

Before the Hearing Panel  
Appointed by the Timaru District Council

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

In the matter of        The Proposed Timaru District Plan

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Andrew Willis - Hearing F - Interim Reply Report Addendum – s42A Natural Hazards,  
Coastal Environment and Drinking Water Protection chapters – JWS on Flood  
Modelling and Merging the Coastal Hazards into the Natural Hazards Chapter  
30 June 2025

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**anderson  
lloyd.**

## Introduction

- 1 My name is Andrew Willis. I hold the qualifications and experience set out in my s42A report (paragraph 1.1.1). I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that I have complied with it when preparing this Interim Reply Addendum.
- 2 For clarity, this evidence is an Addendum to my Interim Reply report dated 23 June 2025.
- 3 In Minute 34 which was issued by the Hearings Panel on 13 May 2025 (**Minute 34**), the Panel requested (paragraph 7) that Mr Kemp (for the Council) and Mr Throssell (for Harvey Norman):  
  
*“Provide a joint statement to address the discrepancy / potential error with the Flood Assessment Area Overlay within the Harvey Norman Site. Mr Throssell to provide photographs of the site following recent rain event.”*
- 4 In Minute 34 (paragraph 7) the Panel requested that Mr Walsh (for PrimePort (175) and I (for the Council):  
  
*“Provide a joint statement regarding whether it is recommended to merge the provisions relating to PrimePort within the Natural Character Chapter and the Coastal Environment Chapter, and a recommended set of provisions.”*
- 5 In response to a memorandum of Council dated 19 June, the Panel issued Minute 38, dated 24 June 2025 (**Minute 38**) which:  
  
*“(a) Confirms that the joint statement requested of Mr Willis and Mr Walsh relates to the merging the Natural Hazards provisions relating to PrimePort and Coastal Environment Chapters;  
(b) Directs Mr Willis move all coastal environment-related Natural Hazards provisions into the Natural Hazards Chapter; and  
(c) Approves the extension of time for the above work, and for the joint statement of Mr Kemp and Mr Throssell to 30 June 2025.”*
- 6 This Interim Reply Addendum responds to Panel Minute 34 and the subsequent Minute 38.

## JWS on the Flood Assessment Area and the Harvey Norman site

- 7 The JWS on the Flood Assessment Area and the Harvey Norman site, dated 28 June 2025, is attached to this Interim Reply Addendum as **Appendix 1**.
- 8 The JWS confirms that:

- (a) a depression on the LiDAR surface used for the model generating the Flood Assessment Area Overlay was an inaccurate representation of the Harvey Norman site (paragraphs 8 and 9);
  - (b) the depressions processed into the 2010 Digital Elevation Model (**DEM**) have been rectified within the 2020 DEM (based on the new 2020 LiDAR data) (paragraph 14);
  - (c) whilst there are some minor discrepancies with how the commercial building has been processed, for the purposes of assessing the flood assessment areas, it is considered suitable (paragraph 15); and
  - (d) for the Harvey Norman site, the predictions made by the updated model and the associated flood assessment area are considered accurate (paragraph 11).
- 9 The mapping of the updated Flood Assessment Overlay, which includes the corrections for the Harvey Norman site assessed in the JWS, will be progressed in accordance with Panel Minute 38, dated 24 June 2025.

#### **JWS on merging the PrimePort natural hazards provisions**

- 10 In accordance with Minute 34, as amended by Minute 38, Mr Walsh (for PrimePort) and I (for the Council) have prepared the JWS (attached to this Addendum as **Appendix 2**) on whether it is recommended to merge the natural hazards provisions relating to PrimePort within the Natural Hazards chapter and the Coastal Environment chapter, and provide a recommended set of provisions.
- 11 As set out at paragraph 2.1 of the JWS, Mr Walsh and I support merging the natural hazards provisions, by deleting these from the Coastal Environment chapter and inserting / merging these same provisions into the Natural Hazards chapter.
- 12 As set out at paragraph 3.1 of the JWS, Mr Walsh and I agree that the proposed amended provisions in the JWS appendix accurately merge the natural hazards provisions relating to PrimePort within the Natural Hazards chapter.
- 13 The changes involve:
- (a) deleting the PrimePort related coastal hazards provisions in the Coastal Environment chapter;
  - (b) retaining the PrimePort related provisions in the Natural Hazards chapter which were duplicates (i.e. the same provisions located in both the Natural Hazards and Coastal Environment chapters), e.g. NH-O4, renumbered NH-P14 and NH-R3;

- (c) merging / inserting the remaining provisions into the Natural Hazards chapter (e.g. NH-R1A and NH-R4A);
  - (d) amending the policy and rule cross referencing (e.g. in the Rules Instructions); and
  - (e) other minor amendments (such as provision numbering).
- 14 The changes to the PrimePort related natural hazards provisions are located in the appendix to the JWS. The changes are identified in green font in ~~strike-through~~ and underlining to distinguish these from those recommended in my s42A report and subsequent Interim Reply. I have however not underlined all the provisions inserted into the natural hazards chapter resulting from this exercise in order to preserve the previously recommended underlined changes.
- 15 As the changes are structural only, in my opinion a s32AA assessment is not required.
- 16 To avoid including multiple sets of chapters with this Interim Reply Addendum, the Council / PrimePort JWS appendix includes both the PrimePort related changes, and the other recommended changes addressed below. However, Mr Walsh's express agreement only relates to the PrimePort related changes, consistent with the direction in Minute 34 (i.e. Mr Walsh has not considered the non-PrimePort recommended changes resulting from the provision merging).

**Moving / merging all Coastal Environment chapter natural hazards provisions into the Natural Hazards chapter**

- 17 In accordance with Minute 38, all coastal environment-related natural hazards provisions have been shifted / merged into the Natural Hazards chapter. The revised Natural Hazards and Coastal Environment chapters are included in this Interim Reply Addendum in the Council / PrimePort JWS attached as **Appendix 2**.
- 18 The key changes are consistent with the PrimePort changes, and include:
- (a) the changes made to the PrimePort provisions;
  - (b) deleting the coastal hazards related provisions in the Coastal Environment chapter;
  - (c) inserting the coastal hazards provisions into the Natural Hazards chapter as standalone provisions (e.g. NH-OX, NH-P9, NH-P12, NH-P13, and NH-R2);
  - (d) merging other provisions into the natural hazards provisions where possible (e.g. amending NH-P3 and NH-P11, and amending NH-R3, NH-R4, NH-R5 and NH-R6 to include the Coastal Environment Area Overlay, Sea Water inundation Overlay and Coastal Erosion Overlay provisions where required);

- (e) amending the natural hazards chapter introduction to specify it also covers coastal hazards; and
  - (f) other minor amendments (such as provision re-numbering).
- 19 As indicated earlier, the above changes are included with the PrimePort related natural hazards changes, located in the Council / PrimePort JWS appendix.
- 20 As the changes are structural only, in my opinion a s32AA assessment is not required.

## **Appendix 1 – Joint Witness Statement on the Harvey Norman Site and the Flood Assessment Area Overlay**

**BEFORE THE**

**TIMARU DISTRICT COUNCIL HEARING COMMITTEE**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of the Proposed Timaru District Plan

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**JOINT WITNESS STATEMENT BY KEVIN THOMAS KEMP and BEN THROSSELL**

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**JOINT WITNESS STATEMENT – FLOOD ASSESSMENT AREAS**

- 1 This joint witness statement relates to Hearing Stream F: Hazards and Risks (Natural Hazards only) - Other District-wide Matters of the proposed Timaru District Plan review.
- 2 The conference attendees were:
  - 2.1 Mr Ben Throssell for Harvey Norman Ltd; and,
  - 2.2 Mr Kevin Kemp for Timaru District Council
- 3 This joint statement has been prepared in accordance with section 9.5 of the Environment Court Practice Note 2023.
- 4 All witnesses have read and agree to comply with the code of conduct for expert witnesses in the Environment Court Practice Note 2023.
- 5 This joint witness statement sets out all matters agreed and not agreed by the relevant experts, with an outline of the reasons for disagreement provided where appropriate.

- 6 Witnesses' qualifications and experience is set out in their evidence in chief.

### **Background**

- 7 Following District Planning Hearing F on Natural Hazards, the Hearings Panel filed Minute 34 requesting a response in relation to the discrepancy identified by Harvey Norman (HN) through their submission supported by evidence from Mr Throssell.
- 8 The evidence by Mr Throssell raised that a depression on the LiDAR surface used for the model generating the Flood Assessment Area Overlay was an inaccurate representation of the site.
- 9 During Hearing F, Mr Kemp confirmed that presence of the depression on the model surface was inaccurate and an oversight through the reviewing of the Timaru Urban Stormwater Catchment modelling results and the associated surface data utilised.
- 10 Further investigations into this surface anomaly have been completed and the impact on the flood assessment area overlay has been quantified. This JWS relates only to the discrepancy identified for the Harvey Norman site.

### **Timaru District Council Investigation into Flood Assessment Area Overlay Discrepancy**

- 11 The Digital Elevation Model (DEM) originally used to form the surface for Timaru Urban Catchment Stormwater Modelling was developed from Aerial LiDAR survey captured and processed in 2010. The processing of the 2010 LiDAR created depressions where large structures were/are located in multiple locations within the Timaru Urban Area. This 2010 surface is what generated the depression identified by PDP.
- 12 Upon further assessment of the 2010 DEM, identified further depressions within the Timaru Urban Area, particularly around the Timaru town centre where large areas of continuous elevated structures were processed out of the LiDAR data gathered in 2010 generating a number of depressions.
- 13 TDC engaged Aerial Survey Ltd to process LiDAR data gathered across the Timaru Urban Area, including Washdyke, a portion of the Levels Plain and Pleasant Point, in 2020 and 2021.
- 14 The new 2020 LiDAR data has been processed into a format that can be incorporated into TDC modelling and upon assessment of the 2020 DEM, TDC has confirmed that the depressions processed into the 2010 DEM have been rectified within the 2020 DEM.

### **Questions**

- 15 **Have the discrepancies identified by Mr Throssell been adequately resolved?**



Whilst there are some minor discrepancies with how the commercial building has been processed, for the purposes of assessing the flood assessment areas, it is considered suitable.

16 **Does the model provide suitable predictions which can be adopted for the purposes of identifying flood assessment areas?**

Yes, for the Harvey Norman site, the predictions made by the model and the associated flood assessment area is considered accurate.

In conclusion, the experts are in agreement on all matters.



**Kevin Kemp**

26 June 2025



**Ben Throssell**

27 June 2025

Enclosed: Harvey Norman Site - June 2025 FAA Overlay





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## **Appendix 2 – JWS on merging the PrimePort related natural hazards provisions**

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

**UNDER** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Submissions and further submissions in  
relation to the Timaru Proposed District  
Plan – Hearing F – Natural Hazards and  
Coastal Environment

**AND** PrimePort Timaru Limited and Timaru  
District Holdings Limited (Submitters  
175/186)

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**JOINT WITNESS STATEMENT  
Planning**

Dated: 30 June 2025

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## **1 Introduction**

- 1.1 This joint witness statement relates to a direction of the Hearing Panel (the Panel) in Minute 34 (dated 13 May 2025). In Minute 34 (paragraph 7) the Panel requested that Mr Willis (for Timaru District Council) and Mr Walsh (for PrimePort and Timaru District Holdings):
- “Provide a joint statement regarding whether it is recommended to merge the provisions relating to PrimePort within the Natural Hazards Chapter and the Coastal Environment Chapter, and a recommended set of provisions.”
- 1.2 Further correspondence has now occurred between Mr Willis and Mr Walsh on this matter which has led to this Joint Witness Statement (**JWS**) being prepared.
- 1.3 This JWS has been prepared in accordance with sections 9.4 and 9.5 of the Environment Court Practice Note 2023, which relates specifically to expert conferencing. The attendees confirm they have read, and agree to abide with, the updated Code of Conduct for Expert Witnesses included in Section 9 of the Environment Court Practice Note 2023.
- 1.4 This JWS sets out all matters agreed (and not agreed by the experts, with an outline of the reasons for disagreement provided where appropriate).
- 1.5 It is assumed that all submitted evidence has been reviewed and understood as a precursor to this JWS.

## **2 Position of the parties re whether it is recommended to merge the provisions relating to PrimePort within the Natural Hazards Chapter and the Coastal Environment Chapter**

- 2.1 Mr Willis and Mr Walsh support merging the natural hazards provisions, by deleting these from the Coastal Environment chapter and inserting / merging these same provisions into the Natural Hazards chapter. Mr Willis notes he suggested this approach at paragraphs 1.2.5 and 1.2.6 in his s42A report for Hearing F. Mr Walsh notes that in his Hearing F evidence dated 9 April, he considered it more sensible for all natural hazard provisions to sit in one chapter rather than two (paragraph 50).

## **3 A recommended set of provisions**

- 3.1 Mr Willis and Mr Walsh agree that the proposed amended provisions in **Appendix 1** accurately merge the natural hazards provisions relating to PrimePort within the Natural Hazards chapter.
- 3.2 The parties note that this JWS only covers the provisions that relate to PrimePort, as required by Minute 34, i.e. it does not cover the other non-Port related changes resulting from the merging which are also contained in **Appendix 1**.

- 3.3 Amendments consistent with the above positions are set out in **Appendix 1**, with the amendments shown in green font underline and ~~strike through~~.

#### **4 S32AA Assessment**

- 4.1 The recommended amendments are structural changes only and therefore do not require a s32AA assessment.

**Signed:**



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**Tim Walsh**



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**Andrew Willis**

## Appendix 1 – Recommended Amendments to the Natural Hazards and Coastal Environment chapters (to merge the natural hazards provisions within the Natural Hazards chapter)

Recommended changes in response to submissions are shown as follows:

- S42A recommended text to be added to the Proposed Plan is underlined.
- S42A recommended text to be deleted from the Proposed Plan is ~~struck through~~.
- Amendments recommended as a result of the evidence presented at Hearing F and in response to Panel Minute 34 are set out in blue font underline and ~~strike-through~~.
- Amendments recommended as part of merging the natural hazards provisions of the Coastal Environment chapter into the Natural Hazards chapter are set out in green font underline and ~~strike-through~~. Note: where a provision is simply shifted from the Coastal Environment chapter into the Natural Hazards chapter, this insertion is shown in green font but not underlining in order to retain the previous underlined edits (e.g. NH-OX).

## NATURAL HAZARDS

### Introduction

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

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

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

The Natural Hazards chapter contains policy direction to address the management of risk from non-coastal natural hazards throughout the District. Natural hazards that are solely coastal hazards are addressed within the Coastal Environment. This chapter covers both coastal and non-coastal natural hazards. In some instances, natural hazard risk is a result of combined hazards (such as coastal, pluvial and fluvial flooding). The Plan does not address managed retreat as it is unlikely to be achieved through it, but other actions are included so they can be considered through a consent process.<sup>3</sup>

This chapter and associated planning map overlays identify a range of natural hazards and the level of risk they pose and applies rules to avoid risk to development and activities within areas that have been identified as high risk (both scale and probability) from natural hazards. A precautionary approach has been taken to areas where it is difficult to map different levels of flood risk and accordingly large areas, particularly of the General Rural Zone, are identified as Flood Assessment Areas. Therefore, some types of natural hazards may be mapped

<sup>1</sup> TDC [42.30]

<sup>2</sup> Hort NZ [254.51]

<sup>3</sup> Clause 16(2) as part of merging the natural hazards provisions into the Natural Hazards chapter

within the plan (e.g. [earthquake fault awareness areas](#) ~~high flood risk areas~~),<sup>4</sup> and others may be identified through either mapping or a certification approach within the Flood Assessment Area (e.g. [high hazard areas](#) ~~and~~<sup>5</sup> overland flow paths).

Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami risk. In recognition of its particular locational requirements interfacing with the sea, separate specific provisions are provided for the Port Zone. ~~No other natural hazard provisions apply unless otherwise specified in the provisions. For the purposes of this chapter, only Objective NH-O4 and Policy NH-P11-14 apply in the Port Zone.~~<sup>6</sup>

Some hazards are only addressed at a policy level with related rules either included in a different chapter (for example, in relation to land stability and subsidence) or outside the District Plan (tsunami). Regulation 57 of the National Environmental Standard for Telecommunication Facilities specifically disappplies District Plan natural hazard provisions from telecommunication structures which are regulated under that standard. Therefore, the natural hazards provisions in this chapter do not apply to telecommunications infrastructure [regulated under this standard](#).<sup>7</sup>

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

As required by the Canterbury Regional Policy Statement (Chapter 11):

1. the control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the Canterbury Regional Council;<sup>8</sup> and
2. the coastal erosion rules in this District Plan only apply in the coastal erosion areas shown on the Planning map, and are landward of the coastal erosion hazard zones shown in the Regional Coastal Environment Plan (RCEP). All other coastal erosion planning rules are contained within the RCEP.<sup>9</sup>

## Objectives

NH-O1	Areas subject to natural hazards
Risk to human life and significant risk to property, from natural hazards is: <ol style="list-style-type: none"> <li>1. avoided in high hazard areas <del>that are outside of urban zoned areas</del>;<sup>10</sup> and</li> <li>2. avoided or mitigated in high hazard areas <del>that are within urban zoned areas</del>;<sup>11</sup> and</li> <li>3. avoided or mitigated <del>elsewhere</del> in all other areas<sup>12</sup> to an acceptable level.</li> </ol>	
NH-OX	Coastal hazards
People, buildings and structures are protected from unacceptable risks arising from coastal hazards, <u>including those exacerbated by climate change</u> . <sup>13 14</sup>	
NH-O2	Regionally Significant Infrastructure

<sup>4</sup> Kāinga Ora [229.39]

<sup>5</sup> Clause 16(2)

<sup>6</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>7</sup> Connexa [176.60], Spark [208.60], Chorus [209.60] and Vodafone [210.60] [and the evidence of Mr Anderson dated 9 April \(paragraph 17\)](#)

<sup>8</sup> ECan [183.131 and 183.142] [and the evidence of Ms Irvine dated 9 April, paragraphs 52 to 61](#)).

<sup>9</sup> Clause 16(2)

<sup>10</sup> Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

<sup>11</sup> Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

<sup>12</sup> Clause 16(2)

<sup>13</sup> Forest and Bird [156.145], Dir. General Conservation [166.101] and ECan [183.114].

<sup>14</sup> [Clause 16\(2\) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter](#)



Risk from natural hazards to Regionally Significant Infrastructure is managed by locating ~~located~~<sup>15</sup> outside of high hazard areas where practicable.

#### NH-O3 Natural hazard mitigation works

Natural hazard mitigation works reduce risks to people and property, with a preference for the use of natural features and buffers where practicable.<sup>16</sup>

#### NH-OY ~~Natural defences features and buffers~~<sup>17</sup>

~~Natural features~~ Natural defences and buffers are protected, restored or enhanced retained and used for coastal hazard management, in preference to natural hazard mitigation works hard engineering natural hazard mitigation works,<sup>18</sup> wherever appropriate.<sup>19 20</sup>

#### NH-O4 Adaptive management at the Port<sup>21</sup>

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

## Policies

#### NH-P1 Identification of natural hazards and approach to management within ~~Natural Hazard Areas~~<sup>22</sup>

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

1. the type of natural hazard that applies; and
2. the level and severity of risk to people and property from the natural hazard; and
3. the sensitivity of activities to loss of life or damage to property from a natural hazard; and
4. the ability for communities to recover after a natural hazard event; and
5. for the Māori Purpose Zone, the extent to which managing the risk compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the outcome of any consultation with mana whenua.<sup>23</sup>

#### NH-P2 Consideration of tsunami risk

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

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

<sup>15</sup> Transpower [159.60]

<sup>16</sup> PrimePort [175.28] and Timaru District Holdings [186.14]

<sup>17</sup> Forest and Bird [156.146], Dir. General Conservation [166.102]

<sup>18</sup> Clause 16(2)

<sup>19</sup> Forest and Bird [156.146], Dir. General Conservation [166.102]

<sup>20</sup> Clause 16(2) as part of merging the natural hazards provisions into the Natural Hazards chapter

<sup>21</sup> PrimePort [175.28] and Timaru District Holdings [186.14]

<sup>22</sup> Clause 16(2)

<sup>23</sup> Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

1. Outside of the Coastal Environment, ~~P~~protect, maintain and restore where appropriate, natural topographic features and vegetation, including native ~~vegetation~~<sup>24</sup> ~~habitat~~<sup>25</sup> that assists with avoiding or mitigating the risk to people and significant risk to property from natural hazards;
2. Within the Coastal Environment, ~~protect, and maintain~~ restore or enhance natural defences where appropriate, including natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards; ~~and where practicable restore such features and vegetation.~~<sup>26</sup>

<b>NH-P4</b>	<b>Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flow paths<sup>27</sup></b>
<p>Enable subdivision, use and development (excluding Regionally Significant Infrastructure) in areas subject to inundation by a 0.5% AEP flood event provided that:</p> <ol style="list-style-type: none"> <li>1. it is not likely to suffer significant damage in a flood event; and</li> <li>2. it will not significantly affect the functioning of the flood plain; and</li> <li>3. it will not generate the need for new or upgraded public natural hazard mitigation works to mitigate or avoid the natural hazard; and</li> <li>4. <u>for natural hazard sensitive buildings</u>,<sup>28</sup> a minimum floor level above the 0.5% AEP design flood level can be achieved; and</li> <li>5. <u>for major hazard facilities will not be inundated, there is no risk of hazardous substances entering the environment</u>;<sup>29</sup> significant adverse effects on people and property are avoided; and</li> <li>6. increased risk on other sites, <u>including through floodwater displacement and diversion</u><sup>30</sup>, is avoided as a priority and where this is not practicable, will be appropriately mitigated.</li> </ol>	
<b>NH-P5</b>	<b>Subdivision and Regionally significant Infrastructure<sup>31</sup> in Liquefaction Awareness Areas</b>
<p><del>Require subdivision and Regionally Significant Infrastructure in Liquefaction Awareness Areas to apply appropriate measures to avoid or, where avoidance is not reasonably practicable due to the functional needs of the activity, mitigate risks to people and property. Require the liquefaction risk in the Liquefaction Awareness Area Overlay to be identified and appropriately remedied or mitigated.</del><sup>32</sup></p>	
<b>NH-P6</b>	<b>Subdivision and Regionally Significant Infrastructure<sup>33</sup> in Earthquake Fault Awareness Areas</b>
<p>Require subdivision and Regionally Significant Infrastructure<sup>34</sup> in the Earthquake Fault (Subdivision)<sup>35</sup> Awareness Areas overlay to be designed or located in a way that <u>enables activities to avoid</u> or, where avoidance is not reasonably practicable due to the functional <u>need or operational</u> needs<sup>36</sup> of the activity, mitigates risks to people and property.</p>	
<b>NH-P7</b>	<b>Slope stability and subsidence risk</b>
<p>Require subdivision, use and development in areas subject to risks of slope instability and subsidence to demonstrate the appropriateness of the site for subdivision, use or development in a way that can avoid significant hazard risks to people and property and appropriately mitigate other risks.</p>	

<sup>24</sup> Crossman evidence for OWL [181] paras 4.1 to 4.3

<sup>25</sup> Forest and Bird [156.87]

<sup>26</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>27</sup> ECan [183.38]

<sup>28</sup> ECan [183.33]

<sup>29</sup> BP Oil et al [196.50], PrimePort [175.29] and Timaru District Holdings [186.15]

<sup>30</sup> Clause 16(2)

<sup>31</sup> Transpower [159.61]

<sup>32</sup> ECan [183.34]

<sup>33</sup> Transpower [159.62]

<sup>34</sup> Transpower [159.62]

<sup>35</sup> Clause 16(2)

<sup>36</sup> Waka Kotahi [143.68]

<b>NH-P8</b>	<b>Overland Flowpaths<sup>37</sup></b>
Require subdivision, use and development in overland flowpaths to: <ol style="list-style-type: none"> <li>1. maintain the function of the overland flowpath; and</li> <li>2. minimise any increased or new risk from flooding on surrounding properties.</li> </ol>	
<b>NH-P98</b>	<b>Natural hazard mitigation works</b>
<p>Natural hazard mitigation works:</p> <ol style="list-style-type: none"> <li>1. undertaken by <u>or on behalf of</u><sup>38</sup> the Crown, Canterbury Regional Council or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, Historic Heritage, cultural, and archaeological <del>areas/sites</del>,<sup>39</sup> riparian margins and Notable Trees are mitigated; or</li> <li>2. not undertaken by <u>or on behalf of</u><sup>40</sup> the Crown, Canterbury Regional Council or the Council, will only be acceptable where:               <ol style="list-style-type: none"> <li>a. the natural hazard risk cannot otherwise be reasonably avoided; and</li> <li>b. consideration has been given to alternative solutions such as the relocation, removal or abandonment of existing uses, buildings and structures and all alternatives are not economically viable; and</li> <li>c. any adverse effects arising from the construction or operation of the works on the identified values and qualities of Outstanding Landscapes and Features, the Coastal Environment, Visual Amenity Landscapes, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological <del>areas/sites</del>,<sup>41</sup> riparian margins and Notable Trees are avoided, remedied, or mitigated in accordance with the <u>objectives and policies provisions</u><sup>42</sup> in those Chapters; and</li> <li>d. the construction or operation of the works will <u>avoid or acceptably mitigate</u> <del>not lead to</del><sup>43</sup> any increased or new risk from flooding <del>to</del> human life and property.</li> </ol> </li> </ol>	
<b>NH-P9<sup>44</sup></b>	<b>Hard engineering natural hazard mitigation works<sup>45</sup> within the Coastal Environment</b>
<p>Only allow hard engineering natural hazard mitigation <u>works</u> within the coastal environment that reduces the risk of natural hazards when:</p> <ol style="list-style-type: none"> <li>1. soft engineering measures would not provide an appropriate level of protection and it can be demonstrated that there are no other reasonable alternatives;</li> <li>2. the construction of hard engineering measures will not increase the risk from coastal hazards on adjacent properties that are not protected by the hard engineering measures;</li> <li>3. where managed retreat has not been adopted and there is <del>an immediate</del> <u>a demonstrated clear</u><sup>46</sup> risk to life or property from the natural hazard;</li> <li>4. it <u>minimises</u> <del>avoids</del><sup>47</sup> the modification or alteration of natural defences and systems in a way that would compromise their function as natural defences; and</li> <li>5. <u>other</u> significant adverse effects on natural defences and systems from those measures are avoided, and any <del>other</del> <u>non-significant</u><sup>48</sup> adverse effects are avoided, remedied or mitigated.</li> </ol>	

<sup>37</sup> ECan [183.38]<sup>38</sup> Clause 16(2)<sup>39</sup> Clause 10(2)(b) of Heritage NZ [114.3]<sup>40</sup> Clause 16(2)<sup>41</sup> Clause 10(2)(b) of Heritage NZ [114.3]<sup>42</sup> [ECan \[183.128\] – consequential amendment to align with rule exclusions](#)<sup>43</sup> Silver Fern Farms [172.27] and Alliance Group [173.24]<sup>44</sup> [Clause 16\(2\) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter](#)<sup>45</sup> Clause 16(2)<sup>46</sup> Tosh Prodanov [117.3],<sup>47</sup> Silver Fern Farms [172.88]<sup>48</sup> Silver Fern Farms [172.88]

NH-P10	High Hazard Areas
<p>Avoid subdivision, use and development (excluding Regionally Significant Infrastructure) in <del>mapped or</del> identified high hazard areas, unless:</p> <ol style="list-style-type: none"> <li>1. it is a building <u>or structure</u><sup>49</sup> that is not a natural hazard sensitive <u>building activity</u><sup>50</sup> or is unlikely to suffer damage; or</li> <li>2. it can be demonstrated that the risks of the natural hazard can be mitigated so that: <ol style="list-style-type: none"> <li>a. in the event of a natural hazard, there is likely to be no loss of life or serious injury <u>or and any built development is not likely to suffer significant property</u><sup>51</sup> damage or loss; and</li> <li>b. it will not require new or upgraded public natural hazard mitigation works to mitigate the natural hazard; and</li> <li>c. it is not likely to exacerbate the potential effects of the natural hazard on adjoining or surrounding land; and</li> <li>d. it does not increase reliance on emergency services in a hazard event; or</li> </ol> </li> <li>3. <u>it is located within an existing urban zoned area and the risks of the natural hazard are avoided or mitigated.</u><sup>52</sup></li> </ol>	
NH-P11	Regionally Significant Infrastructure in <del>Natural Hazard Areas</del> <sup>53</sup>
<p><del>Only allow</del> <u>1. Outside of coastal hazard areas,</u> Regionally Significant Infrastructure in <del>Natural Hazard Areas</del> where:</p> <ol style="list-style-type: none"> <li>a. <u>can only locate within high hazard areas</u> where it has an operational need or functional need for the location and there are no feasible alternative locations; and</li> <li>b. <u>for other all</u><sup>54</sup> natural hazard areas:</li> </ol> <ol style="list-style-type: none"> <li>i. <del>it is designed to maintain its integrity and function during and after a natural hazard event, or it is able to be readily re-instated after a natural hazard event; and</del></li> <li>ii. <del>it is designed and located to ensure that it will not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land;</del><sup>55</sup></li> </ol> <p><u>2. Within coastal hazard areas, only allow Regionally Significant Infrastructure, including the Port of Timaru,</u><sup>56</sup> in areas subject to coastal hazards where:</p> <ol style="list-style-type: none"> <li>a. <u>there is a functional or operational need for it to locate there; and</u></li> <li>b. <u>it will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.</u><sup>57</sup></li> </ol>	
NH-P12 <sup>58</sup>	Activities in coastal hazard areas (excluding Regional Significant Infrastructure)
<ol style="list-style-type: none"> <li>1. <u>In non-urban zoned</u><sup>59</sup> areas, avoid subdivision, use and development within the Coastal Erosion Overlay and Sea Water Inundation Overlay where there is a new or increased risk of loss of life, or significant damage to structures or property;</li> <li>2. <u>Within existing urban zoned</u><sup>60</sup> areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.</li> </ol>	

<sup>49</sup> Silver Fern Farms [172.28] and Alliance Group [173.25]

<sup>50</sup> Clause 16(2)

<sup>51</sup> Silver Fern Farms [172.28] and Alliance Group [173.25]

<sup>52</sup> Rangitata Dairies [44.2], Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1] and various submissions from Waipopo Huts Trust and Te Kotare Trust

<sup>53</sup> Clause 16(2)

<sup>54</sup> [Transpower \[159.63\] – amendment to correct the wording, as intended in the s42A report \(paragraph 7.24.6\)](#)

<sup>55</sup> Transpower [159.63] for all these changes.

<sup>56</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>57</sup> [Clause 16\(2\) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter](#)

<sup>58</sup> [Clause 16\(2\) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter](#)

<sup>59</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

<sup>60</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

**NH-P13** <sup>61</sup>**Identifying coastal hazards**

Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,<sup>62</sup> to the management of subdivision, use and development based on the following:

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

**NH-P14** <sup>63</sup>**PORTZ Port Zone** <sup>64</sup>

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

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

## Rules

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

For the purposes of this chapter, activities in the **PORTZ Port Zone** are only subject to ~~the PORTZ-specific rules and NH-R1A, NH-R39 and NH-R4A NH-RX and NH-RX.~~<sup>65</sup> These **PORTZ Port Zone** specific rules do not cover Major Hazardous Facilities and Hazardous Facilities in the **PORTZ Port Zone**, which are covered by the Hazardous Substances Chapter.<sup>66</sup>

For the purposes of NH-R3 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.<sup>67</sup>

The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the Canterbury Regional Council. The rules in this chapter therefore do not apply within the beds of lakes and rivers.<sup>68</sup>

<sup>61</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>62</sup> Dir. General Conservation [166.108] and Forest and Bird [156.151]

<sup>63</sup> Clause 16(2) renumbering as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>64</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>65</sup> Clause 16(2) renumbering as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>66</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>67</sup> ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

<sup>68</sup> OWL [181.48] and [181.54]

NH-R1	<b><u>Buildings, structures and Earthworks <a href="#">outside the Port Zone</a><sup>69</sup>, excluding land disturbance and for natural hazard mitigation works and its associated land disturbance <a href="#">under NH-R3</a><sup>70</sup></u></b>	
<b>Flood Assessment Area Overlay</b>  <b>High Hazard Area Overlay<sup>71</sup></b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  <del>If the area is subject to flooding in a 0.5% AEP rainfall, NH-S2 is complied with; and<sup>72</sup></del></p> <p><b>PER-2</b>  <del>If a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flow path.</del></p> <p>Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.<sup>73</sup></p> <p><b>Notes:</b>  1. A Flood Risk Assessment Certificate issued in accordance with NH-S1 will identify if the site is subject to flooding in events up to and including a 0.5% AEP flood event.   2. When considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.   3. This rule applies in addition to all the remaining chapter rules.<sup>74</sup></p>	<p><del>Activity status where compliance not achieved with PER-1: Restricted Discretionary</del></p> <p><del>Matters of discretion are restricted to:</del>  The relevant matters of discretion of any infringed standard.</p> <p><b>Activity status where compliance not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>any adverse effects on the rate of flow and direction of overland flow path(s); and</li> <li>any adverse effects on property from blockage of or disturbance to the overland flowpath(s) or displacement <a href="#">or diversion</a> of floodwater;<sup>75</sup> and</li> <li><a href="#">any increased flood risk for people, property, or public spaces; and</a></li> <li><del>3-4.</del> the effectiveness and potential adverse effects of any proposed mitigation measures.<sup>76</sup></li> </ol>
<b><a href="#">NH-RX</a></b> <b><a href="#">NH-R1A</a></b>	<b><u>New buildings, structures and earthworks in the <a href="#">PORTZ Port Zone</a><sup>77</sup></u></b>	

<sup>69</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>70</sup> ECan [183.38]

<sup>71</sup> Kāinga Ora [229.39]

<sup>72</sup> Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38]

<sup>73</sup> ECan [183.38]

<sup>74</sup> Clause 16(2)

<sup>75</sup> ECan [183.38]

<sup>76</sup> ECan [183.38]

<sup>77</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]



<b>Flood Assessment Area Overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance is achieved: Restricted Discretionary</b>
<b>Sea Water Inundation Overlay</b>	<b>Where</b>	<b>Matters of discretion are restricted to:</b>
<b>Coastal Erosion Overlay</b> <sup>78</sup>	<b>PER-1</b> Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event. <sup>79</sup>  Note: when considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.	<ol style="list-style-type: none"> <li>1. any adverse effects on the rate of flow and direction of overland flow path(s); and</li> <li>2. any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; and</li> <li>3. any increased flood risk for people, property, or public spaces; and</li> <li>4. the effectiveness and potential adverse effects of any proposed mitigation measures and</li> <li>5. the benefits of or necessity for the proposed building, structure or earthworks.</li> </ol>

<b>NH-R2</b> <sup>80</sup>	<b>Land disturbance</b>	
<b>Coastal Erosion Overlay</b>	<b>Activity Status: Permitted</b>	<b>Activity status when compliance not achieved with: Not applicable</b>
<b>Sea Water Inundation Overlay</b>		

<b>NH-R2</b>	<b>Fences</b> <sup>81</sup>	
<b>Flood Assessment Area Overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Restricted Discretionary</b>
	<b>Where:</b>	<b>Matters of discretion are restricted to:</b>
	<b>PER-1</b> At least 70% of the surface area of the fence is permeable above ground; or	<ol style="list-style-type: none"> <li>1. the type of fencing and materials proposed and the potential to obstruct water flow; and</li> <li>2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</li> <li>3. any increased flood risk for people, property, or public spaces; and</li> </ol>
	<b>PER-2</b> A Flood Risk Assessment <sup>82</sup> Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not	

<sup>78</sup> ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80. Clause 16(2) amendment to include NH-RX renumbered as NH-R1A, as part of merging the natural hazards provisions into the Natural Hazards chapter

<sup>79</sup> ECan [183.38]

<sup>80</sup> Clause 16(2) as part of merging the natural hazards provisions

<sup>81</sup> Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38] and Joseph Rooney [177.15], Peter Bonifacio [36.15], Hort NZ [245.55] and ECan [183.39]

<sup>82</sup> ECan [183.26]

	located on land that is within an overland flow path.	4. the effectiveness and potential adverse effects of any proposed mitigation measures.
NH-R3	<b>Natural hazard mitigation works – maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal<sup>83</sup></b> <i>Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation<sup>84</sup></i>	

<b>1</b> <b>Flood Assessment Area Overlay</b>  <b>High Hazard Area Overlay<sup>85</sup></b>  <b>Coastal Environment Area Overlay<sup>86</sup></b>  <b>Sea Water Inundation Overlay<sup>87 88</sup></b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> <u>The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation;<sup>89</sup> or</u>  <b>PER-42</b> <u>The activity is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of river control schemes; and</u> <sup>90</sup>  <b>PER-4-3</b> <u>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</u> 1. <u>The natural hazard mitigation works is occur<sup>91</sup> within 25m of the existing alignment or location vertically and horizontally of existing natural hazard mitigation works;<sup>92</sup> and</u>	<b>Activity status where compliance not achieved with PER-1<sup>97</sup>, PER-2, PER-3 or PER-4: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. the likely effectiveness of the natural hazard mitigation works and the need for them; and</li> <li>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 significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;<sup>98</sup> and</li> <li>3. any potential adverse effects of from<sup>99</sup> diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</li> <li>4. any increased flood risk for people, property, infrastructure<sup>100</sup> or public spaces; and</li> <li>5. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and</li> <li>6. any positive effects of the proposal on the community; and</li> </ol>
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<sup>83</sup> ECan [183.40]<sup>84</sup> Clause 16(2)<sup>85</sup> Kāinga Ora [229.39]<sup>86</sup> Clause 16(2) – from CE-R9 - as part of merging the natural hazards provisions<sup>87</sup> ECan [183.128]<sup>88</sup> Clause 16(2) – from CE-R9 - as part of merging the natural hazards provisions<sup>89</sup> ECan [183.40]<sup>90</sup> ECan [183.40]<sup>91</sup> Clause 16(2)<sup>92</sup> Clause 16(2)<sup>97</sup> ECan [183.40]<sup>98</sup> ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]<sup>99</sup> ECan [183.40]<sup>100</sup> Waka Kotahi [143.71]



	<p>2. <del>do not increase</del> <del>the footprint of the existing<sup>93</sup> natural hazard mitigation works is not increased</del> by more than 25%; or</p> <p><b>PER-3 4</b> The activity is undertaken by or on behalf of the <del>Port of Timaru-Crown, Canterbury Regional Council, or the Council, or</del> and is limited to the maintenance of existing natural hazard mitigation works within 310m of PREC7;<sup>94</sup> and or</p> <p><b>PER-4</b> <del>If the site is subject to flooding in a 0.5% AEP rainfall event, NH-S2 is complied with.</del><sup>95</sup></p> <p><b>PER-5</b> <u>The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.</u><sup>96</sup></p>	<p><u>7. the matters set out in NH-P8.</u><sup>101</sup></p> <p><b>Activity status where compliance not achieved with PER-4 PER-4 PER-5: Restricted Discretionary</b><sup>102</sup></p> <p><b>Where</b></p> <p><b>RDIS-1</b> Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council;<sup>103</sup> <del>b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.</del><sup>104</sup></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. those matters set out for non-compliance with <u>NH-R3.1. PER-1, PER-2, or PER-3 or PER-4.</u></p> <p><b>Activity status where compliance not achieved with RDIS-1: Discretionary</b><sup>105</sup></p> <p><b>Matters of discretion are restricted to:</b> the relevant matters of discretion of any infringed standard.<sup>106</sup></p>
<p><b>2</b></p> <p><b>Coastal High Natural Character Area Overlay</b><sup>107</sup></p>	<p><b>Activity status: Restricted Discretionary</b><sup>109</sup></p> <p><b>Where:</b> <b>RDIS-1</b><sup>110</sup> Any new natural hazard mitigation works are: a. established by or on behalf of the Crown, Regional Council, or the Council; or<sup>111</sup></p>	<p><b>Activity status where compliance is not achieved: Discretionary</b></p>

<sup>93</sup> Clause 16(2)

<sup>94</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2). See also the evidence of Mr Walsh dated 9 April, paragraph 44

<sup>95</sup> Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26]

<sup>96</sup> ECan [183.40] and [183.41]

<sup>101</sup> ECan [183.40]

<sup>102</sup> ECan [183.40]

<sup>103</sup> ECan [183.128]

<sup>104</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>105</sup> ECan [183.40]

<sup>106</sup> ECan [183.40]

<sup>107</sup> ECan [183.128]

<sup>109</sup> Clause 16(2) – merge from CE-R9.2 as part of the natural hazards provision merge

<sup>110</sup> ECan [183.128]

<sup>111</sup> ECan [183.128]

<b>Coastal Erosion Overlay</b> <sup>108</sup>	<p>b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7.<sup>112</sup></p> <p><b>Matters of discretion are restricted to:</b> those matters set out for non-compliance with NH-R3.1, PER-1, PER-2, or PER-3 or PER-4.<sup>113</sup></p>	
<b>NH-R4</b>	<p>Natural hazard sensitive <u>buildings outside the Port Zone activities</u><sup>114</sup> <u>other than Regionally Significant Infrastructure</u><sup>115</sup> <u>or structures</u><sup>116</sup> <u>and additions to such activities or structures with a ground floor area of 30m<sup>2</sup> or more</u><sup>117 118</sup></p>	
<b>1 Flood Assessment Area Overlay within Urban Zoned Areas</b> <sup>119</sup>	<p><del>Note: if the new building, structure or extension on the ground floor is less than 30m<sup>2</sup>, see NH-R7.</del><sup>120</sup></p> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> the <u>natural hazard sensitive building complies with</u><sup>121</sup> <del>is built to</del> the minimum finished floor level specified in an existing consent notice that is less than five years old; or</p> <p><b>PER-2</b> A Flood Risk Assessment<sup>122</sup> Certificate for the <u>natural hazard sensitive</u><sup>123</sup> activity has been issued in accordance with NH-S1 <u>and the building complies with the minimum floor level specified in the Flood Assessment Certificate.</u><sup>124</sup>; <u>and</u></p> <p><b>PER-3</b></p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2 or PER-4: Non-Complying Restricted Discretionary</b><sup>128</sup></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</li> <li>2. any increased flood risk for people, property, or public spaces; and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. any operational need or functional need for the activity to be established in this location; and</li> <li>5. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>6. the extent of any additional reliance on emergency services; <del>and</del></li> <li>7. any positive effects of the proposal; <u>and</u></li> <li>8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule</u></li> </ol>

<sup>108</sup> ECan [183.128]<sup>112</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]<sup>113</sup> ECan [183.128]<sup>114</sup> Clause 16(2)<sup>115</sup> This inclusion is not needed as RSI is excluded from the definition of Natural Hazard Sensitive Buildings.<sup>116</sup> Road Metals [169.15] and Fulton Hogan [170.16] Dairy Holdings [89.6]<sup>117</sup> Clause 10(2)(b) amendment as the 30m<sup>2</sup> threshold is proposed to be included in the definition of “natural hazard sensitive buildings”.<sup>118</sup> ECan [183.38] for all changes, except where separately identified<sup>119</sup> Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].<sup>120</sup> ECan [183.38], [183.42]<sup>121</sup> Clause 16(2)<sup>122</sup> ECan [183.26]<sup>123</sup> Clause 16(2)<sup>124</sup> ECan [183.42]<sup>128</sup> Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

	<p>The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flow path; and<sup>125</sup></p> <p><b>PER-4</b> The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is identified as a High Hazard Area; and<sup>126</sup></p> <p><b>PER-5</b> The Flood Risk Certificate issued under PER-2 states either:</p> <ol style="list-style-type: none"> <li>1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or</li> <li>2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.<sup>127</sup></li> </ol>	<p><u>compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u><sup>129</sup></p> <p><b>Activity status where compliance not achieved with PER-5: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the nature, design and intended use of the proposed building or structure; and</li> <li>2. any increased flood risk for people, property, or public spaces; and</li> <li>3. proposals to mitigate any risk created by non-compliance with the minimum floor levels, including risk to the health and safety of occupants; and</li> <li>4. the potential for the activity to exacerbate natural hazard risk, including to any other sites; and</li> <li>5. any increased reliance on emergency services;<sup>130</sup></li> </ol>
<p><b>2</b> <b>Flood Assessment Area Overlay outside of Urban Zoned Areas</b><sup>131</sup></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> the natural hazard sensitive building complies with the minimum finished floor level specified in an existing consent notice that is less than five years old; or</p> <p><b>PER-2</b> A Flood Assessment Certificate for the natural hazard sensitive building has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate; and</p> <p><b>PER-3</b> The Flood <a href="#">Risk Assessment</a><sup>132</sup> Certificate issued under PER-2 states that the building is not located on land that is identified as a high hazard area.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <u>any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</u></li> <li>2. <u>any increased flood risk for people, property, or public spaces; and</u></li> <li>3. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u></li> <li>4. <u>any operational need or functional need for the activity to be established in this location; and</u></li> <li>5. <u>the extent to which it will require new or upgraded public natural hazard mitigation works; and</u></li> <li>6. <u>the extent of any additional reliance on emergency services;</u></li> <li>7. <u>any positive effects of the proposal; and</u></li> </ol>

<sup>125</sup> ECan [183.42]

<sup>126</sup> Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

<sup>127</sup> ECan [183.38]

<sup>129</sup> Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<sup>130</sup> ECan [183.38]

<sup>131</sup> Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

<sup>132</sup> [Clause 16\(2\)](#)

		<p>8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u><sup>133</sup></p> <p><b><u>Activity status where compliance not achieved with PER-3: Non-complying</u></b></p>
<p><b>3 Sea Water Inundation Overlay within urban zoned</b><sup>134</sup> <b>areas</b></p>	<p><b>Activity status: Permitted Where:</b></p> <p><b>PER-4</b> The new building or extension has a maximum ground floor area per site of 25m<sup>2</sup> in any continuous 10-year period from 22 September 2022;<sup>135</sup> or</p> <p><b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity;<sup>136</sup> or</p> <p><b>PER-3 1</b> The building or extension natural hazard sensitive building<sup>137</sup> has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment<sup>138</sup> Certificate issued in accordance with NH-S1;<sup>139</sup> or</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the proposal results in an increased risk to people and property;</li> <li>2. whether the extent to which<sup>140</sup> the building includes natural hazard mitigation such as raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</li> <li>3. the extent to which the building or structure has a functional need or operational need for its location; and</li> <li>4. the extent of any positive benefits that will result from the proposal; and</li> <li>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</li> </ol>

<sup>133</sup> Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<sup>134</sup> ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

<sup>135</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23]

<sup>136</sup> Fenlea Farms [171.23]

<sup>137</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

<sup>138</sup> ECan [183.26]

<sup>140</sup> Clause 16(2)

	<p><b>PER-4</b>  <del>That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.</del><sup>139</sup></p>	<p>6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</p> <p>7. the extent to which the proposal requires any increased reliance on emergency services; and</p> <p>8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u><sup>141</sup></p>
<p><b>4</b>  <b>Sea Water Inundation Overlay outside of urban zoned areas</b><sup>142</sup></p>	<p><b>Activity status: Permitted</b>  <b>Where:</b></p> <p><b>PER-4</b>  <del>The new building or extension has a maximum ground floor area per site of 25m<sup>2</sup> in any continuous 10-year period from 22 September 2022; or</del><sup>143</sup></p> <p><b>PER-2</b>  <del>The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</del><sup>144</sup></p> <p><b>PER-3 1</b>  <del>The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment</del><sup>145</sup>  <del>Certificate issued in accordance with NH-S1; and</del></p> <p><b>PER-2</b>  <u>The Flood Assessment Certificate issued under PER-2 states that the natural hazard sensitive building is not located on land that is identified as a high hazard area.</u><sup>146</sup></p>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <u>the extent to which the proposal results in an increased risk to people and property;</u></li> <li>2. <u>the extent to which the building includes natural hazard mitigation such as raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</u></li> <li>3. <u>the extent to which the building or structure has a functional need or operational need for its location; and</u></li> <li>4. <u>the extent of any positive benefits that will result from the proposal; and</u></li> <li>5. <u>the extent to which the proposal creates natural hazard risks on adjacent properties; and</u></li> <li>6. <u>the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</u></li> <li>7. <u>the extent to which the proposal requires any increased reliance on emergency services.</u></li> </ol>

<sup>139</sup> ECan [183.125]<sup>141</sup> Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]<sup>142</sup> ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]<sup>143</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23]<sup>144</sup> Fenlea Farms [171.23]<sup>145</sup> ECan [183.26]<sup>146</sup> ECan [183.125]

		Activity status when compliance not achieved <u>with PER-2</u> : Non-complying
<b>5 Coastal Erosion Overlay</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><u>Except that this rule shall not apply to buildings associated with Temporary Military Training Activities that are in place for 31 consecutive days or less, excluding set-up and pack-out activities.</u><sup>147</sup></p> <p><b>Where</b></p> <p><b>RDIS-1</b> The activity is an addition <u>or extension</u><sup>148</sup> to an existing building or structure only; and</p> <p><b>RDIS-2</b> The <u>addition or extension</u> has a maximum floor area of <u>30</u><sup>149</sup><del>25</del>m<sup>2</sup> established in any continuous 10-year period from <u>22 September 2022</u><del>[insert date Plan becomes operative]</del><sup>150</sup>; <sup>151</sup> or</p> <p><b>RDIS-3</b> <del>The extension is not to accommodate a natural hazard sensitive activity.</del><sup>151</sup></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the proposal results in an increased risk to people and property;</li> <li>2. whether the building includes hazard mitigation;</li> <li>3. the extent to which the building has a functional need or operational need for its location; and</li> </ol>	Activity status where compliance not achieved: Non-complying

<sup>147</sup> The New Zealand Defence Force [151.15]

<sup>148</sup> Clause 16(2)

<sup>149</sup> ECan [183.125]

<sup>150</sup> ECan [183.125]

<sup>151</sup> Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)

	<ol style="list-style-type: none"> <li>4. the extent of any positive benefits that will result from the proposal; and</li> <li>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</li> <li>6. the extent of any adverse effects on the amenity values of the coastal environment; and</li> <li>7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works.</li> <li>8. <u>The risk to the building or structure taking into account:</u> <ol style="list-style-type: none"> <li>a. <u>The nature of the building, including its materials and ability to be relocated;</u></li> <li>b. <u>The anticipated lifespan of the building, structure or activity</u></li> <li>c. <u>The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u><sup>152</sup></li> </ol> </li> </ol>	
<b>2 High Hazard Area Overlay</b>	<b>Activity status: Non-complying</b> <sup>153</sup> - <b>Note:</b> <i>if the new building or extension on the ground floor is less than 30m<sup>2</sup>, see NH-R7.</i>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>NH-RX NH-R4A</b> <sup>154</sup>	<b>Natural hazard sensitive Buildings within the PORTZ Port Zone</b> <sup>155</sup>	
<b>Flood Assessment Area Overlay</b>  <u>High Hazard Overlay</u> <sup>156</sup>  <b>Sea Water Inundation Overlay</b>  <u>Coastal Erosion Overlay</u> <sup>157</sup>	<b>Activity status: Permitted</b>  <b>Where</b>  <b>PER-1</b> <u>The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or</u>  <b>PER-2</b> <u>The building activity:</u> <sup>158</sup>  <ol style="list-style-type: none"> <li>1. <u>complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u></li> </ol>	<b>Activity status where compliance is achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. <u>any increased flood risk for people, property, or public spaces; and</u></li> <li>2. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u></li> <li>3. <u>any operational need or functional need for the activity to be established in this location; and</u></li> <li>4. <u>any increased reliance on emergency services; and</u></li> <li>5. <u>any positive effects of the proposal.</u></li> </ol>

<sup>152</sup> ECan [183.109]<sup>153</sup> Kāinga Ora [229.39]<sup>154</sup> Clause 16(2) amendment to renumber NH-RX as NH-R1A, as part of merging the coastal natural hazards provisions into the Natural Hazards chapter<sup>155</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]<sup>156</sup> Kāinga Ora [229.39]<sup>157</sup> ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80. Inclusion in NH-RX due to natural hazards merge<sup>158</sup> Clause 16(2)



	<p>2. <u>will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u></p> <p>3. <u>the building has a footprint smaller than 100m<sup>2</sup>; or</u></p> <p>4. <u>is relocatable.</u></p>	
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NH-R5	Regionally Significant Infrastructure - maintenance, <u>repair</u> , <sup>159</sup> replacement and upgrading	
<p><b>1</b></p> <p><b>Flood Assessment Area Overlay</b></p> <p><b>High Hazard Area Overlay</b><sup>160</sup></p> <p><b>Earthquake Fault (infrastructure or facilities) Awareness Area Overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The infrastructure:</p> <p>1. <u>is underground infrastructure only;</u><sup>161</sup> <u>or</u></p> <p>2. <u>is within 520m</u><sup>162</sup> <u>of the existing alignment or location; and</u></p> <p><b>PER-2</b></p> <p>The above ground footprint of <u>any building or structure the infrastructure</u><sup>163</sup> <u>is not increased by more than 10%.</u></p>	<p><b>Activity status where compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</li> <li>2. <del>any potential</del> adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks <u>or displacement of floodwater;</u><sup>164</sup> and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. alternative locations for the Regionally Significant Infrastructure; and</li> <li>5. any positive effects of locating the Regionally Significant Infrastructure at this location; and</li> <li>6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and</li> <li>7. the operational need or functional need for the activity to be established in this location.</li> </ol>

<sup>159</sup> Transpower [159.64]<sup>160</sup> Kāinga Ora [229.39]<sup>161</sup> BP et al [196.54]<sup>162</sup> PrimePort [175.30]<sup>163</sup> Transpower [159.64]<sup>164</sup> ECan [183.43]



<p><b>2</b> <b>Coastal Erosion overlay</b></p> <p><b>Sea Water Inundation Overlay</b></p>	<p><b>Activity status: Permitted</b><sup>165</sup></p> <p><b>Where:</b></p> <p><b>PER-1</b> A new building or <u>building extension is located outside of the Coastal Erosion Overlay and</u><sup>166</sup> has a <u>collective maximum additional</u><sup>167</sup> ground floor area per site of 200m<sup>2</sup> in any continuous 10-year period from <del>22 September 2022</del> <u>[insert plan operative date]</u>; <sup>168</sup> or</p> <p><b>PER-2</b> Any upgrading does not increase the building or structure coverage by more than 10% within a continuous 10-year period from <del>22 September 2022</del> <u>[insert plan operative date]</u>; <sup>169</sup> or</p> <p><b>PER-3</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u><sup>170</sup>; or</p> <p><b>PER-4</b> The building or extension <u>is located outside of the Coastal Erosion Overlay and</u><sup>171</sup> has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment<sup>172</sup> Certificate issued in accordance with NH-S1.</p> <p><b>PER-5</b> <del>That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.</del><sup>173</sup></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>any impacts on natural elements, processes and patterns, and landforms; and</li> <li>the extent to which the building or structure has a functional need or operational need for its location; and</li> <li>the extent of any positive benefits that will result from the proposal; and</li> <li>the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and</li> <li><u>The risk to the building or structure taking into account:</u> <ol style="list-style-type: none"> <li><u>The nature of the building, structure or activity, including its materials and ability to be relocated;</u></li> <li><u>The anticipated lifespan of the building, structure or activity</u></li> <li><u>The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u><sup>174</sup></li> </ol> </li> </ol>
<p><b>NH-R6</b></p>	<p><b>Regionally Significant Infrastructure — New</b></p> <p><b><del>NH-R6.1 does not apply if:</del></b> <b><del>4. the infrastructure is below ground; or</del></b></p>	

<sup>165</sup> Clause 16(2) – shifted from CE-R7.1 as part of the coastal natural hazards merge into the Natural Hazards chapter

<sup>166</sup> ECan [183.126]

<sup>167</sup> Clause 16(2)

<sup>168</sup> ECan [183.126]

<sup>169</sup> ECan [183.126]

<sup>170</sup> Clause 16(2)

<sup>171</sup> ECan [183.126]

<sup>172</sup> ECan [183.26]

<sup>173</sup> ECan [183.126], [183.125]

<sup>174</sup> ECan [183.109], [183.126]

	<p><del>2. above ground infrastructure, where any structure<sup>175</sup> is less than 10m<sup>2</sup> and is not located within a high hazard area as determined under NH-S1; or</del></p> <p><del>3. the structure is located within a road corridor.<sup>176</sup></del></p> <p><b>NH-R6.4 shall not apply to buildings and infrastructure, where any structure is<sup>177</sup> less than 10m<sup>2</sup> in area.</b></p>		
<p><b>1 Flood Assessment Areas Overlay</b></p>	<table border="1"> <tr> <td data-bbox="304 443 906 1585"> <p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b><u>PER-0</u></b></p> <p>1. the infrastructure is below ground; or</p> <p>2. above ground infrastructure, where any structure<sup>178</sup> is less than 10m<sup>2</sup> and is not located within a high hazard area as determined under NH-S1; or</p> <p>3. the structure is located within a road corridor; or<sup>179</sup></p> <p><b><u>PER-1</u></b></p> <p>A Flood Risk Assessment<sup>180</sup> Certificate for the activity has been issued in accordance with NH-S1; and</p> <p><b><u>PER-2</u></b></p> <p>The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flow path; and<sup>181</sup></p> <p><b><u>PER-3</u></b></p> <p>The Flood Risk Assessment<sup>182</sup> Certificate issued under PER-1 states that:</p> <p>a. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall flood<sup>183</sup> event; or</p> <p>b. 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;<sup>184</sup> and</p> <p><b><u>PER-3</u></b></p> </td><td data-bbox="906 443 1487 1585"> <p><b>Activity status where compliance not achieved with PER-2, or PER-3: See NH-R6.2 Restricted Discretionary</b></p> <p><del>Activity status where compliance not achieved with PER-3: Restricted Discretionary</del></p> <p><b>Where:</b></p> <p><del><b>RDIS-1</b></del></p> <p>The activity is located on land that is not within a High Hazard Area as stated in a Flood Risk Certificate issued under PER-1.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the operational need or functional need for the activity to be established in this location; and</li> <li>2. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. any increased flood risk for people, property, or public spaces; and</li> <li>5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event <u>OR maintain its integrity and function during and after a natural hazard event</u>;<sup>185</sup> and</li> <li>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>7. the extent of any additional reliance on emergency services; and</li> </ol> </td></tr> </table>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b><u>PER-0</u></b></p> <p>1. the infrastructure is below ground; or</p> <p>2. above ground infrastructure, where any structure<sup>178</sup> is less than 10m<sup>2</sup> and is not located within a high hazard area as determined under NH-S1; or</p> <p>3. the structure is located within a road corridor; or<sup>179</sup></p> <p><b><u>PER-1</u></b></p> <p>A Flood Risk Assessment<sup>180</sup> Certificate for the activity has been issued in accordance with NH-S1; and</p> <p><b><u>PER-2</u></b></p> <p>The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flow path; and<sup>181</sup></p> <p><b><u>PER-3</u></b></p> <p>The Flood Risk Assessment<sup>182</sup> Certificate issued under PER-1 states that:</p> <p>a. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall flood<sup>183</sup> event; or</p> <p>b. 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;<sup>184</sup> and</p> <p><b><u>PER-3</u></b></p>	<p><b>Activity status where compliance not achieved with PER-2, or PER-3: See NH-R6.2 Restricted Discretionary</b></p> <p><del>Activity status where compliance not achieved with PER-3: Restricted Discretionary</del></p> <p><b>Where:</b></p> <p><del><b>RDIS-1</b></del></p> <p>The activity is located on land that is not within a High Hazard Area as stated in a Flood Risk Certificate issued under PER-1.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the operational need or functional need for the activity to be established in this location; and</li> <li>2. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. any increased flood risk for people, property, or public spaces; and</li> <li>5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event <u>OR maintain its integrity and function during and after a natural hazard event</u>;<sup>185</sup> and</li> <li>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>7. the extent of any additional reliance on emergency services; and</li> </ol>
<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b><u>PER-0</u></b></p> <p>1. the infrastructure is below ground; or</p> <p>2. above ground infrastructure, where any structure<sup>178</sup> is less than 10m<sup>2</sup> and is not located within a high hazard area as determined under NH-S1; or</p> <p>3. the structure is located within a road corridor; or<sup>179</sup></p> <p><b><u>PER-1</u></b></p> <p>A Flood Risk Assessment<sup>180</sup> Certificate for the activity has been issued in accordance with NH-S1; and</p> <p><b><u>PER-2</u></b></p> <p>The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flow path; and<sup>181</sup></p> <p><b><u>PER-3</u></b></p> <p>The Flood Risk Assessment<sup>182</sup> Certificate issued under PER-1 states that:</p> <p>a. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall flood<sup>183</sup> event; or</p> <p>b. 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;<sup>184</sup> and</p> <p><b><u>PER-3</u></b></p>	<p><b>Activity status where compliance not achieved with PER-2, or PER-3: See NH-R6.2 Restricted Discretionary</b></p> <p><del>Activity status where compliance not achieved with PER-3: Restricted Discretionary</del></p> <p><b>Where:</b></p> <p><del><b>RDIS-1</b></del></p> <p>The activity is located on land that is not within a High Hazard Area as stated in a Flood Risk Certificate issued under PER-1.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the operational need or functional need for the activity to be established in this location; and</li> <li>2. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. any increased flood risk for people, property, or public spaces; and</li> <li>5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event <u>OR maintain its integrity and function during and after a natural hazard event</u>;<sup>185</sup> and</li> <li>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>7. the extent of any additional reliance on emergency services; and</li> </ol>		

<sup>175</sup> Transpower [159.65]

<sup>176</sup> Clause 16(2) – shifted into NH-R6.1 as PER-0

<sup>177</sup> Transpower [159.65]

<sup>178</sup> Transpower [159.65]

<sup>179</sup> Clause 16(2) – shifted from the heading into NH-R6.1

<sup>180</sup> ECan [183.26]

<sup>181</sup> ECan [183.42], OWL [181.56]

<sup>182</sup> ECan [183.26]

<sup>183</sup> ECan [183.25]

<sup>184</sup> OWL [181.56] and TDC [42.32]

<sup>185</sup> OWL [181.56]

	<p><u>The activity is not located within a high hazard area identified by a Flood Assessment Certificate issued in accordance with NH-S1.</u></p>	<p>8. <u>the extent to which there are</u><sup>186</sup> alternative locations for the Regionally Significant Infrastructure; <u>and</u></p> <p>9. <u>any positive effects of locating the Regionally Significant Infrastructure at this location.</u></p> <p><b>Activity status where compliance not achieved with RDIS-1: See NH-R6.3</b></p> <p><b>Activity status where compliance not achieved with PER-1: Non-complying</b></p>
<p><b>2</b> <b>Overland flow paths identified in a Flood Risk Certificate issued in accordance with NH-S1</b><sup>187</sup></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The infrastructure is below ground; or</p> <p><b>PER-2</b> Above ground infrastructure is less than 10m<sup>2</sup>; or</p> <p><b>PER-3</b> The infrastructure is located within a road corridor.</p>	<p><b>Activity status where compliance not achieved: Restricted-Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and</p> <p>2. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</p> <p>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</p> <p>4. alternative locations for the Regionally Significant Infrastructure; and</p> <p>5. any positive effects of locating the Regionally Significant Infrastructure at this location; and</p> <p>6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and</p> <p>7. the extent to which it will require new or upgraded public natural hazard mitigation works; and</p> <p>8. the extent of any additional reliance on emergency services; and</p> <p>9. the operational need or functional need for the activity to be established in this location.</p>

<sup>186</sup> Clause 16(2)

<sup>187</sup> Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26] and ECan [183.38]

<p><b>2</b> <b>Coastal Erosion Overlay</b><sup>188</sup></p> <p><b>Sea Water Inundation Overlay</b></p>	<p><b>Activity status: Permitted</b><sup>189</sup></p> <p><b>Where:</b></p> <p><b>PER-1</b> A new building or extension has a maximum ground floor area per site of 200m<sup>2</sup> in any continuous 10-year period from <del>22 September 2022</del> <u>[insert plan operative date]</u>,<sup>190</sup> or</p> <p><b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u><sup>191</sup>; or</p> <p><b>PER-3</b> The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment<sup>192</sup> Certificate issued in accordance with NH-S1,<sup>193</sup> or</p> <p><b>PER-4</b> <del>That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.</del><sup>193</sup></p>	<p><b>Activity status when compliance not achieved: Discretionary</b></p>
<p><b>3</b> <b>Coastal Erosion Overlay</b><sup>194</sup></p>	<p><b>Activity status: Permitted</b><sup>195</sup></p> <p><b>Where:</b></p> <p><del><b>Except that this shall not apply to:</b></del>  <del><b>1. Community land drainage infrastructure;</b></del>  <del><b>2. Established community-scale irrigation and stockwater infrastructure; or</b></del>  <del><b>3. Any building or structure that has a footprint less than 30m<sup>2</sup>.</b></del></p> <p><b>PER-1</b> <b>The work, building or structure is for:</b>  <b>1. Community land drainage infrastructure;</b>  <b>2. Established community-scale irrigation and stockwater infrastructure; or</b></p>	<p><b>Activity status: Not applicable Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b>  <u>1. Whether there is an operational or functional need for the location;</u>  <u>2. The risk to the building or structure taking into account:</u>  <u>a. The nature of the building, structure or activity, including its materials and ability to be relocated;</u>  <u>b. The anticipated lifespan of the building, structure or activity</u>  <u>c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u><sup>196</sup></p>

<sup>188</sup> ECan [183.126]<sup>189</sup> Clause 16(2) – shifted from CE-R8.1 as part of the natural hazards merge<sup>190</sup> ECan [183.127]<sup>191</sup> Clause 16(2)<sup>192</sup> ECan [183.26]<sup>193</sup> ECan [183.127], [183.126], [183.125]<sup>194</sup> ECan [183.126]<sup>195</sup> Clause 16(2) – shifted from CE-R8.2 as part of the natural hazards merge<sup>196</sup> ECan [183.109]

	<p><b>PER-2</b>  <u>Any building or structure that has a footprint less than 30m<sup>2</sup>.</u></p>	
<p><b>3</b>  <b>High Hazard Area Overlay</b><sup>197</sup>  - <b>High Hazard Area identified in a Flood Risk Certificate issued in accordance with NH-S1</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the operational or functional need for the activity to be established in this location; and</li> <li>2. any effects arising from locating the regionally significant infrastructure in this location; and</li> <li>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>4. any increased flood risk for people, property, or public spaces; and</li> <li>5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and</li> <li>6. alternative locations for the Regionally Significant Infrastructure; and</li> <li>7. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>8. the extent of any additional reliance on emergency services; and</li> <li>9. any positive effects of locating the Regionally Significant Infrastructure at this location.</li> </ol>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<p><b>4</b>  <b>Earthquake Fault (infrastructure or facilities) Awareness Areas</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b>  The activity is sited at least 20 metres away from the zone of deformation.</p> <p><b>Matters of discretion are restricted to:</b></p>	<p><b>Activity status where compliance not achieved: Discretionary</b></p>

<sup>197</sup> ECan [183.44]

	<ol style="list-style-type: none"> <li>whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and</li> <li>the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard.</li> </ol> <p><b>Note:</b> Any supporting technical report is also to be supplied to the Canterbury Regional Council.</p>	
<b>NH-R7</b>	<b>Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m<sup>2</sup> (excluding Regionally Significant Infrastructure).<sup>198</sup></b>	
<b>Flood Assessment Area Overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance is achieved: Restricted Discretionary</b>
<b>High Hazard Overlay<sup>199</sup></b>	<p><b>Where</b></p> <p><b>PER-1</b> The building or structure or addition is below ground; or</p> <p><b>PER-2</b> The new building or structure or addition has a ground floor area of less than 10m<sup>2</sup>; or</p> <p><b>PER-3</b> The new building or structure or addition is located within a road corridor; or</p> <p><b>PER-4</b> A Flood Risk Certificate for the site has been issued in accordance with NH-S1 and the certificate states that the activity is not located on land that is within an overland flow path.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</li> <li>any increased flood risk for people, property, or public spaces; and</li> <li>the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>any operational need or functional need for the activity to be established in this location; and</li> <li>any increased reliance on emergency services; and</li> <li>any positive effects of the proposal.</li> </ol>
<b>NH-R8 SUB-RX</b>	<b>Subdivision <u>within natural hazard overlays</u><sup>200</sup></b>	
<b>1 Flood Assessment Area Overlay outside the Port Zone<sup>201</sup></b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> A Flood <a href="#">Risk Assessment</a> Certificate for the subdivision is issued in accordance with NH-S1; and</p> <p><b>RDIS-2</b></p>	<p><b>Activity status where compliance not achieved with RDIS-2: <u>Not applicable if located within an urban zoned area</u></b></p> <p><b>Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-3</b> <b><u>The subdivision is within an urban zoned area.</u></b><sup>204</sup></p>

<sup>198</sup> ECan [183.38], ECan [183.38]

<sup>199</sup> Kāinga Ora [229.39]

<sup>200</sup> Speirs, B [66.45].

<sup>201</sup> [Clause 16\(2\) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter](#)

<sup>204</sup> ECan [183.47]

	<p>The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1.</p> <p>A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.<sup>202</sup></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flow path(s); and</li> <li>2. the provision for any overland flow paths to remain or the provision of secondary flow paths; and</li> <li>3. any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</li> <li>4. any increased flood risk for people, property, or public spaces; and</li> <li>5. the effectiveness and potential adverse effects of any proposed mitigation measures; and</li> <li>6. the extent to which it will require new or upgraded public natural hazard mitigation works; and</li> <li>7. any increase in reliance on emergency services and</li> <li>8. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.<sup>203</sup></li> </ol>	<p><u><a href="#">non-complying if located outside of an urban zoned area</a></u></p> <p><b>Activity status where compliance not achieved <u>with RDIS-1 or RDIS-3</u>: Non-complying</b></p>
<p><u><a href="#">1A<sup>205</sup> Flood Assessment Area Overlay within the Port Zone</a></u></p> <p><u><a href="#">Sea Water Inundation Overlay within the Port Zone</a></u></p>	<p><u><a href="#">Activity status: Restricted Discretionary</a></u></p> <p><u><a href="#">Matters of discretion are restricted to:</a></u></p> <ol style="list-style-type: none"> <li>1. <u><a href="#">the design and layout of the subdivision, in relation to natural hazards; and</a></u></li> <li>2. <u><a href="#">any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</a></u></li> <li>3. <u><a href="#">any increased flood risk for people, property, or public spaces; and</a></u></li> </ol>	<p><u><a href="#">Activity status where compliance not achieved: Not applicable</a></u></p>

<sup>202</sup> ECan [183.47]

<sup>203</sup> Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<sup>205</sup> [Clause 16\(2\) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter](#)



<a href="#"><u>Coastal Erosion Overlay within the Port Zone</u></a> <sup>206</sup>	<ol style="list-style-type: none"> <li>4. <a href="#"><u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u></a></li> <li>5. <a href="#"><u>the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u></a></li> <li>6. <a href="#"><u>any increase in reliance on emergency services; and</u></a></li> <li>7. <a href="#"><u>the matters set out in NH-P11 and CE-P15.</u></a> <sup>207</sup></li> </ol>	
<b>2 Liquefaction Awareness Areas Overlay</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the appropriateness of the site for development; and</li> <li>2. the liquefaction category that applies to the site and the level of risk to property and Regionally Significant Infrastructure; and</li> <li>3. whether the appropriate geotechnical data has been uploaded to the New Zealand Geotechnical Database; and</li> <li>4. the appropriateness of the techniques proposed for remediation and mitigation of the effects of any liquefaction hazard identified i.e. ground strengthening and if these are supported by a suitably qualified and experienced professional; and</li> <li>5. the extent to which the siting and layout of the proposal is appropriate.</li> </ol>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<b>3 Earthquake Fault (subdivision) Awareness Areas Overlay</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where</b></p> <p><b>RDIS-1</b></p> <p>The subdivision design ensures that any future building or structure will be located at least 20 metres away from any detailed area of fault or fold deformation.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional;</li> <li>2. the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard.</li> </ol> <p><b>Note:</b> <i>The investigation report is also to be supplied to Canterbury Regional Council.</i></p>	<p><b>Activity status where compliance not achieved: Discretionary</b></p>

<sup>206</sup> ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

<sup>207</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]



<b>4 Coastal Erosion Overlay</b> <u>outside the Port Zone</u> <sup>208</sup>	<p><b><u>RDIS-1</u></b>  <u>A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay.</u></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>1.the extent to which the proposal results in an increased risk of economic, social or environmental harm;</u>  <u>2.whether the proposal includes hazard mitigation;</u>  <u>3. the extent to which future building or structure has a functional need or operational need for its location; and</u>  <u>4. the extent of any positive benefits that will result from the proposal; and</u>  <u>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</u>  <u>6. the location of any proposed building that will accommodate a natural hazard sensitive building, including the level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.</u><sup>209</sup></p>	<p><b><u>Activity status when compliance not achieved: Non-complying</u></b></p>
<b>4 High Hazard Area Overlay</b> <sup>210</sup>	<p><b>Activity status: Non-complying</b></p>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<b>NH-R9</b>	<p><b>Natural hazard mitigation works, including associated earthworks — New</b><sup>211</sup></p>	
<p><b>Flood Assessment Area Overlay</b></p> <p><b>High Hazard Area Overlay</b></p>	<p><i><del>Note: this rule applies to new natural hazard mitigation works, as opposed to maintenance, replacement and upgrading covered under NH-R3.</del></i></p> <p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b><u>RDIS-1</u></b>  <u>The works are undertaken by or on behalf of the Crown, Regional Council or the Council.</u></p> <p><b><u>RDIS-2</u></b></p>	<p><b><u>Activity status where compliance not achieved: Discretionary</u></b></p>

<sup>208</sup> Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

<sup>209</sup> ECan [183.109]

<sup>210</sup> Kāinga Ora [229.39]

<sup>211</sup> ECan [183.40]

	<p><del>The works are undertaken by or on behalf of the Port of Timaru and are located within 250m of PREC7.</del><sup>212</sup></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><del>1. The need for the natural hazard mitigation works and likely effectiveness of those works;</del></li> <li><del>2. The extent of any adverse social, cultural and environmental effects, including on any sensitive environments;</del></li> <li><del>3. The extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those;</del></li> <li><del>4. Any positive effects of the proposal on the community;</del></li> <li><del>5. Any increased flood risk for people, property, or public spaces.</del></li> </ol>	
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Standards		
NH-S1	Flood Risk Assessment <sup>213</sup> Certificate	
<p><b>Flood Assessment Areas Overlay</b></p> <p><b>Or Sea Water inundation overlay if directed via the CE Chapter</b><sup>214</sup></p>	<ol style="list-style-type: none"> <li>A Flood Risk Assessment<sup>215</sup> Certificate is issued by the Council (that is valid for 3 years from the date of issue) which specifies:             <ol style="list-style-type: none"> <li><del>If the site is within a high hazard area; and the flood event risk level for specific land, being:</del> <ol style="list-style-type: none"> <li><del>land not subject to flooding in a 0.5% AEP flood event, or</del></li> <li><del>land subject to flooding in a 0.5% AEP flood event, or</del></li> <li><del>land within a high hazard area;</del></li> <li><del>or for sea water inundation, land subject to flooding in a 1% AEP storm surge event, coupled with sea level rise based on an Representative Concentration Pathway 8.5 climate change scenario; and</del></li> </ol> </li> <li><del>where the site is not within a high hazard area, or where the site is</del></li> </ol> </li> </ol>	<p><b>Matters of discretion are restricted to: Not applicable</b></p>

<sup>212</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>213</sup> ECan [183.26]

<sup>214</sup> Clause 16(2)

<sup>215</sup> ECan [183.26]

- within an urban zoned area, where 1(a)(ii) above identifies that the specific land is subject to flooding in a 0.5% AEP rainfall flood<sup>216</sup> event, the a minimum finished floor level for any new building or structure (or part thereof) on the specific land to provide at least that is 250300mm<sup>217</sup> freeboard above the flood level in a 0.5% AEP flood level event; and
- c. whether the specific land is located within an overland flow path; and
  - d. as required by NH-R6, if the site is located on land that is subject to flooding in a 0.5% AEP flood event.
2. The AEP flood event risk level, minimum floor levels, stopbank risk<sup>218</sup> and overland flow path locations are to above will be determined by reference to:
- a. The most up to date models, maps and data held by Timaru District Council and Canterbury Regional Council; and
  - b. Any information held by, or provided to, Timaru District Council or Canterbury Regional Council that relates to flood risk for the specific land; and
  - 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).<sup>219</sup>

**Note:** A minimum finished floor level will not be provided in the certificate<sup>220</sup> for sites located within a High Hazard Area outside of urban zoned areas.<sup>221</sup> Rather, these will need to be determined through a resource consent process.<sup>222</sup>

An application form and guidance on how to obtain a Flood Hazard Assessment Certificate are available on the District Council's website.<sup>223</sup>

<sup>216</sup> ECan [183.25]

<sup>217</sup> ECan [183.50]

<sup>218</sup> ECan [183.50]

<sup>219</sup> ECan [183.50], see also the evidence of Mr Griffiths dated 9 April, paragraphs 20 to 22

<sup>220</sup> Clause 16(2)

<sup>221</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

<sup>222</sup> Clause 16(2)

<sup>223</sup> Harvey Norman [192.12]

NH-S2	Volume of earthworks <sup>224</sup>	
<b>1</b> <b>Flood Assessment Areas Overlay</b>	The earthworks do not exceed: 1. 2,000m <sup>2</sup> in area in any calendar year in a Rural zone; and 2. 250m <sup>2</sup> in area in any calendar year in any other zone.	<b>Matters of discretion are restricted to:</b> 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.
<b>2</b> <b>High Hazard Area Overlay</b>  <b>High Hazard Area identified in a Flood Risk Assessment<sup>225</sup> Certificate issued in accordance with NH-S1</b>	The earthworks do not exceed 250m <sup>2</sup> in area in any calendar year.	<b>Matters of discretion are restricted to:</b> 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.

<sup>224</sup> Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38] and Joseph Rooney [177.15]

<sup>225</sup> ECan [183.26]

## COASTAL ENVIRONMENT

### Introduction

Timaru District's coastal environment is generally a narrow margin of land that lies between the coastal marine area and the farmed hinterlands and is identified by the Coastal Environment Area Overlay on the planning map.<sup>226</sup> It is a dynamic environment that has been modified by human activity, such as the building of the railway line, but continues to be subject to active natural processes.

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

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

Public access to the coast is limited, with a coastal walkway and Caroline Bay being the main ways in which people connect with the coastal environment. Even within Timaru township itself, there is limited development within the coastal environment with the main township being located on rolling hills above the coast. This elevated position means that extensive views of the Coastal Environment are available from the township and this contributes to the township's character, amenity and sense of place. The holiday huts at Milford and South Rangitata partly lie within the Coastal Environment.

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

~~This chapter also sets the policy direction, and includes rules, for the management of risks arising from coastal hazards, as prescribed by the National Planning Standards. The intent is to minimise the risks to people and development from coastal hazards through appropriately locating new buildings or structures. The rules also acknowledge the Port of Timaru and its need to continue to develop and operate in an area of the coastal environment that is subject to significant coastal hazards. The Plan does not address managed retreat as it is unlikely to be achieved through it, but other actions are included so they can be considered through a consent process.~~<sup>227</sup>

~~Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami. In recognition of its particular locational requirements interfacing with the sea, separate natural hazard<sup>228</sup> specific provisions are provided for the Port Zone. No other natural hazard provisions apply unless otherwise specified in the provisions. The following objectives and policies therefore do not apply to the Port Zone: CE-O4, CE-O5, CE-P3, CE-P4, CE-P12, CE-P13, CE-P14.~~<sup>229 230</sup>

<sup>226</sup> Clause 16(2)

<sup>227</sup> Clause 16(2) as part of merging the natural hazards provisions into the Natural Hazards chapter

<sup>228</sup> Clause 16(2)

<sup>229</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>230</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

The provisions of other chapters in this plan also apply to the coastal environment. For example, identified significant natural areas and indigenous biodiversity clearance in the coastal environment are addressed in the EIB Chapter. ONLs and ONFs in the coastal environment are addressed in the NFL Chapter. SASMs located in the coastal environment are addressed in the SASM Chapter.<sup>231</sup>

~~Regulation 57 of the National Environmental Standard for Telecommunication Facilities specifically disappplies District Plan natural hazard provisions from telecommunication structures which are regulated under that standard. Therefore, the natural hazards provisions in this chapter do not apply to telecommunications infrastructure regulated under this standard.~~<sup>232 233</sup>

Activities within the coastal marine area, i.e. below mean high water springs, are within the jurisdiction of the Canterbury Regional Council. The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the Canterbury Regional Council and is covered in the Natural Hazards Chapter. while Other activities within the beds of lakes and rivers are within the jurisdiction of both the Canterbury Regional Council and the Council and may require resource consent from the Canterbury Regional Council.<sup>234</sup>

~~As required by the Canterbury Regional Policy Statement (Chapter 11), the Coastal Erosion Rules in this District Plan only apply in the coastal erosion areas shown on the Planning map, and are landward of the coastal erosion hazard zones shown in the Regional Coastal Environment Plan (RCEP). All other coastal erosion planning rules are contained within the RCEP.~~<sup>235 236</sup>

Objectives	
<b>CE-O1</b>	<b>Coastal natural character</b>
The natural character of Timaru's Coastal Environment is preserved and protected from inappropriate subdivision, use and development, while enabling people and communities to provide for their social, economic and cultural wellbeing and their health and safety.	
<b>CE-O2</b>	<b>Quality of the Coastal Environment</b>
The quality of the Coastal Environment is maintained and/or enhanced, while providing for safe access in appropriate locations to ensure that the public can enjoy the coastal environment.	
<b>CE-O3</b>	<b>Kāti Huirapa values</b>
The relationship of mana whenua / Kāti Huirapa with, and their cultural values, traditions and ancestral lands and waters in, the coastal environment are recognised and provided for <u>and Kāti Huirapa are able to exercise kaitiakitaka and rakatirataka in accordance with MW2.2.5.</u> <sup>237</sup>	
<b>CE-O4</b>	<b>Coastal hazards</b>
<del>People, buildings and structures are protected from unacceptable risks arising from coastal hazards, including those exacerbated by climate change.</del> <sup>238 239</sup>	
<b>CE-O5</b>	<b>Natural defences features and buffers</b> <sup>240</sup>

<sup>231</sup> ECan [183.107] and ECan [183.110]

<sup>232</sup> Connexa [176.60], Spark [208.60], Chorus [209.60] and Vodafone [210.60] and the evidence of Mr Anderson dated 9 April (paragraph 17)

<sup>233</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>234</sup> ECan [183.130], [183.131] and the evidence of Ms Irvine dated 9 April, paragraphs 52 to 61.

<sup>235</sup> Clause 16(2)

<sup>236</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>237</sup> Te Rūnanga o Ngāi Tahu [185.42]

<sup>238</sup> Forest and Bird [156.145], Dir. General Conservation [166.101] and ECan [183.114].

<sup>239</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>240</sup> Forest and Bird [156.146], Dir. General Conservation [166.102]

~~Natural features~~ ~~Natural defences and buffers are protected, restored or enhanced~~ retained and used for coastal hazard management, in preference to natural hazard mitigation works ~~hard engineering natural hazard mitigation works,~~<sup>241</sup> ~~wherever appropriate.~~<sup>242 243</sup>

#### **CE-O6 Existing urban activities**

Recognise that parts of the coastal environment are highly modified, including by existing urban activities in urban zoned areas, including the Port of Timaru, and provide for these ongoing activities.<sup>244</sup>

#### **CE-O7 Adaptive management at the Port within the Port Zone**<sup>245</sup>

~~Recognise that the Port of Timaru Zone is subject to natural hazards and provide for its the ongoing use of the Port of Timaru and activities with an operational need or functional need for their co-location with the Port, while managing natural hazards risk appropriately.~~<sup>246</sup>

#### **CE-O8 Regionally Significant Infrastructure and Lifeline Utilities**<sup>247</sup>

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

### **Policies**

#### **CE-P1 Identifying the Coastal Environment**

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

#### **CE-P2 Identifying areas of high coastal natural character**

Identify and map<sup>248</sup> the natural character of the areas within the terrestrial part of Timaru's coastal environment that have high natural character in accordance with the matters set out in CE-P5 below and describe these in SCHED14 - Schedule of attributes/qualities of coastal high natural character areas.

#### **CE-P3 Identifying coastal hazards**

~~Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,~~<sup>249</sup> ~~to the management of subdivision, use and development based on the following:~~

- ~~1. the sensitivity of the activity or use to loss of life, potential damage from a coastal natural hazard, the need for reliance on emergency services, and the ability for the activity or use to recover after a coastal natural hazard; and~~
- ~~2. the likelihood of adverse effects on people and property from a coastal natural hazard; and~~
- ~~3. the impact on the wider community from the loss of, or damage to, the activity or use.~~<sup>250</sup>

#### **CE-P4 Role of natural features and vegetation**

<sup>241</sup> Clause 16(2)

<sup>242</sup> Forest and Bird [156.146], Dir. General Conservation [166.102]

<sup>243</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>244</sup> Silver Fern Farms [172.80]

<sup>245</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>246</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>247</sup> KiwiRail [187.68]

<sup>248</sup> Forest and Bird [156.150]

<sup>249</sup> Dir. General Conservation [166.108] and Forest and Bird [156.151]

<sup>250</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

~~Protect, and maintain, restore or enhance natural defences where appropriate, including natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation.~~<sup>251 252</sup>

#### **CE-P5 Coastal natural character matters**

Recognise that ~~the following matters contribute to the coastal natural character of the terrestrial part of Timaru's coastal environment include matters such as:~~<sup>253</sup>

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

#### **CE-P6 Kāti Huirapa values**

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

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

#### **CE-P7 Restoration or rehabilitation of natural character**

~~Enable~~ Promote and encourage the restoration or rehabilitation of the coastal natural character of the coastal environment and require consideration of opportunities for restoration or rehabilitation enhancement where a proposal has an adverse effect on coastal natural character qualities.<sup>254</sup>

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

Outside of urban zoned areas, ~~enable ensure~~<sup>255</sup> subdivision, use and development ~~where it maintains and/or enhances~~ the following qualities that contribute to the quality, and the public's enjoyment of the coastal environment:

1. expansive views of the coastal marine area and skyline; and
2. generally low levels of noise that is dominated by the sound of the sea; and
3. the ability to undertake recreational activities such as walking, cycling and fishing; and
4. opportunities to connect with the natural environment i.e. bird watching; and
5. opportunities to provide access to the coastal marine area; and
6. clean, fresh air that smells of the sea; and
7. areas of indigenous vegetation, particularly around the coastal lagoons; and
8. a dark night sky; and
9. the attributes/ values that are identified in any overlay relating to the site.<sup>256</sup>

#### **CE-P9 Anticipated activities**

~~Enable~~ Provide for<sup>257</sup> activities that are of a scale and type that:

1. will maintain the coastal natural character qualities identified in CE-P8 or
2. if located within urban zoned<sup>258</sup> areas, are consistent with the anticipated qualities of the applicable zone.

<sup>251</sup> Forest and Bird [156.152], Dir. General Conservation [166.109] and ECan [183.118]

<sup>252</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>253</sup> Forest and Bird [156.153]

<sup>254</sup> Forest and Bird [156.155]

<sup>255</sup> ECan [183.122]

<sup>256</sup> Te Rūnanga o Ngāi Tahu [185.45]

<sup>257</sup> ECan [183.123]

<sup>258</sup> Silver Fern Farms [172.85]



<b>CE-P10</b>	<b>Preserving the natural character of the Coastal Environment</b>
<p><u>Enable-Managed</u><sup>259</sup> subdivision, use and development outside of areas of coastal high natural character so that:</p> <ol style="list-style-type: none"> <li>1. <u>it</u> avoids significant adverse effects; and</li> <li>2. <u>it</u> avoids, remedies or mitigates any other adverse effects on the qualities that contribute to the natural character of the Coastal Environment; while recognising that: <ol style="list-style-type: none"> <li>a. in rural zoned areas, <u>rural industry</u>,<sup>260</sup> <del>buildings and structures for non-intensive</del><sup>261</sup> primary production<sup>262</sup> and residential activities may be appropriate depending on their size, scale and nature and proximity to areas of High Natural Character;<sup>263</sup></li> <li>b. for existing urban <u>zoned</u><sup>264</sup> areas, development will likely be appropriate where it is consistent with the anticipated character and qualities of the zone; and</li> <li>c. for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.</li> </ol> </li> <li>3. <u>adverse effects of regionally significant infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-PX Managing the effects of the National Grid.</u><sup>265</sup></li> </ol>	
<b>CE-P11</b>	<b>Preserve the natural character qualities of areas with Coastal High Natural Character</b>
<p>Only allow subdivision, use and development in areas of Coastal High Natural Character where:</p> <ol style="list-style-type: none"> <li>1. for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and <u>EI-PX Managing the effects of the National Grid</u>,<sup>266</sup> and</li> <li>2. for other activities: <ol style="list-style-type: none"> <li>a. <u>the activity</u> avoids significant adverse effects <u>on the identified natural character qualities of the Coastal High Natural Character area</u>,<sup>267</sup> and</li> <li>b. avoids, remedies or mitigates all other adverse effects on the identified natural character qualities; and</li> <li>c. demonstrates that it is appropriate by ensuring that the area of Coastal High Natural Character continues to: <ol style="list-style-type: none"> <li><del>i.</del> <u>ii.</u><sup>268</sup> recognise and provide for the on-going natural physical processes that have created the Coastal Environment; and</li> <li><del>ii.</del> <u>iii.</u> retain the integrity of landforms and geological features; and</li> <li><del>iii.</del> <u>iv.</u> retain a sense of remoteness and wildness; and</li> <li><del>iv.</del> <u>v.</u> retain areas of indigenous vegetation, and enhance these where possible; and</li> <li><del>v.</del> <u>vi.</u> recognise river mouths and lagoons as important breeding, feeding and resting places for wetland and coastal birds, including waders.</li> </ol> </li> </ol> </li> </ol>	
<b>CE-P12</b>	<b><del>Coastal hazard areas (excluding Regional Significant Infrastructure)</del></b>
<p><del>3. In non-urban zoned</del><sup>269</sup> <del>areas, avoid subdivision, use and development within the Coastal Erosion Overlay and Sea Water Inundation Overlay where there is a new or increased risk of loss of life, or significant damage to structures or property;</del></p>	

<sup>259</sup> ECan [183.124]

<sup>260</sup> Fonterra [165.90]

<sup>261</sup> Fernlea Farms [171.21]

<sup>262</sup> Hort NZ [245.74]

<sup>263</sup> Fonterra [165.90] and HortNZ [245.74]

<sup>264</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

<sup>265</sup> Transpower [159.84]

<sup>266</sup> Change arising from recommendations in the EI, TRAN and DWP S42A Report (paragraph 6.26.14) in response to Transpower [159.36]

<sup>267</sup> Silver Fern Farms [172.86] and Alliance Group [173.97]

<sup>268</sup> Clause 16(2)

<sup>269</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

4. Within existing urban zoned<sup>270</sup> areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.<sup>271</sup>

#### **CE-P13 Regionally Significant Infrastructure in coastal hazard areas**

Only allow Regionally Significant Infrastructure, including the Port of Timaru,<sup>272</sup> in areas subject to coastal hazards where:

- c. there is a functional or operational need for it to locate there; and
- d. It will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.<sup>273</sup>

#### **CE-P14 Hard engineering natural hazard mitigation works<sup>274</sup> within the Coastal Environment**

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

- 6. soft engineering measures would not provide an appropriate level of protection and it can be demonstrated that there are no other reasonable alternatives;
- 7. the construction of hard engineering measures will not increase the risk from coastal hazards on adjacent properties that are not protected by the hard engineering measures;
- 8. where managed retreat has not been adopted and there is an immediate a demonstrated clear<sup>275</sup> risk to life or property from the natural hazard;
- 9. it minimises avoids<sup>276</sup> the modification or alteration of natural defences and systems in a way that would compromise their function as natural defences; and
- 10. other significant adverse effects on natural defences and systems from those measures are avoided, and any other non-significant<sup>277</sup> adverse effects are avoided, remedied or mitigated.<sup>278</sup>

#### **CE-P15 PORTZ Port Zone<sup>279</sup>**

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

- 1. ensuring buildings, structures and earthworks do not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land;
- 2. requiring natural hazard sensitive buildings to be flood resilient or relocatable; and
- 3. providing for natural hazard mitigation works to protect existing activities, property and infrastructure from natural hazard risk which cannot reasonably be avoided, and any adverse effects from the works are mitigated to the extent practicable.<sup>280</sup>

### **Rules**

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

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

<sup>270</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

<sup>271</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>272</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>273</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>274</sup> Clause 16(2)

<sup>275</sup> Tosh Prodanov [117.3],

<sup>276</sup> Silver Fern Farms [172.88]

<sup>277</sup> Silver Fern Farms [172.88]

<sup>278</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>279</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>280</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

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

For the purposes of the natural hazards provisions in this chapter, activities in the PORTZ Port Zone are only subject to rules CE-R1, CE-R2, CE-R3, CE-R4, CE-R6, CE-R9, CE-R14, CE-RXX, CE-RX, CE-RZ, CE-RA the PORTZ-specific rules and CE-R12. These PORTZ Port Zone specific rules do not cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.<sup>281 282</sup>

For the purposes of CE-R9 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.<sup>283 284</sup>

<b>CE-R1</b>	<b>Amenity planting and horticultural planting</b>	
<b>1</b> <b>Coastal Environment Area Overlay</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>2</b> <b>Coastal High Natural Character Area Overlay</b>	<b>Activity status: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.	<b>Activity status when compliance not achieved: Not applicable</b>
<b>CE-R2</b>	<b>Plantation forestry</b>	
<b>1</b> <b>Coastal Environment Area Overlay</b>	<b>Activity status: <del>Permitted</del> <u>Restricted Discretionary</u></b>  <u>Matters of discretion are restricted to:</u> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11. <sup>285</sup>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>2</b> <b>Coastal High Natural Character Area Overlay</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>CE-R3</b>	<b>Planting of trees and/or vegetation for conservation, restoration, natural hazard mitigation works or enhancement purposes</b>	

<sup>281</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>282</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>283</sup> ECan [183.128]

<sup>284</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>285</sup> Forest and Bird [156.163]

<b>Coastal Environment Area Overlay</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> With the exception of natural hazard mitigation works, the planting is limited to indigenous species.	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.</li> </ol>
<b>CE-R4</b>	<b>Buildings and structures and extensions (excluding Regionally Significant Infrastructure and fences)</b>	
<b>1 Coastal Environment area overlay in Urban Zoned<sup>286</sup> Areas</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The building or structure does not exceed 150m <sup>2</sup> in area; and  <b>PER-2</b> CE-S1, CE-S2, CE-S3 are complied with.	<b>Activity status when compliance not achieved with: Not applicable</b>
<b>2 Coastal Environment Area Overlay outside of Urban Zoned<sup>287</sup> Areas</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The building or structure does not exceed 150m <sup>2</sup> in area; and  <b>PER-2</b> CE-S1, CE-S2, CE-S3 are complied with.	<b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</li> <li>the extent to which the building or structure will result in adverse cumulative effects; and</li> <li>the extent to which the building or structure has a functional need or operational need for its location.</li> </ol> <b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>the matters of discretion of any infringing standard.</li> </ol>
<b>3 Coastal High Natural Character Overlay</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> Any extension to an existing building or structure <u>or a new building or structure</u> does not exceed 10m <sup>2</sup> in area; and  <b>PER-2</b>	<b>Activity status when compliance not achieved: <del>Non-complying</del> Restricted Discretionary</b>  <b>Where:</b>  <b>RDIS-1</b> <u>Any extension to an existing building or structure or a new building or structure does not exceed 150m<sup>2</sup> in area.<sup>289</sup></u>

<sup>286</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

<sup>287</sup> Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

<sup>289</sup> Fenlea Farms [171.23]

	A new building or structure does not exceed 10m <sup>2</sup> in area. <sup>288</sup>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1.any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</li> <li>2.the extent to which the building or structure will result in adverse cumulative effects; and</li> <li>3.the extent to which the building or structure has a functional need or operational need for its location.<sup>290</sup></li> </ol> <p><b>Activity status when compliance not achieved with RDIS-1: Non-complying</b></p>
<b>4 Sea Water Inundation Overlay within urban areas</b>	<p><b>Activity status: Permitted<sup>291</sup></b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The new building or extension has a maximum ground floor area per site of 25m<sup>2</sup> in any continuous 10-year period from 22 September 2022; or</p> <p><b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</p> <p><b>PER-3</b> The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH S1; or</p> <p><b>PER-4</b> That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the proposal results in an increased risk to people and property;</li> <li>2. whether the <u>building</u> includes <u>natural hazard</u> mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</li> <li>3. the extent to which the <u>building</u> or <u>structure</u> has a <u>functional need</u> or <u>operational need</u> for its location; and</li> <li>4. the extent of any positive benefits that will result from the proposal; and</li> <li>5. the extent to which the proposal creates <u>natural hazard</u> risks on adjacent properties; and</li> <li>6. the extent to which the proposal will rely on or require additional community scale <u>natural hazard mitigation works</u>; and</li> <li>7. the extent to which the proposal requires any increased reliance on emergency services.</li> </ol>
<b>5 Sea Water Inundation Overlay outside of urban areas</b>	<p><b>Activity status: Permitted<sup>292</sup></b></p> <p><b>PER-1</b> The new building or extension has a maximum ground floor area per site of 25m<sup>2</sup> in any continuous 10-year period from 22 September 2022; or</p>	<p><b>Activity status when compliance not achieved: Non-complying</b></p>

<sup>288</sup> Clause 16(2)<sup>290</sup> Fenlea Farms [171.23]<sup>291</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]<sup>292</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

	<p><b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</p> <p><b>PER-3</b> The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.</p>	
<b>6 Coastal Erosion Overlay</b>	<p><b>Activity status: Restricted Discretionary</b><sup>293</sup></p> <p><b>Where</b></p> <p><b>RDIS-1</b> The activity includes an addition to an existing building or structure only; and</p> <p><b>RDIS-2</b> The extension has a maximum floor area of 25m<sup>2</sup> established in any continuous 10-year period from 22 September 2022; or</p> <p><b>RDIS-3</b> The extension is not to accommodate a natural hazard sensitive activity.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the proposal results in an increased risk to people and property;</li> <li>2. whether the building includes hazard mitigation;</li> <li>3. the extent to which the building has a functional need or operational need for its location; and</li> <li>4. the extent of any positive benefits that will result from the proposal; and</li> <li>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</li> <li>6. the extent of any adverse effects on the amenity values of the coastal environment; and</li> <li>7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works.</li> </ol>	<b>Activity status where compliance not achieved: Non-complying</b>

<sup>293</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

CE-RX	<b>Natural Hazard Sensitive Buildings</b> <sup>294 295</sup>	
<b>4.1</b> <b>Sea Water Inundation Overlay within urban zoned</b> <sup>296</sup> <b>areas</b>	<b>Activity status: Permitted Where:</b>  <b>PER-1</b> The new building or extension has a maximum ground floor area per site of 25m <sup>2</sup> in any continuous 10-year period from 22 September 2022; or <sup>297</sup>  <b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or <sup>298</sup>  <b>PER-3.1</b> The building or extension <u>natural hazard sensitive building</u> <sup>299</sup> has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment <sup>300</sup> Certificate issued in accordance with NH-S1; or  <b>PER-4</b> That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically. <sup>304</sup>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. <del>the extent to which the proposal results in an increased risk to people and property;</del></li> <li>2. <del>whether the extent to which</del><sup>302</sup> <del>the building includes natural hazard mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</del></li> <li>3. <del>the extent to which the building or structure has a functional need or operational need for its location; and</del></li> <li>4. <del>the extent of any positive benefits that will result from the proposal; and</del></li> <li>5. <del>the extent to which the proposal creates natural hazard risks on adjacent properties; and</del></li> <li>6. <del>the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</del></li> <li>7. <del>the extent to which the proposal requires any increased reliance on emergency services; and</del></li> <li>8. <del>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</del><sup>303</sup></li> </ol>
<b>5.2</b> <b>Sea Water Inundation Overlay outside of urban zoned</b> <sup>304</sup> <b>areas</b>	<b>Activity status: Permitted Where:</b>  <b>PER-1</b> The new building or extension has a maximum ground floor area per site of	<b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. <del>the extent to which the proposal results in an increased risk to people and property;</del></li> </ol>

<sup>294</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

<sup>295</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>296</sup> ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

<sup>297</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23]

<sup>298</sup> Fenlea Farms [171.23]

<sup>299</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

<sup>300</sup> ECan [183.26]

<sup>301</sup> ECan [183.125]

<sup>302</sup> Clause 16(2)

<sup>303</sup> Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<sup>304</sup> ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]



	<p>25m<sup>2</sup> in any continuous 10-year period from 22 September 2022; or<sup>305</sup></p> <p><b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or<sup>306</sup></p> <p><b>PER-3-1</b> The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment<sup>307</sup> Certificate issued in accordance with NH-S1; and</p> <p><b>PER-2</b> The Flood Assessment Certificate issued under PER-2 states that the natural hazard sensitive building is not located on land that is identified as a high hazard area.<sup>308</sup></p>	<p>2. <u>the extent to which the building includes natural hazard mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</u></p> <p>3. <u>the extent to which the building or structure has a functional need or operational need for its location; and</u></p> <p>4. <u>the extent of any positive benefits that will result from the proposal; and</u></p> <p>5. <u>the extent to which the proposal creates natural hazard risks on adjacent properties; and</u></p> <p>6. <u>the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</u></p> <p>7. <u>the extent to which the proposal requires any increased reliance on emergency services.</u></p> <p><b>Activity status when compliance not achieved with PER-2: Non-complying</b></p>
<p><b>6-3 Coastal Erosion Overlay</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><u>Except that this rule shall not apply to buildings associated with Temporary Military Training Activities that are in place for 31 consecutive days or less, excluding set-up and pack-out activities.</u><sup>309</sup></p> <p><b>Where</b></p> <p><b>RDIS-4</b> The activity is an addition or extension<sup>310</sup> to an existing building or structure only; and</p> <p><b>RDIS-2</b> The addition or extension has a maximum floor area of 30<sup>311</sup>25m<sup>2</sup> established in any continuous 10-year period from 22 September 2022 [insert date Plan becomes operative];<sup>312</sup> or</p> <p><b>RDIS-3</b></p>	<p><b>Activity status where compliance not achieved: Non-complying</b></p>

<sup>305</sup> Simo Enterprises [148.30] and Fenlea Farms [171.23]

<sup>306</sup> Fenlea Farms [171.23]

<sup>307</sup> ECan [183.26]

<sup>308</sup> ECan [183.125]

<sup>309</sup> The New Zealand Defence Force [151.15]

<sup>310</sup> Clause 16(2)

<sup>311</sup> ECan [183.125]

<sup>312</sup> ECan [183.125]



	<p><del>The extension is not to accommodate a natural hazard sensitive activity.</del><sup>313</sup></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li><del>1. the extent to which the proposal results in an increased risk to people and property;</del></li> <li><del>2. whether the building includes hazard mitigation;</del></li> <li><del>3. the extent to which the building has a functional need or operational need for its location; and</del></li> <li><del>4. the extent of any positive benefits that will result from the proposal; and</del></li> <li><del>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</del></li> <li><del>6. the extent of any adverse effects on the amenity values of the coastal environment; and</del></li> <li><del>7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works.</del></li> <li><del>8. <u>The risk to the building or structure taking into account:</u></del> <ol style="list-style-type: none"> <li><del>a. <u>The nature of the building, including its materials and ability to be relocated;</u></del></li> <li><del>b. <u>The anticipated lifespan of the building, structure or activity</u></del></li> <li><del>c. <u>The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer term period.</u></del><sup>314</sup></li> </ol> </li> </ol>	
<b>CE-R5</b>	<p><b>Earthworks, excluding:</b></p> <ol style="list-style-type: none"> <li><b>1. earthworks for natural hazard mitigation works; and</b></li> <li><b>2. any land disturbance; and</b></li> <li><b>3. earthworks for access tracks for network utilities under CE-RY.</b><sup>315</sup></li> </ol>	
<b>Coastal High Natural Character Area Overlay</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The earthworks are for the purpose of maintenance and repair of existing fence lines, roads or tracks, <u>underground network utilities and ancillary structures and are located within 2m of the fence line, road or track;</u><sup>316</sup> or</p>	<p><b>Activity status when compliance not achieved: Discretionary</b></p>

<sup>313</sup> Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)

<sup>314</sup> ECan [183.109]

<sup>315</sup> Forest and Bird [156.66]

<sup>316</sup> Forest and Bird [156.165]

	<p><b>PER-2</b> The earthworks are for the purpose of installation of underground network utilities and ancillary structures;<sup>317</sup> or</p> <p><b>PER-3</b> Any other earthworks do not exceed the following quantum per calendar year:<sup>318</sup></p> <ol style="list-style-type: none"> <li>1. 100m<sup>3</sup> within the area of the site located within the Coastal High Natural Character Area Overlay, or</li> <li>2. 100m<sup>2</sup> within the area of the site located within the Coastal High Natural Character Area Overlay.</li> </ol>	
<b>CE-RY</b>	<b><u>Vehicle access tracks for network utilities, including ancillary access tracks, outside of urban zoned areas</u></b> <sup>319</sup>	
<b><u>1 Coastal Environment</u></b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER-1</u></b> The vehicle access track is not wider than 4m.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b><u>Matters of Discretion for PER-1 are restricted to:</u></b></p> <p>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9 and CE-P10.</p>
<b><u>2 Coastal High Natural Character Area Overlay</u></b>	<p><b><u>Activity status: Restricted Discretionary</u></b></p> <p><b><u>Where</u></b></p> <p><b><u>RDIS-1</u></b> The vehicle access track is located within the Coastal High Natural Character Area Overlay.</p> <p><b><u>Matters of Discretion for RDIS-1 are restricted to:</u></b></p> <p>any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P11.</p>	<p><b><u>Activity status when compliance not achieved: Not applicable</u></b></p>
<b>CE-R6</b>	<b>Land disturbance</b>	
<b>Coastal Environment Area Overlay</b>  <b>Coastal Erosion Overlay</b>	<p><b>Activity status: Permitted</b></p>	<p><b>Activity status when compliance not achieved with: Not applicable</b></p>

<sup>317</sup> Forest and Bird [156.165]

<sup>318</sup> Silver Fern Farms [172.90]

<sup>319</sup> Forest and Bird [156.66]

<b>Coastal High Natural Character Area Overlay</b>  <b>Sea Water Inundation Overlay<sup>320</sup></b>		
<b>CE-R7</b>	<b>Regionally Significant Infrastructure - maintenance and upgrade</b>  <b><u>Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ and CE-RA<sup>321</sup></u></b>	
<b>4 Coastal Erosion overlay</b>  <b>Sea Water Inundation Overlay</b>	<b>Activity status: Permitted<sup>322</sup></b>  <b>Where:</b>  <b>PER-1</b> A new building or building extension is located outside of the Coastal Erosion Overlay and <sup>323</sup> has a collective maximum additional <sup>324</sup> ground floor area per site of 200m <sup>2</sup> in any continuous 10-year period from 22 September 2022 [insert plan operative date]; <sup>325</sup> or  <b>PER-2</b> Any upgrading does not increase the building or structure coverage by more than 10% within a continuous 10-year period from 22 September 2022 [insert plan operative date]; <sup>326</sup> or  <b>PER-3</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building activity <sup>327</sup> ; or  <b>PER-4</b> The building or extension is located outside of the Coastal Erosion Overlay and <sup>328</sup> has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment <sup>329</sup> Certificate issued in accordance with NH-S1.	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> 1. any impacts on natural elements, processes and patterns, and landforms; and 2. the extent to which the building or structure has a functional need or operational need for its location; and 3. the extent of any positive benefits that will result from the proposal; and 4. the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and 5. The risk to the building or structure taking into account: a. The nature of the building, structure or activity, including its materials and ability to be relocated; b. The anticipated lifespan of the building, structure or activity c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer term period. <sup>331</sup>

<sup>320</sup> Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

<sup>321</sup> Forest and Bird [156.73] [156.74]

<sup>322</sup> Clause 16(2) – shifted into NH-R5 as part of the coastal natural hazards merge into the Natural Hazards chapter

<sup>323</sup> ECan [183.126]

<sup>324</sup> Clause 16(2)

<sup>325</sup> ECan [183.126]

<sup>326</sup> ECan [183.126]

<sup>327</sup> Clause 16(2)

<sup>328</sup> ECan [183.126]

<sup>329</sup> ECan [183.26]

<sup>331</sup> ECan [183.109], [183.126]

	<p><b>PER-5</b> That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.<sup>330</sup></p>	
<p><b>2-1</b> <b>Coastal Environment outside of urban zoned areas</b></p>	<p><b>Activity status: Permitted</b><sup>332</sup></p> <p><b>Where:</b></p> <p><b>PER-1</b> Any upgrading does not increase the building or structure envelope by more than 25% within a continuous 10-year period, up to a maximum of 1000m<sup>2</sup>.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</li> <li>2. the extent to which the building or structure has a functional need or operational need for its location; and</li> <li>3. the extent of any positive benefits that will result from the proposal.</li> </ol>
<p><b>2 3</b> <b>Coastal High Natural Character Overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Any upgrading does not increase the building or structure envelope by more than 10% within a continuous 10-year period, up to a maximum of 200m<sup>2</sup>.<sup>333</sup></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10<sup>334</sup> and CE-P11; and</li> <li>2. the extent to which the building or structure has a functional need or operational need for its location; and</li> <li>3. the extent of any positive benefits that will result from the proposal.</li> </ol>
<b>CE-R8</b>	<p><b>Regionally Significant Infrastructure – New</b></p> <p><b>Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ and CE-RA</b><sup>335</sup></p>	
<p><b>4</b> <b>Coastal Erosion Overlay</b><sup>336</sup></p> <p><b>Sea Water Inundation Overlay</b></p>	<p><b>Activity status: Permitted</b><sup>337</sup></p> <p><b>Where:</b></p> <p><b>PER-1</b> A new building or extension has a maximum ground floor area per site of 200m<sup>2</sup> in any continuous 10-year period from 22</p>	<p><b>Activity status when compliance not achieved: Discretionary</b></p>

<sup>330</sup> ECan [183.126], [183.125]

<sup>332</sup> Forest and Bird [156.167]

<sup>333</sup> Forest and Bird [156.167]

<sup>334</sup> Clause 16(2)

<sup>335</sup> Forest and Bird [156.73] [156.74]

<sup>336</sup> ECan [183.126]

<sup>337</sup> Clause 16(2) - shifted to NH-R6 as NH-R6.2.as part of the natural hazards provisions merging

	<p><u>September 2022 [insert plan operative date];<sup>338</sup> or</u></p> <p><b>PER-2</b> The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u><sup>339</sup>; or</p> <p><b>PER-3</b> The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment<sup>340</sup> Certificate issued in accordance with NH-S1<sub>2</sub>; or</p> <p><b>PER-4</b> That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.<sup>341</sup></p>	
<b><u>2 Coastal Erosion Overlay</u></b> <sup>342</sup>	<p><b><u>Activity status: RDIS Permitted</u></b><sup>343 344 345</sup></p> <p><b><u>Where:</u></b></p> <p><b><u>Except that this shall not apply to:</u></b>  <b><u>1. Community land drainage infrastructure;</u></b>  <b><u>2. Established community scale irrigation and stockwater infrastructure; or</u></b>  <b><u>3. Any building or structure that has a footprint less than 30m2.</u></b></p> <p><b><u>PER-1</u></b> <b><u>The work, building or structure is for:</u></b></p>	<p><b><u>Activity status: Not applicable Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <b><u>1 Whether there is an operational or functional need for the location;</u></b>  <b><u>2. The risk to the building or structure taking into account:</u></b>  <b><u>a. The nature of the building, structure or activity, including its materials and ability to be relocated;</u></b>  <b><u>b. The anticipated lifespan of the building, structure or activity</u></b>  <b><u>c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer term period.</u></b><sup>346</sup></p>

<sup>338</sup> ECan [183.127]

<sup>339</sup> Clause 16(2)

<sup>340</sup> ECan [183.26]

<sup>341</sup> ECan [183.127], [183.126], [183.125]

<sup>342</sup> ECan [183.126]

<sup>343</sup> ECan [183.126]

<sup>344</sup> This rule has been restructured to turn it from an exclusion to an RDIS rule, to a permitted rule with RDIS for non-compliance – it is essentially the same but more consistent with the PDP style

<sup>345</sup> Clause 16(2) - shifted to NH-R6 as NH-R6.3.as part of the coastal natural hazards provisions merge

<sup>346</sup> ECan [183.109]

	<p><u>1. Community land drainage infrastructure;</u>  <u>2. Established community-scale irrigation and stockwater infrastructure; or</u></p> <p><u>PER-2</u>  <u>Any building or structure that has a footprint less than 30m<sup>2</sup>.</u></p>	
<b><u>3-1 Coastal Environment outside of urban zoned areas</u></b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER-1</u></b>  Any upgrading does not increase the building or structure envelope by more than 200m<sup>2</sup> within a continuous 10-year period.</p>	<p><b><u>Activity status when compliance not achieved: Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P10; and</li> <li>2. the extent to which the building or structure has a functional need or operational need for its location; and</li> <li>3. the extent of any positive benefits that will result from the proposal.</li> </ol>
<b><u>2-4 2 Coastal High Natural Character Area Overlay</u></b>	<p><b><u>Activity status: Discretionary</u></b></p>	<p><b><u>Activity status when compliance not achieved: Not applicable</u></b></p>
<b><u>- CE-R9<sup>347</sup></u></b>	<p><b><u>Natural hazard mitigation works, including associated<sup>348</sup> earthworks and incidental vegetation removal<sup>349</sup>; maintenance, replacement and upgrading<sup>350</sup></u></b>  <b><u>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation<sup>351</sup></u></b></p>	
<p><b><u>4 Coastal Environment Area Overlay</u></b></p> <p><b><u>Sea Water Inundation Overlay<sup>352</sup></u></b></p>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER-1</u></b>  <u>The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; or</u>  <sup>353</sup></p>	<p><b><u>Activity status where compliance not achieved with PER-1 PER-5: Restricted Discretionary</u></b></p> <p><b><u>Where</u></b></p> <p><b><u>RDIS-1<sup>359</sup></u></b>  <u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council; or</u>  <u>b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.<sup>361</sup></u></p>

<sup>347</sup> Clause 16(2) – merged with NH-R3.1 and NH-R3.2 as part of natural hazards merge

<sup>348</sup> Clause 16(2)

<sup>349</sup> Clause 16(2) to align with NH-R3

<sup>350</sup> ECan [183.128]

<sup>351</sup> Clause 16(2)

<sup>352</sup> ECan [183.128]

<sup>353</sup> Clause 16(2)

<sup>359</sup> ECan [183.128]

<sup>360</sup> ECan [183.128]

<sup>361</sup> ECan [183.128], PrimePort [175 - various] and Timaru District Holdings [186 - various]

	<p><b><u>PER-12</u></b>  <del>The activity natural hazard mitigation works are for the operation, is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; or<sup>354</sup></del></p> <p><b><u>PER-13</u></b>  <del>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</del></p> <ol style="list-style-type: none"> <li><del>1. The natural hazard mitigation works is occur<sup>355</sup> within 25m of the existing alignment or location vertically and horizontally of the existing natural hazard mitigation works;<sup>356</sup> and</del></li> <li><del>2. Does not increase the footprint of the existing<sup>357</sup> natural hazard mitigation works is not increased by more than 25%; and or</del></li> </ol> <p><b><u>PER-3-4</u></b>  <del>The activity is undertaken by or on behalf of the Port of Timaru Crown, Canterbury Regional Council, or the Council, or and is limited to the maintenance of existing natural hazard mitigation works within 310m of PREC7;<sup>358</sup> or</del></p> <p><b><u>PER-5</u></b></p>	<p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li><del>1. the likely effectiveness of the natural hazard mitigation works and the need for them; and</del></li> <li><del>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 significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;<sup>362</sup>; and</del></li> <li><del>3. any potential adverse effects of from<sup>363</sup> diverting or blocking overland flow path(s), including upstream and downstream flood risks; and</del></li> <li><del>4. any increased flood risk for people, property, or public spaces; and</del></li> <li><del>5. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and</del></li> <li><del>6. any positive effects of the proposal on the community.</del></li> <li><del>7. the extent to which the works will result in adverse cumulative effects; and</del></li> <li><del>8. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and</del></li> <li><del>9. the extent of any positive benefits that will result from the proposal; and</del></li> <li><del>10. the extent to which the works have a functional need or operational need for its location; and</del></li> <li><del>11. the matters set out in CE-P14.<sup>364</sup></del></li> </ol> <p><b><u>Activity status where compliance not achieved with RDIS-1: Discretionary</u></b></p> <p><b><u>Activity status where compliance not achieved with PER-1, PER-2, PER-3, or PER-4: Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out for PER-1 PER-5.</u></p>
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<sup>354</sup> ECan [183.128]

<sup>355</sup> Clause 16(2)

<sup>356</sup> Clause 16(2)

<sup>357</sup> Clause 16(2)

<sup>358</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various] and [clause 16\(2\)](#)

<sup>362</sup> ECan [183.128]

<sup>363</sup> ECan [183.128]

<sup>364</sup> [ECan \[183.40\]](#)

	<del>The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.</del>	
<b><u>2 Coastal High Natural Character Area Overlay</u></b> <sup>365</sup>  <b><u>Coastal Erosion Overlay</u></b> <sup>366</sup>	<b><u>Activity status: Restricted Discretionary</u></b>  <b><u>Where:</u></b>  <b><u>RD1S-1</u></b> <sup>367</sup> <del>Any new natural hazard mitigation works are:</del> <del>a. established by or on behalf of the Crown, Regional Council, or the Council; or</del> <sup>368</sup> <del>b. established by or on behalf of the Port of Timaru and are located within 310m of PREG7.</del> <sup>369</sup>  <del>Matters of discretion are restricted to: those matters set out for non-compliance with PER-1.</del> <sup>370</sup>	<b><u>Activity status where compliance is not achieved: Discretionary</u></b>
<b>CE-R10</b>	<b>Planting of trees and/or vegetation not listed in CE-R1, CE-R2 or CE-R3</b>	
<b>Coastal High Natural Character Area Overlay</b>	<b>Activity status: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.	<b>Activity status when compliance not achieved: Not applicable</b>
<b><u>CE-R14 SUB-RY</u></b>	<b><u>Subdivision within the Coastal Environment</u></b> <sup>371</sup>	

<sup>365</sup> ECan [183.128]<sup>366</sup> ECan [183.128]<sup>367</sup> ECan [183.128]<sup>368</sup> ECan [183.128]<sup>369</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]<sup>370</sup> ECan [183.128]<sup>371</sup> Speirs, B [66.53], [66.45].



<b>1 Coastal Environment Area Overlay</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b><u>RDIS-1</u></b>  <u>The site is not located within the Coastal High Natural Character Area Overlay.</u></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, <u>CE-P9<sup>372</sup></u> and CE-P11; and</li> <li>2. the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects.</li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable <u>Discretionary</u></b></p> <p>Note: Where a resource consent is required as a <u>Discretionary activity under RDIS-1</u>,<sup>373</sup> future building platforms must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.</p>
<b>2 Sea Water Inundation Overlay</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <del>the extent to which the proposal results in an increased risk of economic, social or environmental harm;</del></li> <li>2. <del>whether the proposal includes hazard mitigation;</del></li> <li>3. <del>the extent to which future building or structure has a functional need or operational need for its location; and</del></li> <li>4. <del>the extent of any positive benefits that will result from the proposal; and</del></li> <li>5. <del>the extent to which the proposal creates natural hazard risks on adjacent properties; and</del></li> <li>6. <del>the location of any proposed building that will accommodate a natural hazard sensitive activity.</del></li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>
<b>3 Coastal High Natural Character</b>	<p><b>Activity status: Discretionary</b></p> <p><b><i>Note: Future building platform must be indicated in the</i></b></p>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>

<sup>372</sup> Clause 16(2) to address a policy omission

<sup>373</sup> Clause 16(2) for clarity

Area Overlay	application and will be registered on the Certificate of Titles of resulting new allotments.	
4 Coastal Erosion Overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
CE-R12	Natural hazard mitigation works, including earthworks – New <sup>374</sup> <del>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</del>	
Coastal High Natural Character Area Overlay	Activity status: Restricted Discretionary  Where:	Activity status when compliance not achieved: Non-complying
Coastal Erosion Overlay	<b>RDIS-1</b> The natural hazard mitigation works are undertaken by or on behalf of the Council, Crown or Regional Council; or	
Sea Water Inundation Overlay	<b>RDIS-2</b> The works are undertaken by PrimePort and are within or adjacent to the Port Zone and are required to protect the ongoing operation of the Port.  <b>Matters of discretion are restricted to:</b> <del>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and</del> <del>1. the extent to which the works will result in adverse cumulative effects; and</del> <del>2. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and</del> <del>3. the extent of any positive benefits that will result from the proposal; and</del> <del>4. the extent to which the works have a functional need or operational need for its location.</del>	
CE- R13	Primary production not otherwise specified in this chapter	
Coastal High Natural	Activity status: Discretionary	Activity status when compliance not achieved: Non-complying

<sup>374</sup> ECan [183.128], [183.130]

<b>Character Area Overlay</b>	<b>Where:</b> <b>DIS-1</b> The activity does not involve irrigation or intensive primary production	
<b>CE-R14</b>	<b>Quarrying/Mining / Quarrying<sup>375</sup> Activity outside the beds of lakes and rivers and the coastal marine area and<sup>376</sup> excluding for natural hazard mitigation works or reclamation within or adjacent to the PORTZ Port Zone</b>	
<b>1. Coastal Environment Area Overlay</b>	<b>Activity status: Permitted<sup>377</sup></b> <b>Where:</b> <b>PER-1</b> The activity is a farm quarry and is less than 500m <sup>2</sup> .  <i>Note: consent for mining and quarrying may be required from the Canterbury Regional Council within the beds of lakes and rivers and the coastal marine area.<sup>378</sup></i>	<b>Activity status when compliance not achieved: Restricted discretionary</b> <b>Matters of discretion are restricted to:</b> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9 and CE-P10; 2. the extent to which the works will result in adverse cumulative effects; and 3. the extent to which the activity results in the enhancement of natural character.
<b>Coastal Environment Area Overlay</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>2. Coastal High Natural Character Area Overlay</b>		
<b>NH-RXX CE-RXX<sup>379</sup></b>	<b>Natural Hazard Sensitive Buildings within the PORTZ Port Zone<sup>380</sup></b>	
<b>Flood Assessment Area Overlay</b>	<b>Activity status: Permitted</b> <b>Where</b> <b>PER-1</b> The building is built to the minimum finished floor level specified in an existing	<b>Activity status where compliance is achieved: Restricted Discretionary</b> <b>Matters of discretion are restricted to:</b> 1. any increased flood risk for people, property, or public spaces; and

<sup>375</sup> Road Metals [169.32] and Fulton Hogan [170.32]

<sup>376</sup> ECan [183.142]

<sup>377</sup> Road Metals [169.32], Fulton Hogan [170.32] for all these changes

<sup>378</sup> ECan [183.142]

<sup>379</sup> Clause 16(2) change - deleted as part of the natural hazards merge as there is already a duplicate rule NH-RX

<sup>380</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<b><u>Sea Water Inundation Overlay</u></b>	<u>consent notice that is less than five years old; or</u>	<u>2. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u>
<b><u>Coastal Erosion Overlay</u></b> <sup>381</sup>	<b><u>PER-2</u></b> <u>The building activity:</u> <sup>382</sup>  <u>1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> <u>2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> <u>3. the building has a footprint smaller than 100m<sup>2</sup>; or</u> <u>4. the building is relocatable.</u>	<u>3. any operational need or functional need for the activity to be established in this location; and</u> <u>4. any increased reliance on emergency services; and</u> <u>5. any positive effects of the proposal.</u>

<b><u>NH-RX CE-RX</u></b> <sup>383</sup>	<b><u>New buildings, structures and earthworks in the PORTZ Port Zone</u></b> <sup>384</sup>	
<b><u>Flood Assessment Area Overlay</u></b>	<b><u>Activity status: Permitted</u></b>  <b><u>Where</u></b>  <b><u>PER-1</u></b> <u>Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.</u> <sup>386</sup>  <u>Note: when considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u>	<b><u>Activity status where compliance is achieved: Restricted Discretionary</u></b>  <b><u>Matters of discretion are restricted to:</u></b> <u>1. any adverse effects on the rate of flow and direction of overland flow path(s); and</u> <u>2. any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; and</u> <u>3. any increased flood risk for people, property, or public spaces; and</u> <u>4. the effectiveness and potential adverse effects of any proposed mitigation measures and</u> <u>5. the benefits of or necessity for the proposed building, structure or earthworks.</u>
<b><u>Coastal Erosion Overlay</u></b> <sup>385</sup>		

<b><u>CE-RZ</u></b>	<b><u>Upgrading of existing, or installation of new solar cells or an array of solar cells</u></b> <sup>387</sup>
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<sup>381</sup> ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

<sup>382</sup> Clause 16(2)

<sup>383</sup> Clause 16(2) change - deleted as part of the natural hazards merge as there is already a duplicate rule NH-RX

<sup>384</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>385</sup> ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80.

<sup>386</sup> ECan [183.38]

<sup>387</sup> Forest and Bird [156.73]

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

<b>CE-RA</b>	<b><u>Upgrading an existing wind turbine or installation of a new wind turbine, for electricity generation</u></b> <sup>388</sup>	
<b>1 Coastal Environment</b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER-1</u></b> The activity meets the definition of Small-Scale Renewable Electricity Generation; and</p> <p><b><u>PER-2</u></b> The activity is located within an urban zoned area; and</p> <p><b><u>PER-3</u></b> The activity is not visible from a High Natural Character area; and</p> <p><b><u>PER-4</u></b> CE-S1 and CE-S3 are complied with.</p>	<p><b><u>Activity status when compliance not achieved with PER-1 or PER-2: Discretionary</u></b></p> <p><b><u>Activity status when compliance not achieved with PER3 or PER-4: Restricted Discretionary</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b> Any adverse impacts on the identified matters contained in CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, and CE-P10.</p>
<b>2 Coastal High Natural Character Area Overlay</b>	<p><b><u>Activity status: Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>DIS-1</u></b> CE-S1 and CE-S3 are complied with.</p>	<p><b><u>Activity status when compliance not achieved: Non-complying</u></b></p>

<sup>388</sup> Forest and Bird [156.74]

Standards		
CE-S1	Height of buildings and structures	
Coastal Environment Overlay	<p>The maximum height of any building or structure must not exceed:</p> <ol style="list-style-type: none"> <li>1. 4m; or</li> <li>2. if located within the General Industrial Zone or Port Zone, it shall be as per the applicable zone rules and standards.</li> </ol> <p><u>Note: Height shall be measured from the existing ground level prior to any works commencing.</u><sup>389</sup></p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, CE-P10 and CE-P11; and</li> <li>2. the extent to which the height of the building or structure will result in: <ol style="list-style-type: none"> <li>a. visual dominance; or</li> <li>b. incompatibility with the character and scale of buildings and structures within the surrounding area; or</li> <li>c. reduced views from publicly accessible areas; and</li> </ol> </li> <li>3. the extent to which the building or structure has a functional need or operational need for its location.</li> </ol>
CE-S2	Site coverage by buildings and structures <sup>390</sup>	
Coastal Environment Overlay	<p>The <u>combined</u><sup>391</sup> building and structure <u>coverage of a site</u><sup>392</sup> within the overlay shall not exceed a maximum floor area of:</p> <ol style="list-style-type: none"> <li>1. 500m<sup>2</sup> for sites that are less than 20ha in area; and</li> <li>2. 500m<sup>2</sup> for every 20ha of site area for sites larger than 20ha in area, or a maximum of 2,000m<sup>2</sup> per property (whichever is the lesser);</li> </ol> <p>unless</p> <ol style="list-style-type: none"> <li>3. if the building and structure is <del>to be</del> located within <del>the</del> <u>an</u> urban <u>zoned</u><sup>393</sup> area, <u>in which case</u><sup>394</sup> it shall be as per the applicable zone rules and standards.</li> </ol>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and</li> <li>2. the extent to which the building or structure will meet a community or public need; and</li> <li>3. the extent to which the building or structure has a functional need or operational need for its location.</li> </ol>
CE-S3	Building and structure external materials	
Coastal Environment Overlay	<p>With the exception of the Port Zone, all <u>external cladding and roofing of</u><sup>395</sup> buildings and structures must be finished in materials with a maximum reflectance value of 30%.</p>	<p><b>Matters of discretion restricted to:</b></p> <ol style="list-style-type: none"> <li>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and</li> <li>2. the extent to which the proposed exterior materials and colours respond to and respect the natural</li> </ol>

<sup>389</sup> ECan [183.4]<sup>390</sup> ECan [183.132]<sup>391</sup> ECan [183.132]<sup>392</sup> ECan [183.132]<sup>393</sup> Silver Fern Farms [172.94]<sup>394</sup> Clause 16(2)<sup>395</sup> Silver Fern Farms [172.95] and Alliance Group [173.96]



		<p>character qualities of the surrounding area.</p> <p>3. the extent to which the building or structure has a functional need or operational need for its location.</p>
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<b>SUB-RX</b>	<b>Subdivision within the PORTZ<sup>396</sup> <sup>397</sup></b>	
<b><u>1</u></b> <b><u>Flood</u></b> <b><u>Assessment</u></b> <b><u>Area</u></b> <b><u>Overlay</u></b>  <b><u>Sea Water</u></b> <b><u>Inundation</u></b> <b><u>Overlay</u></b>	<b><u>Activity status: Restricted Discretionary</u></b>  <b><u>Matters of discretion are restricted to:</u></b> <ol style="list-style-type: none"> <li><u>1. the design and layout of the subdivision, in relation to natural hazards; and</u></li> <li><u>2. any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</u></li> <li><u>3. any increased flood risk for people, property, or public spaces; and</u></li> <li><u>4. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u></li> <li><u>5. the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u></li> <li><u>6. any increase in reliance on emergency services.</u></li> </ol>	<b><u>Activity status where compliance not achieved: Not applicable</u></b>

<sup>396</sup> PrimePort [175 - various] and Timaru District Holdings [186 - various]

<sup>397</sup> Clause 16(2) – this rule is now merged as SUB-RX1A in the subdivision chapter as shown in the Natural Hazards chapter changes