

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2026] NZEnvC 193

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN CANTERBURY REGIONAL
COUNCIL

(ENV-2026-CHC-049)

Appellant

AND TIMARU DISTRICT COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 29 July 2026

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that:

- (1) the appeal is allowed to the extent that amendments shown in
Annexure 1 are made to the proposed Timaru District Plan; and
- (2) the appeal is otherwise dismissed.



CANTERBURY REGIONAL COUNCIL v TIMARU DISTRICT COUNCIL –
CONSENT ORDER

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Canterbury Regional Council against part of the proposed Timaru District Plan.

[2] The appeal relates to the application of the Natural Hazards rule NH-R4 and whether activities managed under this rule should also be subject to management by the rules in the underlying zones.

[3] I have read and considered the consent memorandum of the parties dated 22 July 2026 which proposes to resolve the appeal.

Agreement reached

[4] The parties agree that rule NH-R4 is better to cover the relevant matters for natural hazard mitigation works and should be the one rule applying to such an activity. The parties agree the zone rules should not also apply to this activity, which could frustrate the operation of this rule.

[5] The parties have agreed to add reference to the Zone Chapters to the list of rules that do not apply to activities addressed by NH-R4. Rather than include this in rule NH-R4, it is agreed that this text is better included at the beginning of the Natural Hazard Rules where there is already existing information for plan users about how the rules in this chapter work. This location for the agreed wording is also more consistent with the drafting approach taken in the proposed plan, whereby the rules only specify what activities the rule applies to, rather than how other rules do or do not apply.

Other relevant matters

[6] No person has given notice of an intention to become a party under s274 of the Act.

[7] The parties advise that:

- (a) all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2; and
- (b) there are no issues as to costs.

Outcome

[8] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



Annexure 1

Rules

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

For the purposes of this chapter, activities in the Port Zone are only subject to NH-R2, NH-R4 and NH-R6. These Port Zone specific rules do not cover major hazardous facilities and hazardous facilities in the Port Zone, which are covered by the Hazardous Substances Chapter.

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, and all Part 3 – Area Specific Matters – Zone chapters, do not apply to the activities covered under this rule.

The control of the use of land for natural hazard management within the beds of rivers is within the jurisdiction of the CRC. The rules in this chapter therefore do not apply within the beds of rivers.

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NH-R4 Natural hazard mitigation works including associated earthworks and incidental vegetation removal		
1	Activity status: Permitted	Activity status when compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Restricted Discretionary
Flood Assessment Area Overlay	Where:	
Coastal Environment Area Overlay	PER-1 The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; or	Matters of discretion are restricted to: 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including SNAs, natural character areas, riparian margins, SASM and within any ONF or ONL overlay; and
Sea Water Inundation Overlay	PER-2 The activity is undertaken by or on behalf of the Crown, CRC, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or CRC natural hazard mitigation works, including those	



	within the full footprint of river control schemes; or PER-3 The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that: 1. occur within 25m of the alignment or location vertically and horizontally of existing natural hazard mitigation works; and 2. do not increase the footprint of existing natural hazard mitigation works by more than 25%; or PER-4 The activity is undertaken by or on behalf of the Port of Timaru and is limited to the maintenance of existing natural hazard mitigation works within 310m of PREC12 - Port Operational Area Precinct; or 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.	3. any increased flood risk for people, property, infrastructure or public spaces, including from blockage of or disturbance to overland flowpath(s); and 4. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and 5. any positive effects of the proposal on the community; and 6. the matters set out in NH-P8. Activity status when compliance not achieved with PER-5: Restricted Discretionary Where: RDIS-1 Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, CRC, or the Council. Matters of discretion are restricted to: 1. those matters set out for non-compliance with NH-R4.1. PER-1, PER-2, or PER-3 or PER-4. Activity status when compliance not achieved with RDIS-1: Discretionary
2 Coastal High Natural	Activity status: Restricted Discretionary	Activity status when compliance not achieved: Discretionary

Character Area Overlay	Where:	
Coastal Erosion Overlay	RDIS-1 Any new natural hazard mitigation works are: a. established by or on behalf of the Crown, CRC, or the Council; or b. established by or on behalf of the Port of Timaru and are located within 310m of PREC12 - Port Operational Area Precinct. Matters of discretion are restricted to: 1. those matters set out for non-compliance with NH-R4.1, PER-1, PER-2, or PER-3 or PER-4.	

