

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 coastal flooding, overland flows, slope instability, earthquakes, liquefaction and tsunamis. Flooding is a particular issue for the ~~ed~~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 edDistrict.¹ Climate change is also likely to have significant implications for the District in terms of water shortages and ongoing water security issues and effects on food security.²

The purpose of this chapter is to protect people, ~~R~~egionally ~~S~~ignificant ~~I~~nfrastructure 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 District 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 resource consent process.³~~

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 a Flood Assessment Areas Overlay. Therefore, some types of natural hazards may be mapped within the District Plan (e.g. such as earthquake fault awareness areas high flood risk areas),⁴ and others may be identified through either mapping or a certification approach within the Flood Assessment Area Overlay (e.g. such as high hazard areas and⁵ overland flowpaths).

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-O46 and Policy NH-P4414 apply in the Port Zone.⁶

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 (NESTF) specifically disapplies District Plan natural hazard provisions from telecommunication structures which are regulated under that standard. Therefore, the natural hazards provisions in this chapter do not apply to telecommunications infrastructure regulated under this standard.⁷

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 CRPS Canterbury Regional Policy Statement (Chapter 11):

¹ TDC [42.30]

² Hort NZ [254.51]

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

⁴ Kāinga Ora [229.39]

⁵ Clause 16(2)

⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

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

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 ~~CRC Canterbury Regional Council~~;⁸ 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.⁹

Objectives

NH-O1	Areas subject to natural hazards
Risk to human life and significant risk to property, from natural hazards is: 1. avoided in high hazard areas that are outside of urban zoned areas;¹⁰ and 2. avoided or mitigated in high hazard areas that are within urban zoned areas;¹¹ and 3. avoided or mitigated elsewhere in all other areas¹² to an acceptable level.	
NH-OX2	Coastal hazards
People, buildings and structures are protected from unacceptable risks arising from coastal hazards, including those exacerbated by climate change. ¹³¹⁴	
NH-O23	Regionally Ssignificant Infrastructure
Risk from natural hazards to R regionally S significant I nfrastructure is <u>managed by locating</u> located ¹⁵ outside of high hazard areas where practicable.	
NH-O34	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 <u>where practicable</u> . ¹⁶	
NH-OY5	Natural defences features and buffers¹⁷
Natural features <u>Natural defences and buffers are protected, restored or enhanced</u> retained and used for coastal hazard management, in preference to <u>natural hazard mitigation works</u> hard engineering <u>natural hazard mitigation works</u> . ¹⁸ wherever appropriate. ¹⁹²⁰	
NH-O46	<u>Adaptive management at the Port</u>²¹
<u>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.</u>	

⁸ ECan [183.131 and 183.142] and the evidence of Ms Irvine dated 9 April, paragraphs 52 to 61).

⁹ Clause 16(2)

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

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

¹² Clause 16(2)

¹³ Forest and Bird [156.145], Dir. General Conservation [166.101] and ECan [183.114].

¹⁴ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

¹⁵ Transpower [159.60]

¹⁶ PrimePort [175.28] and Timaru District Holdings [186.14]

¹⁷ Forest and Bird [156.146], Dir. General Conservation [166.102]

¹⁸ Clause 16(2)

¹⁹ Forest and Bird [156.146], Dir. General Conservation [166.102]

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

²¹ PrimePort [175.28] and Timaru District Holdings [186.14]

Policies	
NH-P1	Identification of natural hazards and approach to management within Natural Hazard Areas²²
Identify and map areas potentially²³ 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. <u>for the Māori Purpose Zone, the extent to which managing the risk compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the MPZ, and the outcome of any consultation with mana whenua.</u>²⁴	
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 educational facilities, health care facilities, or aged care activities in areas at risk from tsunami events.	
NH-P3	Role of natural features and vegetation in hazard mitigation
1. <u>Outside of the Coastal Environment, protect, maintain and restore where appropriate, natural topographic features and vegetation, including native vegetation²⁵ habitat²⁶ that assists with avoiding or mitigating the risk to people and significant risk to property from natural hazards; and</u> 2. <u>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.</u>²⁷	
NH-P4	Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flowpaths²⁸
Enable subdivision, use and development (excluding Regionally Significant Infrastructure) in areas subject to inundation by a 0.5% AEP flood event provided that: 1. it is not likely to suffer significant damage in a flood event; and 2. it will not significantly affect the functioning of the flood plain; and 3. it will not generate the need for new or upgraded public natural hazard mitigation works to mitigate or avoid the natural hazard; and 4. <u>for natural hazard sensitive buildings,²⁹ a minimum floor level above the 0.5% AEP design flood level can be achieved; and</u> 5. <u>for major hazard facilities will not be inundated, there is no risk of hazardous substances entering the environment;³⁰ significant adverse effects on people and property are avoided; and</u> 6. <u>increased risk on other sites, including through floodwater displacement and diversion³¹, is avoided as a priority and where this is not practicable, will be appropriately mitigated.</u>	
NH-P5	Subdivision and Regionally significant Infrastructure³² in Liquefaction Awareness Areas
Require subdivision and Regionally Significant Infrastructure in Liquefaction Awareness Areas to apply appropriate measures to avoid or, where avoidance is not reasonably practicable due to the functional	

²² Clause 16(2)

²³ Clause 10(2)(b) ECan [183.38]

²⁴ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

²⁵ Crossman evidence for OWL [181] paras 4.1 to 4.3

²⁶ Forest and Bird [156.87]

²⁷ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁸ ECan [183.38]

²⁹ ECan [183.33]

³⁰ BP Oil et al [196.50], PrimePort [175.29] and Timaru District Holdings [186.15]

³¹ Clause 16(2)

³² Transpower [159.61]

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.³³

NH-P6 ~~Subdivision and Regionally Significant Infrastructure~~³⁴ in Earthquake Fault Awareness Areas

Require ~~subdivision and Regionally Significant Infrastructure~~³⁵ in the Earthquake Fault (Subdivision)³⁶ Awareness Areas ~~Overlay~~ to be designed or located in a way that enables activities to avoid or, where avoidance is not reasonably practicable due to the functional need or operational needs³⁷ of the activity, mitigates risks to people and property.

NH-P7 Slope stability and subsidence risk

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

NH-P8 ~~Overland Flowpaths~~³⁸

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

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

NH-P98 Natural hazard mitigation works

Natural hazard mitigation works:

1. undertaken by or on behalf of³⁹ the Crown, ~~CRC 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 Natural Landscapes (ONLs), Outstanding Natural and Features (ONFs), the Coastal Environment, Visual Amenity Landscapes (VALs), Significant Natural Areas (SNAs), High Naturalness Waterbodies ~~Areas~~ (HNWB), Sites of Significance to Māori (SASM), ~~H~~historic ~~H~~eritage, cultural, and archaeological ~~areas/sites~~,⁴⁰ riparian margins and ~~N~~otable ~~T~~rees are mitigated; or
2. not undertaken by or on behalf of⁴¹ the Crown, ~~CRC Canterbury Regional Council~~ or the Council, will only be acceptable where:
 - a. the natural hazard risk cannot otherwise be reasonably avoided; and
 - b. consideration has been given to alternative solutions such as the relocation, removal or abandonment of existing uses, buildings and structures and all alternatives are not economically viable; and
 - c. any adverse effects arising from the construction or operation of the works on the identified values and qualities of ONLs, ONFs, Outstanding Landscapes and Features, the Coastal Environment, VALs Visual Amenity Landscapes, SNAs Significant Natural Areas, HNWB High Naturalness Waterbodies Areas, SASM Sites of Significance to Māori, historic heritage, cultural, and archaeological ~~areas/sites~~,⁴² riparian margins and ~~N~~otable ~~T~~rees are avoided, remedied, or mitigated in accordance with the objectives and policies provisions⁴³ in those ~~C~~hapters; and
 - d. the construction or operation of the natural hazard mitigation works will avoid or acceptably mitigate ~~not lead to~~⁴⁴ any increased or new risk from flooding ~~on~~ human life and property.

³³ ECan [183.34]

³⁴ Transpower [159.62]

³⁵ Transpower [159.62]

³⁶ Clause 16(2)

³⁷ Waka Kotahi [143.68]

³⁸ ECan [183.38]

³⁹ Clause 16(2)

⁴⁰ Clause 10(2)(b) of Heritage NZ [114.3]

⁴¹ Clause 16(2)

⁴² Clause 10(2)(b) of Heritage NZ [114.3]

⁴³ ECan [183.128] – consequential amendment to align with rule exclusions

⁴⁴ Silver Fern Farms [172.27] and Alliance Group [173.24]

NH-P9 ⁴⁵	Hard engineering natural hazard mitigation works⁴⁶ within the Coastal Environment
	Only allow hard engineering natural hazard mitigation <u>works</u> within the coastal environment that reduces the risk of natural hazards when: 1. soft engineering measures would not provide an appropriate level of protection and it can be demonstrated that there are no other reasonable alternatives; <u>and</u> 2. the construction of hard engineering measures will not increase the risk from coastal hazards on adjacent <u>sites</u> properties that are not protected by the hard engineering measures; <u>and</u> 3. where managed retreat has not been adopted and there is an immediate <u>a demonstrated clear</u>⁴⁷ risk to life or property from the natural hazard; <u>and</u> 4. it <u>minimises</u> avoids⁴⁸ the modification or alteration of natural defences and systems in a way that would compromise their function as natural defences; and 5. <u>other</u> significant adverse effects on natural defences and systems from those measures are avoided, and any other <u>non-significant</u>⁴⁹ adverse effects are avoided, remedied or mitigated.
NH-P10	High Hazard Areas
	Avoid subdivision, use and development (excluding Regionally Significant Infrastructure) in, mapped <u>or identified</u> high hazard areas, unless: 1. it is a building <u>or structure</u>⁵⁰ that is not a natural hazard sensitive <u>building activity</u>⁵¹ or is unlikely to suffer damage; or 2. it can be demonstrated that the risks of the natural hazard can be mitigated so that: a. in the event of a natural hazard, there is likely to be no loss of life or serious injury <u>or</u> and <u>any built development is not likely to suffer significant</u> <u>property</u>⁵² damage or loss; and b. it will not require new or upgraded public natural hazard mitigation works to mitigate the natural hazard; and c. it is not likely to exacerbate the potential effects of the natural hazard on adjoining or surrounding land; and d. it does not increase reliance on emergency services in a hazard event; or 3. <u>it is located within an existing urban zoned area and the risks of the natural hazard are avoided or mitigated.</u>⁵³
NH-P11	Regionally Significant Infrastructure in Natural Hazard Areas⁵⁴
	Only allow <u>1. Outside of coastal hazard areas, Regionally Significant Infrastructure in Natural Hazard Areas where:</u> 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 b. <u>for other</u> all⁵⁵ natural hazard areas: 2. <u>i. 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</u> 3. <u>ii. 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;</u>⁵⁶ <u>and</u> <u>2. Within coastal hazard areas, only allow Regionally Significant Infrastructure, including the Port of Timaru,</u>⁵⁷ in areas subject to coastal hazards where: a. there is a functional <u>need</u> or operational need for it to locate there; and

⁴⁵ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁴⁶ Clause 16(2)

⁴⁷ Tosh Prodanov [117.3],

⁴⁸ Silver Fern Farms [172.88]

⁴⁹ Silver Fern Farms [172.88]

⁵⁰ Silver Fern Farms [172.28] and Alliance Group [173.25]

⁵¹ Clause 16(2)

⁵² Silver Fern Farms [172.28] and Alliance Group [173.25]

⁵³ 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

⁵⁴ Clause 16(2)

⁵⁵ Transpower [159.63] – amendment to correct the wording, as intended in the s42A report (paragraph 7.24.6)

⁵⁶ Transpower [159.63] for all these changes.

⁵⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

- b. it will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.⁵⁸

NH-P12⁵⁹ Activities in coastal hazard areas (excluding ~~R~~egionally ~~S~~ignificant ~~I~~nfrastructure)

1. In non-urban zoned⁶⁰ 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; and
2. Within existing urban zoned⁶¹ areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.

NH-P13⁶² Identifying coastal hazards

Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,⁶³ 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-P1114⁶⁴ PORTZ Port Zone⁶⁵

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

For the purposes of this chapter, activities in the PORTZ Port Zone are only subject to the PORTZ-specific rules and NH-R1A2, NH-R3449 and NH-R4A6 NH-RX and NH-RX.⁶⁶ These PORTZ Port Zone specific rules do not cover ~~M~~ajor ~~H~~azardous ~~F~~acilities and ~~H~~azardous ~~F~~acilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.⁶⁷

For the purposes of NH-R34 ~~Natural hazard mitigation works~~, the rules in the Ecosystems and Indigenous Biodiversity ECO, Natural Character NATC, Natural Features and Landscapes NFL and Sites and Areas of Significance to Māori SASM chapters do not apply.⁶⁸

⁵⁸ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁵⁹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

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

⁶¹ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

⁶² Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁶³ Dir. General Conservation [166.108] and Forest and Bird [156.151]

⁶⁴ Clause 16(2) renumbering as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁶⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁶⁶ Clause 16(2) renumbering as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁶⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁶⁸ ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

*The control of the use of land for natural hazard management within the beds of ~~lakes and~~ rivers is within the jurisdiction of the ~~CRC Canterbury Regional Council~~. The rules in this chapter therefore do not apply within the beds of ~~lakes and~~ rivers.*⁶⁹

NH-R1	<u>Buildings, structures and Earthworks outside the Port Zone⁷⁰; excluding land disturbance and for natural hazard mitigation works and its associated land disturbance under NH-R34⁷¹</u>	
Flood Assessment Area Overlay	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Restricted Discretionary
High Hazard Area Overlay⁷²	PER-1 If the area is subject to flooding in a 0.5% AEP rainfall, NH-S2 is complied with; and⁷³ PER-2 If a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath. PER-1 <u>Where a site is located within the Overland Flowpath Assessment Area Overlay, 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 flowpath; and⁷⁴</u> PER-2 <u>Buildings, structures and earthworks will not create or increase the diversion or displacement of floodwater worsen flooding on another site 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, except that this shall not apply to buildings, structures or earthworks authorised by a building consent.⁷⁵</u> Notes: <u>1. A Flood Risk Assessment Certificate issued in accordance with NH-S1 will</u>	Matters of discretion are restricted to: The relevant matters of discretion of any infringed standard. Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse effects on the rate of flow and direction of overland flowpath(s); and 2. any adverse effects on property from blockage of or disturbance to the overland flow path(s); and⁷⁷ 2. any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater;⁷⁸ and 3. the effectiveness and potential adverse effects of any proposed mitigation measures.⁷⁹

⁶⁹ OWL [181.48] and [181.54]

⁷⁰ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁷¹ ECan [183.38]

⁷² Kainga Ora [229.39]

⁷³ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38]

⁷⁴ ECan [183.38] and clause 16(2)

⁷⁵ ECan [183.38]

⁷⁷ ECan [183.27] – combining matter of discretion 2 and 3.

⁷⁸ ECan [183.38]

⁷⁹ ECan [183.38]

	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.⁷⁶	
NH-RX NH-R4A2	New buildings, structures and earthworks in the PORTZ Port Zone⁸⁰	
Flood Assessment Area Overlay Sea Water Inundation Overlay Coastal Erosion Overlay⁸¹	Activity status: Permitted Where: PER-1 Buildings, structures and earthworks will not create or increase the diversion or displacement of floodwater worsen flooding on another site property that is not held in the same ownership through the diversion or displacement of floodwater in all events up to and including a 0.5% AEP event, except that this shall not apply to buildings, structures or earthworks authorised by a building consent.⁸² Note: 1. A Flood 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.⁸³ 2. When 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.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion are restricted to: - any adverse effects on the rate of flow and direction of overland flowpath(s); and any adverse effects on property from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater; and - any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater; and⁸⁴ - the effectiveness and potential adverse effects of any proposed mitigation measures; and - the benefits of or necessity for the proposed building, structure or earthworks.

⁷⁶ Clause 16(2)

⁸⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁸¹ 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

⁸² ECan [183.38]

⁸³ Clause 16(2) - to include the Rule Note from the equivalent NH-R1

⁸⁴ ECan [183.27] – combining matter of discretion 2 and 3

NH-R23⁸⁵	Land disturbance	
Coastal Erosion Overlay	Activity Status: Permitted	Activity status when compliance not achieved with: Not applicable
Sea Water Inundation Overlay		
NH-R2	Fences⁸⁶	
Flood Assessment Area Overlay	Activity status: Permitted Where: PER-1 At least 70% of the surface area of the fence is permeable above ground; or PER-2 A Flood Risk Assessment ⁸⁷ 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 flowpath.	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the type of fencing and materials proposed and the potential to obstruct water flow; and 2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and 3. any increased flood risk for people, property, or public spaces; and 4. the effectiveness and potential adverse effects of any proposed mitigation measures.
NH-R34	Natural hazard mitigation works – maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal⁸⁸ Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation⁸⁹	
1 Flood Assessment Area Overlay High Hazard Area Overlay⁹⁰ Coastal Environment Area Overlay⁹¹ Sea Water Inundation Overlay^{92 93}	Activity status: Permitted Where: PER-1 <u>The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; ⁹⁴ or</u> PER-12 <u>The activity is undertaken by or on behalf of the Crown, CRC Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or</u>	Activity status where compliance not achieved with PER-1¹⁰², PER-2, PER-3 or PER-4: Restricted Discretionary Matters of discretion are restricted to: 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including SNA significant natural areas,

⁸⁵ Clause 16(2) - as part of merging the natural hazards and coastal hazards provisions

⁸⁶ 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]

⁸⁷ ECan [183.26]

⁸⁸ ECan [183.40]

⁸⁹ Clause 16(2)

⁹⁰ Kāinga Ora [229.39]

⁹¹ Clause 16(2) – from CE-R9 - as part of merging the natural hazards and coastal provisions

⁹² ECan [183.128]

⁹³ Clause 16(2) – from CE-R9 - as part of merging the natural hazards and coastal provisions

⁹⁴ ECan [183.40]

¹⁰² ECan [183.40]

	<u>CRC Canterbury Regional Council</u> natural hazard mitigation works, including those within the full footprint of river control schemes; and or⁹⁵ PER-1 3 <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 occur⁹⁶ within 25m of the existing alignment or location vertically and horizontally of existing natural hazard mitigation works;⁹⁷ and</u> 2. <u>do not increase the footprint of the existing⁹⁸ natural hazard mitigation works is not increased by more than 25%; or</u> PER-3 4 <u>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 PREC712 - the Port Operational Area Precinct;⁹⁹ and or</u> PER-4 <u>If the site is subject to flooding in a 0.5% AEP rainfall event, NH S2 is complied with.¹⁰⁰</u> PER-5 <u>The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the CRC 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.¹⁰¹</u>	natural character areas, riparian margins, <u>SASM sites and areas of significance to Māori</u> and within any ONF or ONL overlay;¹⁰³ and 3. <u>any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and¹⁰⁴</u> 4. <u>any increased flood risk for people, property, infrastructure¹⁰⁵ or public spaces, including from blockage of or disturbance to overland flowpath(s).¹⁰⁶ and</u> 4. <u>the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and</u> 5. <u>any positive effects of the proposal on the community; and</u> 6. <u>the matters set out in NH-P8.¹⁰⁷</u> Activity status where compliance not achieved with PER-4 PER-1 PER-5: Restricted Discretionary¹⁰⁸ Where: RDIS-1 <u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, CRC Regional Council, or the Council;¹⁰⁹</u> <u>b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7;¹¹⁰</u> Matters of discretion are restricted to: 1. <u>those matters set out for non-compliance with NH-R34.1. PER-1, PER-2, or PER-3 or PER-4.</u>
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⁹⁵ ECan [183.40]

⁹⁶ Clause 16(2)

⁹⁷ Clause 16(2)

⁹⁸ Clause 16(2)

⁹⁹ 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

¹⁰⁰ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26]

¹⁰¹ ECan [183.40] and [183.41]

¹⁰³ ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

¹⁰⁴ ECan [183.27] – combining matter of discretion 3 and 4

¹⁰⁵ Waka Kotahi [143.71]

¹⁰⁶ ECan [183.27] – combining matter of discretion 3 and 4

¹⁰⁷ ECan [183.40]

¹⁰⁸ ECan [183.40]

¹⁰⁹ ECan [183.128]

¹¹⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various]

		Activity status when re compliance not achieved with RDIS-1: Discretionary¹¹¹ Matters of discretion are restricted to: the relevant matters of discretion of any infringed standard.¹¹²
2 Coastal High Natural Character Area Overlay¹¹³ Coastal Erosion Overlay¹¹⁴	Activity status: Restricted Discretionary¹¹⁵ Where: RDIS-1¹¹⁶ Any new natural hazard mitigation works are: a. established by or on behalf of the Crown, CRC Regional Council, or the Council; or¹¹⁷ b. established by or on behalf of the Port of Timaru and are located within 310m of PREC 712 - the Port Operational Area Precinct.¹¹⁸ Matters of discretion are restricted to: 1. those matters set out for non-compliance with NH-R34.1, PER-1, PER-2, or PER-3 or PER-4.¹¹⁹	Activity status when re compliance is not achieved: Discretionary
NH-R45	Natural hazard sensitive buildings outside the Port Zone activities¹²⁰ other than Regionally Significant Infrastructure¹²¹ or structures¹²² and additions to such activities or structures with a ground floor area of 30m² or more^{123 124}	
1 Flood Assessment Area Overlay within Urban	Note: if the new building, structure or extension on the ground floor is less than 30m², see NH-R7.¹²⁶ Activity status: Permitted Where: PER-1	Activity status when re compliance not achieved with PER-1 or PER-2 or PER-4: Non-Complying Restricted Discretionary¹³⁴ Matters of discretion are restricted to: 1. any potential adverse effects of diverting or blocking overland flow

¹¹¹ ECan [183.40]¹¹² ECan [183.40]¹¹³ ECan [183.128]¹¹⁴ ECan [183.128]¹¹⁵ Clause 16(2) – merge from CE-R9.2 as part of the natural hazards and coastal hazards provision merge¹¹⁶ ECan [183.128]¹¹⁷ ECan [183.128]¹¹⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]¹¹⁹ ECan [183.128]¹²⁰ Clause 16(2)¹²¹ This inclusion is not needed as RSI is excluded from the definition of Natural Hazard Sensitive Buildings.¹²² Road Metals [169.15] and Fulton Hogan [170.16] Dairy Holdings [89.6]¹²³ Clause 10(2)(b) amendment as the 30m² threshold is proposed to be included in the definition of “natural hazard sensitive buildings”.¹²⁴ ECan [183.38] for all changes, except where separately identified¹²⁶ ECan [183.38], [183.42]¹³⁴ Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

<u>Zoned Areas</u>¹²⁵	The <u>the natural hazard sensitive building complies with</u>¹²⁷ is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or PER-2 A Flood Risk <u>Assessment</u>¹²⁸ Certificate for the <u>natural hazard sensitive</u>¹²⁹ activity has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate.¹³⁰; and PER-3 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flowpath; and¹³¹ PER-4 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is identified as a High Hazard Area; and¹³² PER-5 The Flood Risk Certificate issued under PER-2 states either: 1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or 2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.¹³³	path(s), including upstream and downstream flood risks; and¹³⁵ 2.1. any increased flood risk for people, property, or public spaces; and 2. the effectiveness and potential adverse effects of any proposed mitigation measures; and 3. any operational need or functional need for the activity to be established in this location; and 4. the extent to which it will require new or upgraded public natural hazard mitigation works; and 5. the extent of any additional reliance on emergency services; <u>and</u> 6. any positive effects of the proposal; <u>and</u> 7. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the zZone, and the views of mana whenua, if provided.</u>¹³⁶ Activity status where compliance not achieved with PER-5: Restricted Discretionary Matters of discretion are restricted to: 1. the nature, design and intended use of the proposed building or structure; and 2. any increased flood risk for people, property, or public spaces; and 3. proposals to mitigate any risk created by non-compliance with the minimum floor levels, including risk to the health and safety of occupants; and 4. the potential for the activity to exacerbate natural hazard risk, including to any other sites; and 5. any increased reliance on emergency services;¹³⁷
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¹²⁵ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

¹²⁷ Clause 16(2)

¹²⁸ ECan [183.26]

¹²⁹ Clause 16(2)

¹³⁰ ECan [183.42]

¹³¹ ECan [183.42]

¹³² Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

¹³³ ECan [183.38]

¹³⁵ ECan [183.38] for deleting references to overland flowpaths (which are now in NH-R1)

¹³⁶ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

¹³⁷ ECan [183.38]

2 Flood Assessment Area Overlay outside of Urban Zoned Areas¹³⁸	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> The natural hazard sensitive building complies with the minimum finished floor level specified in an existing consent notice that is less than five years old; or <u>PER-2</u> A Flood Assessment Certificate for the natural hazard sensitive building has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate; and <u>PER-3</u> The Flood Risk Assessment¹³⁹ Certificate issued under PER-2 states that the building is not located on land that is identified as a high hazard area.	<u>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and¹⁴⁰ 1. any increased flood risk for people, property, or public spaces; and 2. the effectiveness and potential adverse effects of any proposed mitigation measures; and 3. any operational need or functional need for the activity to be established in this location; and 4. the extent to which it will require new or upgraded public natural hazard mitigation works; and 5. the extent of any additional reliance on emergency services; and 6. any positive effects of the proposal; and 7. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the zZone, and the views of mana whenua, if provided.¹⁴¹ <u>Activity status where compliance not achieved with PER-3: Non-complying</u>
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¹³⁸ Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

¹³⁹ Clause 16(2)

¹⁴⁰ ECan [183.38] for deleting references to overland flowpaths (which is now in NH-R1)

¹⁴¹ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

3 Sea Water Inundation Overlay within urban zoned¹⁴² areas	Activity status: Permitted Where: PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or¹⁴³ PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or¹⁴⁴ PER-3 1 The building or extension <u>natural hazard sensitive building</u>¹⁴⁵ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment¹⁴⁶ Certificate issued in accordance with NH-S1; or PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.¹⁴⁷	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the extent to which the proposal results in an increased <u>flood</u> risk to people, <u>and</u> property <u>and public spaces</u>;¹⁴⁸ <u>and</u> 2. <u>whether the extent to which</u>¹⁴⁹ the building includes natural hazard mitigation such as <u>as</u> raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; <u>and</u> 3. the extent to which the building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and¹⁵⁰ 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the extent to which the proposal requires any increased reliance on emergency services; and 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the <u>Māori Purpose Zone MPZ</u> was created and the anticipated activities within the <u>zZone</u>, and the views of mana whenua, if provided.</u>¹⁵¹
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¹⁴² ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

¹⁴³ Simo Enterprises [148.30] and Fenlea Farms [171.23]

¹⁴⁴ Fenlea Farms [171.23]

¹⁴⁵ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

¹⁴⁶ ECan [183.26]

¹⁴⁷ ECan [183.125]

¹⁴⁸ ECan [183.27]

¹⁴⁹ Clause 16(2)

¹⁵⁰ ECan [183.27]

¹⁵¹ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

4 Sea Water Inundation Overlay outside of urban zoned¹⁵² areas	Activity status: Permitted Where: PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or¹⁵³ PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or¹⁵⁴ PER-3 1 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment¹⁵⁵ Certificate issued in accordance with NH-S1; and PER-2 The Flood Assessment Certificate issued under PER-12 states that the natural hazard sensitive building is not located on land that is identified as a high hazard area.¹⁵⁶	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. <u>the extent to which the proposal results in an increased risk to people, property and public spaces;</u> <u>and</u> 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> <u>and</u> 3. <u>the extent to which the building or structure has a functional need or operational need for its location;</u> <u>and</u> 4. <u>the extent of any positive benefits that will result from the proposal;</u> <u>and</u> 5. <u>the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</u> 6. <u>the extent to which the proposal requires any increased reliance on emergency services.</u> Activity status when compliance not achieved with PER-2: Non-complying
5 Coastal Erosion Overlay	Activity status: Restricted Discretionary <u>Except that this rule shall not apply to buildings associated with TMTA Temporary Military Training Activities that are in place for 31 consecutive days or less, excluding set-up and pack-out activities.</u>¹⁵⁷ Where: REDIS-1 The activity is an addition or extension¹⁵⁸ to an existing building or structure only; and REDIS-2	Activity status where compliance not achieved: Non-complying

¹⁵² ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

¹⁵³ Simo Enterprises [148.30] and Fenlea Farms [171.23]

¹⁵⁴ Fenlea Farms [171.23]

¹⁵⁵ ECan [183.26]

¹⁵⁶ ECan [183.125]

¹⁵⁷ The New Zealand Defence Force [151.15]

¹⁵⁸ Clause 16(2)

	The <u>addition or extension</u> has a maximum floor area of <u>30¹⁵⁹25m²</u> established in any continuous 10-year period from 22 September 2022 <u>[insert date Plan becomes operative]</u>; ¹⁶⁰ of. RDIS-3 The extension is not to accommodate a natural hazard sensitive activity. ¹⁶¹ Matters of discretion are restricted to: 1. the extent to which the proposal results in an increased risk to people and property, <u>including creating natural hazard risks on adjacent properties</u>; ¹⁶² and 2. whether the building includes hazard mitigation; and 3. the extent to which the building has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and ¹⁶³ 5. the extent of any adverse effects on the amenity values of the coastal environment; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the risk to the building or structure taking into account: the nature of the building, including its materials and ability to be relocated; and the anticipated lifespan of the building, structure or activity; and 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. ¹⁶⁴	
2 High Hazard Area Overlay	Activity status: Non-complying ¹⁶⁵ - Note: if the new building or extension on the ground floor is less than 30m², see NH-R7.	Activity status where compliance not achieved: Not applicable

¹⁵⁹ ECan [183.125]¹⁶⁰ ECan [183.125]¹⁶¹ Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)¹⁶² ECan [183.27]¹⁶³ ECan [183.27]¹⁶⁴ ECan [183.109]¹⁶⁵ Kāinga Ora [229.39]

NH-RX NH-R4A6 ¹⁶⁶	Natural hazard sensitive Buildings within the PORTZ Port Zone ¹⁶⁷	
Flood Assessment Area Overlay High Hazard Overlay ¹⁶⁸ Sea Water Inundation Overlay Coastal Erosion Overlay ¹⁶⁹	Activity status: Permitted Where: PER-1 The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or PER-2 The building activity: ¹⁷⁰ 1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or 2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or 3. the building has a footprint smaller than 100m ² ; or 4. is relocatable.	Activity status when compliance is achieved: Restricted Discretionary Matters of discretion are restricted to: 1. any increased flood risk for people, property, or public spaces; and 2. the effectiveness and potential adverse effects of any proposed mitigation measures; and 3. any operational need or functional need for the activity to be established in this location; and 4. any increased reliance on emergency services; and 5. any positive effects of the proposal.
NH-R57	Regionally Significant Infrastructure - maintenance, repair,¹⁷¹ replacement and upgrading	
1 Flood Assessment Area Overlay High Hazard Area Overlay ¹⁷² Earthquake Fault (Infrastructure or Facilities) Awareness Area Overlay	Activity status: Permitted Where: PER-1 The infrastructure: 1. is underground infrastructure only; ¹⁷³ or 2. is within 520m ¹⁷⁴ of the existing alignment or location; and PER-2	Activity status when compliance is not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and 2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks ¹⁷⁶ and displacement of floodwater; ¹⁷⁷ and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and

¹⁶⁶ 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

¹⁶⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁶⁸ Kāinga Ora [229.39]

¹⁶⁹ 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

¹⁷⁰ Clause 16(2)

¹⁷¹ Transpower [159.64]

¹⁷² Kāinga Ora [229.39]

¹⁷³ BP et al [196.54]

¹⁷⁴ PrimePort [175.30]

¹⁷⁶ ECan [183.38] for deleting references to overland flowpaths (which are now in NH-R1)

¹⁷⁷ ECan [183.43], [183.27]

	The above ground footprint of <u>any building or structure</u> the infrastructure¹⁷⁵ is not increased by more than 10%.	- alternative locations for the Rregionally Ssignificant Infrastructure; and - any positive effects of locating the Rregionally Ssignificant Infrastructure at this location; and - the ability for the Rregionally Ssignificant Infrastructure to be efficiently recovered after a hazard event; and - the operational need or functional need for the activity to be established in this location.
2 Coastal Erosion Overlay Sea Water Inundation Overlay	Activity status: Permitted¹⁷⁸ Where: PER-1 A new building or <u>building extension is located outside of the Coastal Erosion Overlay and</u>¹⁷⁹ has a <u>collective maximum additional</u>¹⁸⁰ ground floor area per site of 200m² in any continuous 10-year period from <u>22 September 2022</u> <u>[insert plan operative date]</u>¹⁸¹ or PER-2 Any upgrading does not increase the building or structure coverage by more than 10% within a continuous 10-year period from <u>22 September 2022</u> <u>[insert plan operative date]</u>¹⁸² or PER-3 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u>¹⁸³; or PER-4 The building or extension <u>is located outside of the Coastal Erosion Overlay and</u>¹⁸⁴ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk <u>Assessment</u>¹⁸⁵	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: - any impacts on natural elements, processes and patterns, and landforms; and - the extent to which the building or structure has a functional need or operational need for its location; and - the extent of any positive benefits that will result from the proposal; and - the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and T<u>the risk to the building or structure taking into account:</u> T<u>the nature of the building, structure or activity, including its materials and ability to be relocated;</u> T<u>the anticipated lifespan of the building, structure or activity</u> T<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>¹⁸⁷

¹⁷⁵ Transpower [159.64]

¹⁷⁸ Clause 16(2) – shifted from CE-R7.1 as part of the coastal natural hazards merge into the Natural Hazards chapter

¹⁷⁹ ECan [183.126]

¹⁸⁰ Clause 16(2)

¹⁸¹ ECan [183.126]

¹⁸² ECan [183.126]

¹⁸³ Clause 16(2)

¹⁸⁴ ECan [183.126]

¹⁸⁵ ECan [183.26]

¹⁸⁷ ECan [183.109], [183.126]

	Certificate issued in accordance with NH-S1. PER-5 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.¹⁸⁶	
NH-R68	Regionally Significant Infrastructure — New NH-R68.1 does not apply if: 1. the infrastructure is below ground; or 2. above ground infrastructure, where any structure¹⁸⁸ is less than 10m² and is not located within a high hazard area as determined under NH-S1; or 3. the structure is located within a road corridor.¹⁸⁹ NH-R68.4 shall not apply to buildings and infrastructure, where any structure is¹⁹⁰ less than 10m² in area.	
1 Flood Assessment Area Overlay	Activity status: Permitted Where: PER-0 1. The infrastructure is below ground; or 2. Above ground infrastructure, where any structure¹⁹¹ is less than 10m² and is not located within a high hazard area as determined under NH-S1; or 3. The structure is located within a road corridor; or¹⁹² PER-1 A Flood Risk Assessment¹⁹³ Certificate for the activity has been issued in accordance with NH-S1; and PER-2 The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flowpath; and¹⁹⁴ PER-3 The Flood Risk Assessment¹⁹⁵ Certificate issued under PER-1 states that:	Activity status where compliance not achieved with PER-2, or PER-3: See NH-R6.2 Restricted Discretionary Activity status where compliance not achieved with PER-3: Restricted Discretionary Where: RDIS-4 The activity is located on land that is not within a High Hazard Area as stated in a Flood Risk Certificate issued under PER-4. Matters of discretion are restricted to: 1. the operational need or functional need for the activity to be established in this location; and 2. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. any increased flood risk for people, property, or public spaces; and

¹⁸⁶ ECan [183.126], [183.125]¹⁸⁸ Transpower [159.65]¹⁸⁹ ~~Clause 16(2) — shifted into NH-R6.1 as PER-0~~¹⁹⁰ Transpower [159.65]¹⁹¹ Transpower [159.65]¹⁹² ~~Clause 16(2) — shifted from the heading into NH-R6.1~~¹⁹³ ECan [183.26]¹⁹⁴ ECan [183.42], OWL [181.56]¹⁹⁵ ECan [183.26]

	a. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall flood¹⁹⁶ event; or b. <u>any building located on land that is subject to flooding in a 0.5% AEP event complies with the minimum finished floor level requirement for the site;</u>¹⁹⁷ <u>and</u> PER-3 <u>The activity is not located within a high hazard area identified by a Flood Assessment Certificate issued in accordance with NH-S1.</u>	5. the ability for the Rregionally Ssignificant Infrastructure to be efficiently recovered after a hazard event or maintain its integrity and function during and after a natural hazard event;¹⁹⁸ and 6. the extent to which it will require new or upgraded public natural hazard mitigation works; and 7. the extent of any additional reliance on emergency services; and 8. <u>the extent to which there are</u>¹⁹⁹ <u>alternative locations for the</u> Rregionally Ssignificant Infrastructure; and 9. <u>any positive effects of locating the</u> Rregionally Ssignificant Infrastructure <u>at this location.</u> Activity status where compliance not achieved with RDIS-1: See NH-R6.3 Activity status where re compliance not achieved with PER-1: Non-complying
2 Overland flowpaths identified in a Flood Risk Certificate issued in accordance with NH-S1²⁰⁰	Activity status: Permitted Where: PER-1 The infrastructure is below ground; or PER-2 Above ground infrastructure is less than 10m²; or PER-3 The infrastructure is located within a road corridor.	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and 2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. alternative locations for the Regionally Significant Infrastructure; and 5. any positive effects of locating the Regionally Significant Infrastructure at this location; and 6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and 7. the extent to which it will require new or upgraded public natural hazard mitigation works; and 8. the extent of any additional reliance on emergency services; and

¹⁹⁶ ECan [183.25]

¹⁹⁷ OWL [181.56] and TDC [42.32]

¹⁹⁸ OWL [181.56]

¹⁹⁹ Clause 16(2)

²⁰⁰ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26] and ECan [183.38]

		9. the operational need or functional need for the activity to be established in this location.
2 Coastal Erosion Overlay ²⁰¹ Sea Water Inundation Overlay	Activity status: Permitted ²⁰² Where: PER-1 A new building or extension has a maximum ground floor area per site of 200m ² in any continuous 10-year period from 22-September-2022 insert plan operative date . ²⁰³ or PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u> ²⁰⁴ ; or PER-3 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk <u>Assessment</u> ²⁰⁵ Certificate issued in accordance with NH-S1; or PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically. ²⁰⁶	Activity status when compliance not achieved: Discretionary

²⁰¹ ECan [183.126]

²⁰² Clause 16(2) – shifted from CE-R8.1 as part of the natural hazards merge

²⁰³ ECan [183.127]

²⁰⁴ Clause 16(2)

²⁰⁵ ECan [183.26]

²⁰⁶ ECan [183.127], [183.126], [183.125]

3 Coastal Erosion Overlay ²⁰⁷	Activity status: Permitted ²⁰⁸ Where: <u>Except that this shall not apply to:</u> <u>1. Community land drainage infrastructure;</u> <u>2. Established community-scale irrigation and stockwater infrastructure;</u> <u>or</u> <u>3. Any building or structure that has a footprint less than 30m².</u> <u>PER-1</u> The work, building or structure is for: <u>1. Community land drainage infrastructure; or</u> <u>2. Established community-scale irrigation and stockwater infrastructure; or</u> <u>PER-2</u> Any building or structure that has a footprint less than 30m².	Activity status <u>when compliance not achieved</u>: Not applicable Restricted Discretionary Matters of discretion are restricted to: <u>1. Whether there is an operational need or functional need for the location; and</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; and</u> <u>b. The anticipated lifespan of the building, structure or activity; and</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> ²⁰⁹
3 High Hazard Area Overlay ²¹⁰ - High Hazard Area identified in a Flood Risk Certificate issued in accordance with NH-S1	Activity status: Restricted Discretionary Matters of discretion are restricted to: <u>1. the operational or functional need for the activity to be established in this location; and</u> <u>2. any effects arising from locating the regionally significant infrastructure in this location; and</u> <u>3. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> <u>4. any increased flood risk for people, property, or public spaces; and</u> <u>5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and</u> <u>6. alternative locations for the Regionally Significant Infrastructure; and</u> <u>7. the extent to which it will require new or upgraded public natural hazard mitigation works; and</u> <u>8. the extent of any additional reliance on emergency services; and</u> <u>9. any positive effects of locating the Regionally Significant Infrastructure at this location.</u>	Activity status where compliance not achieved: Not applicable
4	Activity status: Restricted Discretionary	Activity status where no compliance not achieved: Discretionary

²⁰⁷ ECan [183.126]²⁰⁸ Clause 16(2) – shifted from CE-R8.2 as part of the natural hazards merge²⁰⁹ ECan [183.109]²¹⁰ ECan [183.44]

Earthquake Fault (Infrastructure or Facilities) Awareness Areas	Where: RDIS-1 The activity is sited at least 20m metres away from the zone of deformation. Matters of discretion are restricted to: - whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and - the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. Note: Any supporting technical report is also to be supplied to the <u>CRC Canterbury Regional Council</u>.	
NH-R7	Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m² (excluding Regionally Significant Infrastructure).²¹¹	
Flood Assessment Area Overlay High Hazard Overlay²¹²	Activity status: Permitted Where: PER-1 The building or structure or addition is below ground; or PER-2 The new building or structure or addition has a ground floor area of less than 10m²; or PER-3 The new building or structure or addition is located within a road corridor; or PER-4 A Flood Risk Certificate for the site has been issued in accordance with NH-S4 and the certificate states that the activity is not located on land that is within an overland flowpath.	Activity status where compliance is achieved: Restricted Discretionary Matters of discretion are restricted to: - any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and - any increased flood risk for people, property, or public spaces; and - the effectiveness and potential adverse effects of any proposed mitigation measures; and - any operational need or functional need for the activity to be established in this location; and - any increased reliance on emergency services; and - any positive effects of the proposal.
NH-R8 SUB-RX	Subdivision within natural hazard overlays²¹³	
4 Flood Assessment Area Overlay	Activity status: Restricted Discretionary Where: RDIS-1	Activity status where compliance is not achieved with RDIS-2: Not applicable if located within an urban zoned area Restricted Discretionary Where:

²¹¹ ECan [183.38], ECan [183.38]

²¹² Kāinga Ora [229.39]

²¹³ Speirs, B [66.45]

<u>outside the Port Zone</u>²¹⁴	A Flood Risk Assessment Certificate for the subdivision is issued in accordance with NH S1; and <u>RDIS-2</u> The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1. A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.²¹⁵ <u>Matters of discretion are restricted to:</u> 1. the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flowpath(s); and 2. the provision for any overland flowpaths to remain or the provision of secondary flowpaths; and 3. any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and 4. any increased flood risk for people, property, or public spaces; and 5. the effectiveness and potential adverse effects of any proposed mitigation measures; and 6. the extent to which it will require new or upgraded public natural hazard mitigation works; and 7. any increase in reliance on emergency services; and 8. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the zZone, and the views of mana whenua, if provided.²¹⁶	<u>RDIS-3</u> <u>The subdivision is within an urban zoned area.</u>²¹⁷ <u>non-complying if located outside of an urban zoned area</u> <u>Activity status when re compliance not achieved with RDIS-1 or RDIS-3: Non-complying</u>
<u>1A</u>²¹⁸ <u>Flood Assessment Area Overlay within the Port Zone</u>	<u>Activity status: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. the design and layout of the subdivision, in relation to natural hazards; and	<u>Activity status when re compliance not achieved: Not applicable</u>

²¹⁴ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

²¹⁵ ECan [183.47]

²¹⁶ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

²¹⁷ ECan [183.47]

²¹⁸ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

<u>Sea Water Inundation Overlay within the Port Zone</u> <u>Coastal Erosion Overlay within the Port Zone</u>²¹⁹	2. <u>any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and</u> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 5. <u>the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u> 6. <u>any increase in reliance on emergency services; and</u> 7. <u>the matters set out in NH-P11 and CE-P15.</u>²²⁰	
2 Liquefaction Awareness Areas Overlay	Activity status: Restricted Discretionary - Matters of discretion are restricted to: 1. <u>the appropriateness of the site for development; and</u> 2. <u>the liquefaction category that applies to the site and the level of risk to property and Rregionally Ssignificant Iinfrastructure; and</u> 3. <u>whether the appropriate geotechnical data has been uploaded to the New Zealand Geotechnical Database; and</u> 4. <u>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</u> 5. <u>the extent to which the siting and layout of the proposal is appropriate.</u>	Activity status when re compliance not achieved: Not applicable
3 Earthquake Fault (sSubdivision) Awareness Areas Overlay	Activity status: Restricted Discretionary - Where: i - RDIS-1 The subdivision design ensures that any future building or structure will be located at least 20m metres away from any detailed area of fault or fold deformation. - Matters of discretion are restricted to: 1. <u>whether the surface fault rupture hazard has been adequately</u>	Activity status when re compliance not achieved: Discretionary

²¹⁹ 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.

²²⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various]

	assessed by a suitably qualified and experienced professional; and 2. the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. Note: <i>The investigation report is also to be supplied to CRC Canterbury Regional Council.</i>	
4 Coastal Erosion Overlay outside the Port Zone²²¹	<u>Activity status: Restricted Discretionary</u> <u>Where:</u> <u>RDIS-1</u> A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay. <u>Matters of discretion are restricted to:</u> 1. the extent to which the proposal results in an increased risk of economic, social or environmental harm; and 2. whether the proposal includes hazard mitigation; and 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the location of any proposed building that will accommodate a natural hazard sensitive 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. ²²²	<u>Activity status when compliance not achieved: Non-complying</u>
4 High Hazard Area Overlay²²³	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

²²¹ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

²²² ECan [183.109]

²²³ Kāinga Ora [229.39]

NH-R9	Natural hazard mitigation works, including associated earthworks — New ²²⁴	
Flood Assessment Area Overlay	Note: <i>this rule applies to new natural hazard mitigation works, as opposed to maintenance, replacement and upgrading covered under NH-R3.</i>	Activity status where compliance not achieved: Discretionary
High Hazard Area Overlay	Activity status: Restricted Discretionary Where: RDIS-1 The works are undertaken by or on behalf of the Crown, Regional Council or the Council. RDIS-2 <u>The works are undertaken by or on behalf of the Port of Timaru and are located within 250m of PREC7.</u> ²²⁵ Matters of discretion are restricted to: 1. The need for the natural hazard mitigation works and likely effectiveness of those works; 2. The extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 3. The extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; 4. Any positive effects of the proposal on the community; 5. Any increased flood risk for people, property, or public spaces.	

Standards		
NH-S1	Flood Risk Assessment ²²⁶ Certificate	
Flood Assessment Areas Overlay Or Sea Water inundation Overlay if directed via the CE Chapter ²²⁷	1. A Flood Risk Assessment²²⁸ Certificate is issued by the Council (that is valid for three 3 years from the date of issue) which specifies: a. If the site is within a high hazard area; and the flood event risk level for specific land, being: i. land not subject to flooding in a 0.5% AEP flood event, or	Matters of discretion are restricted to: Not applicable

²²⁴ ECan [183.40]

²²⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

²²⁶ ECan [183.26]

²²⁷ Clause 16(2)

²²⁸ ECan [183.26]

- ii. ~~land subject to flooding in a 0.5% AEP flood event, or~~
 - iii. ~~land within a high hazard area;~~
 - iv. ~~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~~
 - b. where the site is not within a high hazard area, or where the site is within an urban zoned area, where 1(a)(ii) above identifies that the specific land is subject to flooding in a 0.5% AEP rainfall flood²²⁹ 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 250300mm²³⁰ freeboard above the flood level in a 0.5% AEP flood level event; and
 - c. if located within the Overland Flowpath Assessment Area Overlay,²³¹ whether the specific land is located within an overland flowpath; and
 - d. as required by NH-R68, 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 and overland flowpath locations~~²³² are to above will be determined by reference to:
- a. ~~The~~ the most up to date models, maps and data held by ~~Timaru District Council~~ and Canterbury Regional Council; and
 - b. ~~Any~~ Any information held by, or provided to, ~~Timaru District Council or CRC Canterbury Regional Council~~ that relates to flood risk for the specific land; and

²²⁹ ECan [183.25]

²³⁰ ECan [183.50]

²³¹ ECan [183.38] and clause 16(2)

²³² ECan [183.50]

	c. Will 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).²³³ Note: <u>1. A minimum finished floor level will not be provided in the certificate²³⁴ for sites located within a High Hazard Area outside of urban zoned areas.²³⁵ Rather, these will need to be determined through a resource consent process.²³⁶</u> <u>2. An application form and guidance on how to obtain a Flood Hazard Assessment Certificate are available on the District Council's website.²³⁷</u>	
NH-S2	Volume of earthworks²³⁸	
1 Flood Assessment Areas Overlay	The earthworks do not exceed: 1. 2,000m² in area in any calendar year in a Rural zone; and 2. 250m² in area in any calendar year in any other zone.	Matters of discretion are restricted to: 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.
2 High Hazard Area Overlay	The earthworks do not exceed 250m² in area in any calendar year.	Matters of discretion are restricted to: 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.
High Hazard Area identified in a Flood Risk Assessment²³⁹ Certificate issued in accordance with NH-S1		

²³³ ECan [183.50], see also the evidence of Mr Griffiths dated 9 April, paragraphs 20 to 22

²³⁴ Clause 16(2)

²³⁵ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

²³⁶ Clause 16(2)

²³⁷ Harvey Norman [192.12]

²³⁸ 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]

²³⁹ ECan [183.26]