record of Title records the owner as Washdyke Limited Partnership, a property investment company managed by Quarry Capital. The realigned drain and the new inland flood protection bank cross the eastern end of this site. No written approval has been given. I consider Washdyke Limited Partnership is an affected person.

Part RES 2593 — the Crown, administered by the Department of Conservation. The new alignment and stopbanks extend into this reserve at the southern end of the Phase 1 works. The Department has provided a letter of support and has confirmed that a concession is required; a concession application has been prepared but has not been granted. Environment Canterbury has concluded that the Department is not an affected person because the matters relevant to it as landowner will be addressed through the concession process, and I reach the same conclusion. Effects on the conservation values of the reserve, as distinct from effects on the Department as landowner, are addressed in the ecological assessment at section 5.1.

Adjoining Landowners

Gavin Barry Ladbroke (Lot 1 DP 27945 and Section 15 Meadows SETT) — no works are required on this land. The buildings on it are derelict and are located on the coastal side of the existing stopbank. There is potential for minor disruption to access during construction, but access will be maintained. I do not consider this landowner is adversely affected.

Wallace Group Limited Partnership and Farm Brands New Zealand Limited Partnership (Lot 2 DP 419868) — no works occur on this site; it adjoins the new alignment. The alignment will affect the stormwater pond relied on for the discharge from the site. Written approval has been provided by Farm Brands New Zealand Limited Partnership, which merged with Wallace Group Limited, and Environment Canterbury has verified the position against the Record of Title. I do not consider either party is adversely affected.

McCain Foods (Section 1 SO 10048) — no works are required on this land parcel, and it is separated from the works footprint. I do not consider this landowner is adversely affected.

Te Rūnanga o Arowhenua

The application was prepared with input from AECL, which acts for Arowhenua in resource management matters. Council has received correspondence from AECL confirming that it supports the granting of this consent. I therefore do not consider Arowhenua to be affected.

Conclusion on Affected Persons

Based on the above assessment, the following persons are considered to be adversely affected to a minor or more than minor degree and have not given written approval to the application:

- Janet Margaret Kelliher, Scott David Kelliher, Wayne Colin Kelliher and Martin Wakefield Trust 2017 Limited, as owners of Section 10 Seaford SETT;
- Hilton Haulage Limited Partnership, as owner of Lot 2 DP 548518; and
- Washdyke Limited Partnership, as owner of Lot 4 DP 365071.

These are the same three parties identified as affected persons in Environment Canterbury's notification recommendation report on the companion applications. No other person is considered to be adversely affected.

Step 4 - Further notification in special circumstances s95B(10)

In this case, notification to any other persons is not required under Step 4 (section 95B(10)). I have considered whether there are any special circumstances warranting notice being served on a person not already identified as an affected person. I do not consider that there is anything exceptional, abnormal or unusual about the application, or anything outside the common run of applications of this nature, that would make notice to any other person desirable.

Limited Notification Determination

Pursuant to section 95B(8) of the Act, limited notification is required.

5.3 Conclusion

Having assessed the application for land use consent pursuant to sections 95A to 95G of the Resource Management Act 1991, it is recommended that the application be processed on a limited notified basis, with notice served on:

- Janet Margaret Kelliher, Scott David Kelliher, Wayne Colin Kelliher and Martin Wakefield Trust 2017 Limited;
- Hilton Haulage Limited Partnership; and
- Washdyke Limited Partnership.

This recommendation is consistent with that reached by Environment Canterbury in its notification recommendation report on the companion regional applications, which recommends limited notification to the same three parties.



Patrick O'Toole
Intermediate Planner

Date: 23 September 2026

6. NOTIFICATION DETERMINATION

I have reviewed the recommendations and reasons outlined in the Notification Recommendation report prepared by Mr Patrick O'Toole, Intermediate Planner, of the Timaru District Council. I agree with those reasons and recommendations and adopt accordingly.

I determine that the application is to be processed on a limited notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991, with notice served on Janet Margaret Kelliher, Scott David Kelliher, Wayne Colin Kelliher and Martin Wakefield Trust 2017 Limited, Hilton Haulage Limited Partnership, and Washdyke Limited Partnership.

This decision is made under delegated authority by:



Allan Cubitt
Independent Hearings Commissioner

Date: 24 September 2026