

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV- 2025-CHC-

I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER

of an appeal under Clause 14 of the
First Schedule of the Resource
Management Act 1991

AND IN THE MATTER

of the proposed Timaru District Plan

BETWEEN

**THE ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**
Appellant

AND

TIMARU DISTRICT COUNCIL
Respondent

**NOTICE OF APPEAL BY THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**

6 May 2026

To: The Registrar
Environment Court
Christchurch

NOTICE OF APPEAL

1. The Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) appeals against decisions made on the proposed Timaru District Plan (the proposed plan).
2. Forest & Bird made a submission on and further submission on the proposed plan.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird received notice of the decision on or about 19 March 2026.
5. The decisions were made by an Independent Hearing Panel under delegated authority.
6. Forest & Bird is willing to participate in alternative dispute resolution.
7. The parts of the decision that Forest & Bird is appealing, the reasons and the relief are set out below, in Table 1 and in Appendices 1 and 2.
8. In addition to the reasons set out in the table below, the general reasons for Forest & Bird's appeal are that the provisions appealed against:
 - a. do not give effect to the National Policy Statement for Indigenous Biodiversity (NPSIB);

- b. do not give effect to the New Zealand Coastal Policy Statement (NZCPS);
 - c. do not give effect to relevant provisions of the Canterbury Regional Policy Statement (CRPS);
 - d. are not consistent with Part 2 of the Resource Management Act (the Act);
 - e. do not implement the Councils' functions under s 31 of the Act;
 - f. do not represent best resource management practice; or
 - g. any combination of the above matters.
9. Where specific wording changes are proposed by way of relief, Forest & Bird seeks, in the alternative, any wording that would adequately address the reasons for its appeal.

Key issues

Indigenous Biodiversity

10. Forest & Bird has concerns about the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of indigenous biodiversity in the coastal environment, under the Ecosystems and Indigenous Biodiversity Chapter (the ECO chapter) of the proposed plan.
11. Effects on indigenous biodiversity must be managed in a way that gives effect to the CRPS, the NPSIB and the NZCPS. The proposed plan does not achieve this.
12. Policy 9.3.1 of the CRPS directs territorial authorities to include policies "to provide for the identification and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna". This includes areas that meet APP5 criteria but have not been listed as Significant Natural Areas (SNA) in SCHED7 to the proposed plan.

13. The introduction to the ECO chapter recognises that areas of significant indigenous vegetation and significant habitats of indigenous fauna meeting APP5 criteria exist outside the SNA listed in SCHED7. ECO-O1 sets an objective to protect these unscheduled areas. There are also matters of discretion that require assessment against APP5 criteria for indigenous vegetation clearance outside SNA.
14. However, the proposed plan lacks policy direction for decision-makers where areas are assessed as meeting the APP5 criteria. Forest & Bird seeks a new policy to address this.
15. Forest & Bird is also concerned that the wording of certain policies and rules would result in gaps in terms of giving effect to the Act and higher order policy direction. These matters are addressed in Table 1, and the relief sought by Forest & Bird in relation to the ECO Chapter is set out in Appendix 2.

Energy and Infrastructure

16. Forest & Bird also has concerns about the management of adverse effects on indigenous biodiversity under the Energy and Infrastructure Chapter (the EI Chapter).
17. To manage the adverse effects of specified infrastructure in the context of sensitive environments, including environments and values provided for in section 6 of the Act, the EI Chapter relies on a bespoke effects management hierarchy, which is set out in EI-P2. Compared to the effects management hierarchies contained in national direction such as the NPS-IB and the National Policy Statement for Freshwater Management 2020, the key difference is that EI-P2 would allow an activity to proceed where adverse effects have not been addressed.

18. Forest & Bird does not agree that the effects management approach set out in the EI chapter is appropriate for all specified infrastructure or for managing adverse effects on environments and values provided for in section 6 of the Act, including SNA and indigenous biodiversity in the coastal environment.
19. Forest & Bird seeks amendments to EI-P2 and EI-P5 to address these concerns, and for guidance on offsetting and compensation principles to be included in the proposed plan, as set out in Appendix 4.
20. Forest & Bird is also concerned that the wording of certain policies and rules would result in gaps in terms of giving effect to the Act and higher order policy direction. These matters are addressed in Table 1, and the relief sought by Forest & Bird in relation to the EI Chapter is set out in Appendix 1.

Coastal Environment

21. In the context of the coastal environment, the proposed plan must give effect to policies 11, 13 and 15 of the NZCPS.
22. As above, Forest & Bird is concerned that the relevant provisions in the EI chapter, particularly EI-P2 and EI-P5, do not give effect to the NZCPS and has concerns about integrated management between the EI and Coastal Environment chapters.
23. Forest & Bird is also concerned that the proposed plan fails to address Policy 15(b) of the NZCPS. Outstanding Natural Features and Outstanding Natural Landscapes are addressed in the Natural Features and Landscapes (NFL) chapter. However, the NFL chapter does not provide for the management of adverse effects of activities on other natural features and natural landscapes in the coastal environment. Policy 15(b) of the NZCPS requires

significant adverse effects to be avoided, and other adverse effects to be avoided, remedied or mitigated.

24. More generally, Forest & Bird is concerned to ensure that the relevant matters of discretion and permitted rules throughout the proposed plan enable the appropriate consideration of the values of the coastal environment. These matters are addressed in Table 1, below.

Attachments

25. Attached to this Notice of Appeal are the following documents:

- a. a copy of Forest and Bird's original and further submission;
- b. a copy of the relevant decisions of the Independent Hearing Panel;
- c. a list of submitters to be served.

Dated: 6 May 2025



Tim Williams / May Downing
Counsel for Royal Forest and Bird Protection Society of New Zealand
Incorporated

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal.

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

TABLE 1 – PART OF DECISION APPEALED, REASONS FOR APPEAL AND RELIEF SOUGHT

	Plan section	Provision	Reasons	Relief Sought
1.	Definitions	Overgrazing/trampling	The definition is uncertain due to potential for different interpretations on what is “intensive”. The definition is clear without including the word “intensive”.	Amend: “OVERGRAZING / TRAMPLING means the practice of confining farm stock to an area of land resulting in the depletion or destruction of indigenous vegetation by intensive grazing and/or trampling.”
2.	PART 2 District Wide Matters SD Strategic Direction	The Natural and Historic Environment SD-02	These objectives are meant to provide high level direction. It is not reasonable to conclude that this objective never applies to National Grid activities. SD-O8 provides appropriate direction for infrastructure including the National Grid.	Delete the words “outside the National Grid” from SD-O2(5) and (6).
3.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI Chapter Introduction	The EI chapter does not give effect to the NZCPS. As below, Forest & Bird seeks to delete EI-P6 and include explanation on those matters within the introduction.	Under “Give effect to the following national documents, remove the reference to the NZCPS “3. the New Zealand Coastal Policy Statement 2010 (NZCPS).” Add the explanation of the objective and policy relationship with zone chapters (from Policy IE-P6) to the EI introduction. Add an explanation of the relationship with Overlay chapters similar to that set out in the overview of the NFL chapter See amendment in Appendix 1.
4.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	Adverse effects of Regionally Significant Infrastructure EI-02	Elevates all infrastructure to a higher level than s6 matters. EI-02 reads as an effects management policy rather than an objective and it fails to give effect to relevant higher order policy (NZCPS, NPSIB).	Delete EI-02 See amendment in Appendix 1.

5.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	Managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure EI-P2	Infrastructure which is not RSI or a lifeline utility should not be considered under the effects management framework set out in clauses 1(a) and (b) of EI-P2. It is clearer to split the policy so that EI-P2.1(a) and (b) apply to RSI and lifeline utilities within listed overlays. The rest of the policy, which applies in all environments, becomes a new policy providing direction for RSI, network utilities and other infrastructure. Amendments are also required to give effect to the NPSIB and the NZCPS	Split Policy EI-P2 into: EI-P2 Managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure in sensitive environments EI-P2X Managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure in all environments. Make other amendments to ensure other relevant provisions in Part 2 District Wide provisions are considered and to give effect to Policies 11, 13 and 15 of the NZCPS and Clause 3:10(2) and cl. 3.11 of the NPSIB. See amendment in Appendix 1.
6.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	Managing adverse effects of the National Grid EI-P5	The policy needs clarification. Clause 3 can be read in a way that renders clause (2)(b) ineffective. The consideration of operational and functional need under the NPSEN relates to the choice of location (Policy 8(1)(c)) and this should be clarified in EI-P5.3(a). To manage adverse effects appropriately, the policy should include consideration of the scale of residual effects and of biodiversity offsetting or compensation for any significant residual adverse effects. For offsetting and compensation, the NPSIB schedules reflect general best practice.	Make amendments to Policy EI-P5, including the first sentence, clause 2, clause 3 and 3(a) to clarify the policy. Add new clauses 3(f) and 3(g) to address residual effects and consideration of biodiversity offsetting or compensation for any significant residual adverse effects on indigenous biodiversity. See amendment in Appendix 1. Include schedules or appendices setting out the NPSIB biodiversity offsetting and biodiversity compensation principles
7.	PART 2 District Wide Matters	Application of Provisions EI-P6	In consenting processes, the weight to be given to different policies should depend on the facts of the specific application and the relevant effects on the environment. Instead, it would be helpful to explain	Delete policy EI-P6 and move this explanation of the objective and policy relationship with zone chapters to the EI introduction. Add an explanation of the relationship with Overlay chapters similar to that set out in the overview of the NFL chapter.

	EI Energy and Infrastructure and Transport		the relationship with zone chapters and other Part 2 district wide chapters, The EI chapter should explain the relationship to other chapters within the Chapter Introduction.	See amendment in Appendix 1.
8.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI Rules Section A	The scope of rules under section A is unclear as it refers all activities “not otherwise listed” in the Chapter. This could be taken to mean that activities listed in policies would be excluded from EI-R1, R2 and R3. The table heading should instead specifically refer to the other EI rules tables.	Amend the heading of the rule table to clarify the scope of Section A rules: “Section A - Rules for Energy and Infrastructure Activities (not otherwise listed in other Sections of this EI chapter Rules, Sections B to G) See amendment in Appendix 1.
9.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI-R2 (previously EI-R3)	It is important to acknowledge that EI activities may not always require resource consent under the Ecosystem and Indigenous Biodiversity Chapter and therefore a broader reference “ecosystems and indigenous biodiversity” better captures the range of potential adverse effects	Rules EI-R2 add a permitted activity standard, “ where EI-S2 is complied with ” Rules EI-R2 Add matter of discretion for “ the matters of discretion of any infringed standard; and any effects on ecosystems and indigenous biodiversity ” See amendment in Appendix 1.
10.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI-R3 (previously EI-R4)	It is important to acknowledge that EI activities may not always require resource consent under the Ecosystem and Indigenous Biodiversity Chapter and therefore a broader reference “ecosystems and indigenous biodiversity” better captures the range of potential adverse effects	Amend EI-R3. Add matter of discretion “ Any effects on ecosystems and indigenous biodiversity ” See amendment in Appendix 1.
11.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI-R10 (previously EI-R11)	Adverse effects on the coastal environment need to be considered	Amend EI-R10 so that permitted activity status only applies outside the coastal environment. Add a matter of discretion for “ any adverse effects on the coastal environment. ” See amendment in Appendix 1.

12.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI-R21 (previously EI- R23)	The scale of activities and effects are uncertain. The permitted activity rules are not appropriate in the coastal environment.	Add the following condition to EI-R21: “ The construction and upgrading is not in the coastal environment ” Add a new RDIS activity status with the following matter of discretion to EI-R21: “ Effects on the coastal environment ” See amendment in Appendix 1.
13.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI-R23 (previously EI- R25)	The extent to which the rule provides for new buildings is uncertain. This may not be appropriate within the coastal environment.	Amend EI-R23 PER-3 so that EI-S2 is to be complied with in all zones. Add matter of discretion EI-R23: “ Effects on the coastal environment ” See amendment in Appendix 1.
14.	PART 2 District Wide Matters EI Energy and Infrastructure and Transport	EI-R24 (previously EI- R26)	The extent to which the rule provides for new buildings and infrastructure is uncertain. This may not be appropriate within the coastal environment.	Add the following condition to EI-R24: “ Any new water, wastewater and stormwater connections are not in the coastal environment. ” Add the following matter of discretion to EI-R24: “ Effects on the coastal environment ” See amendment in Appendix 1.
15.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	Assessment and identification of significant indigenous biodiversity ECO - P1	This policy does not provide direction for assessing and considering effects on areas that meet the significance criteria but are not identified as SNA in SCHED7.	Add a new ECO-PX providing direction for areas identified as meeting APP5 criteria that are not included in SCHED7 Amend the heading of ECO-P1 to the “Assessment and identification of Significant Natural Areas significant indigenous biodiversity ” See amendment in Appendix 2.
16.	PART 2 District Wide Matters	Appropriate indigenous vegetation clearance in	What is appropriate is subjective. The policy should be clear by providing direction that these activities are to be enabled where the values of the SNAs are protected.	Amend ECO-P2 as follows: Delete “Appropriate” Replace “ongoing farming practices” with “ the continuation of grazing within areas of improved pasture ”

	ECO Ecosystems and Indigenous Biodiversity	Significant Natural Areas ECO-P2	Clarification is also required as to what farming practices can be enabled while still protecting SNA values and to align with permitted clearance relating to grazing in ECO rules.	Amend clause 7 to ensure that continued grazing is “at the same frequency, intensity and scale” Following the last clause add “; and where the values of SNAs are protected.” See amendment in Appendix 2.
17.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	Protection of indigenous biodiversity in sensitive areas ECO-P3	The policy should also refer to areas where threatened at-risk or locally uncommon indigenous species are found. This improves consistency between policy direction and matters considered in matters of discretion under RDIS rules	ECO-P3 Add: “5. areas of indigenous vegetation that provide habitat for Threatened, At Risk or locally uncommon species.” See amendment in Appendix 2.
18.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	Protection for long-tailed bats ECO-P4	The policy limits protection for long tailed bats to the overlay, whereas protection of long-tailed bats and their habitat should also be a relevant consideration outside the overlay	Add new clause 3 to ECO-P4 “3. managing adverse effects on long tailed bats both within and outside the Overlay.” See amendment in Appendix 2.
19.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	Protection of Significant Natural Areas ECO-P5	ECO-P2 is not an exception, because it should also enable protection of SNAs. It is not necessary to exclude the coastal environment in clause 1 now that ECO-P8 has been added to the chapter. Clause 2 could be read to conflict with ECO-P8. Regionally significant infrastructure and RSI should also need to demonstrate activities are in accordance with ECO-P8 for the protection of biodiversity in the coastal environment.	Amend ECO-P5 to move the exclusion of ECO-P2 to an inclusion as the first clause in the policy. Remove the reference to outside the coastal environment in clause 1. Add a requirement for RSI and other infrastructure to be in accordance with ECO-P8. Move the provision for National Grid to a new clause 3. See amendment in Appendix 2.

20.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	Indigenous biodiversity in the coastal environment ECO-P8	As above, there is no need for an exception for ECO-P2 as the activities under ECO-P2 should also protect the values of SNAs in the coastal environment. The policy should include direction to provide for protection of indigenous biodiversity in accordance with the NZCPS policy.	Amend ECO-P8 to remove the ECO-P2 exception and to add provision for protection of indigenous biodiversity. See amendment in Appendix 2.
21.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	ECO-R1	The exception in the rule heading creates uncertainty as to whether parts of the rule apply to activities under ECO-R2, ECO-R3 or ECO-R6 There should be no exceptions for ECO-R1.4 as the areas it applies to are not addressed by ECO-R2 or ECO-R3. In relation to the National Grid, the NPS-EN includes effects management outside SNAs. Furthermore, not all SNAs are mapped, making ECO-R1.4 relevant. ECO-R1.1 and R1.2 specifically provide for “restoration or enhancement” under PER-6 which makes an exclusion relating to ECO-R6 unnecessary and potentially more restrictive for these activities.	Amend ECO-R1 heading by moving the exceptions for ECO-R2 and R3 activities from the heading into a note below permitted standards within rules ECO-R1.1 and ECO-R1.2 and as a note relating only to National Grid ECO-R3 under ECO-R1.3. Amend ECO-R1 heading by deleting the exception for ECO-P6 activities. Add “ continued ” in relation to grazing under ECO-R1.1 PER-7 and ECO-R1.2, ECO-R1.4 PER-4(2)(a) and ECO-R1.4 PER-1(7). Amend ECO-R1.2 PER-7 which allows clearance for NATC-R4: “The clearance of indigenous vegetation is within a riparian margin and is associated with necessary for the replacement...” See amendment in Appendix 2.
22.	PART 2 District Wide Matters ECO Ecosystems and Indigenous Biodiversity	ECO-R3	The matters of discretion are not clear on scope to consider effects on the coastal environment including as required under EI-R5 for national grid or ECO-P8 for other electricity distribution.	Add a matter of discretion under ECO-R3: “ X. any adverse effects on the coastal environment; and ” See amendment in Appendix 2.

23.	PART 2 District Wide Matters NATC Natural character	Preservation of natural character from inappropriate subdivision, use and development NATC-P4	The effect of the policy as proposed is to provide for avoidance only where practicable, which would not preserve natural character in accordance with the chapeaux to the policy. Changing this to “possible” as originally notified in the proposed plan would be more likely to achieve the policy intent.	Amend clause 1 and 4 in NATC-P1 as follows: “1. avoids, or if avoidance is not practicable <u>possible</u> , minimises...” “4. avoids or, where that is not practicable <u>possible</u> , does not
24.	PART 2 District Wide Matters NFL Natural Features and Landscapes	Protecting Outstanding Natural Features and Outstanding Natural Landscapes NFL- P4	The policies fail to give effect to Policy 15 of the NZCPS. While there is one ONL within the CE, effects on other natural landscapes and features in the CE still need to be managed in accordance with Policy 15(b).	Amend Policy NFL-P4 “X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 <u>and in accordance with NFL-P5 within the coastal environment</u> , or for the National Grid, EI-PX5.” Add new Policy NFL-P5 to incorporate Policy 15(b) of the NZCPS: NFL-P5 Other natural features and landscapes in the coastal environment: Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment. ” Include matters of discretion into all CE RDIS rules to ensure that new policy NFL-P5 and NFL-P4 are considered in consent processes. (see amendments in Appendix 3 CE-R1.2, CE-R2, CE-R3, CE-R4.2, CE-R4.3 CE-R6.1, CE-E6.2, CE-R7, CR-R4.1, CE-R10)
25.	PART 2 District Wide Matters ASW Activities on the Surface of Water	Protecting the values of the district’s rivers ASW-O1	While jet boating may be an anticipated activity on rivers there are still effects that may need to be managed to protect ecological, recreational, natural character and cultural values.	Delete “inappropriate” from ASW-O1.

26.	PART 2 District Wide Matters ASW Activities on the Surface of Water	Use of motorised craft for specified activities ASW- P2	Because ASW-P5 does not apply to ASW-P2 activities there is a significant risk of adverse effects from motorised craft, particularly during military training exercises where multiple craft and movements may occur.	Amend ASW-P2 as follows: “Enable the use of motorised craft on the surface of the District’s rivers at any time of the year for the purpose of carrying out specified environmental management, temporary military training activities (TMTA) , and search and rescue duties, <u>and enable temporary military training activities outside fish spawning and bird breeding periods.</u> ” Make consequential change ASW-R2 PER-8 to ensure the activities are outside fish spawning and bird breeding periods.
27.	PART 2 District Wide Matters CE Coastal Environment	CE Introduction	The introduction fails to make it clear that the ECO chapter provides for the protection of indigenous biodiversity in the coastal environment.	Amend the CE overview as follows: “The provisions of other chapters in this District Plan also apply to the Coastal Environment. For example, identified Significant Natural Areas (SNAs) and the <u>clearance protection</u> of indigenous biodiversity in the coastal environment are addressed in the Ecosystems and Indigenous Biodiversity Chapter. ...”
28.	PART 2 District Wide Matters CE Coastal Environment	Regionally significant infrastructure and lifeline utilities CE-O5	The objective is just a reference to the EI objective and does not add any guidance for CE specific considerations. It is more appropriate to consider CE policy direction (than an objective) on effects management in terms of RSI and lifeline utilities as in CE-P8 discussed below.	Delete CE-O5
29.	PART 2 District Wide Matters CE Coastal Environment	Preserve the natural character qualities of areas with coastal high natural	Infrastructure and development activities should not generally be excluded from the effects management under (a)-(c) of the policy.	Amend CE-P9 by deleting “ for infrastructure, the development is in accordance with EI P2 ” from clause 1 and clarify that the clause applies to the National Grid. (see amendments in Appendix 3)

		character P9 (previously CE-P11)		
30.	PART 2 District Wide Matters CE Coastal Environment	CE-R2	Limiting discretion to CE policies will not give effect to the NZCPS on matters beyond natural character.	CE-R2(1) Add matter of discretion “ Any effects on ecosystems and indigenous biodiversity ”
31.	PART 2 District Wide Matters CE Coastal Environment	CE-R4	The potential for proliferation of small buildings or structures does not appear to have been considered.	Amend CE-R4.2 to limit new buildings to no more than 3 per property over 10 years from when the plan becomes operative. (see amendments in Appendix 3) Alternatively, include a total area limit for existing and new buildings as a condition on the permitted activities. (amendment not shown in Appendix 2)
32.	PART 2 District Wide Matters CE Coastal Environment	CE-R7 (previously CE-R6)	By specifically permitting land disturbance under CE-R6 with no conditions, there is risk of adverse effects for habitats of indigenous species within the coastal environment. However, we recognise that placing limits on land disturbance may have implications for other activities that would otherwise be permitted – especially farming. For this reason, we consider deleting the rule and definition and relying on Earthworks provisions would provide greater certainty.	Delete CE-R7 (see amendments in Appendix 3) Delete the definition for “land disturbance” and make consequential amendments. Alternatively Amend CE-R7 (alternative amendments are not shown in Appendix 3) as follows: Add the following conditions and RDIS status to CE-R7: <u>“Where:</u> <u>PER-1</u> <u>Any land disturbance does not exceed the following quantum per calendar year:</u> <u>1. 150m² within the area of the site located within the Coastal Environment Area Overlay; or</u>

				<p><u>2. 100m² within the area of the site located within the Coastal High Natural Character Area Overlay.</u></p> <p><u>Activity status when compliance not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. any adverse impacts on the identified matters contained in CE-P3, CE-P4, CE-P5, CE-P6, CE-P7, CE-P8 and CE-P9;</u></p> <p><u>2. adverse effects on the habitats of indigenous species;</u></p> <p><u>3. effects from disturbance of contaminated land</u></p> <p><u>4. adverse effects on wahi tapu, sensitive or archaeological sites.”</u></p> <p>Make consequential amendments to NH-R3 for consistency with amendments sought to CE-R7 Land disturbance, within the coastal environment.</p>
33.	PART 2 District Wide Matters CE Coastal Environment	CE-R10 (previously CE-R14)	<p>The RDIS activity status where PER-1 is not met, appears to capture both quarrying and mining. This means mining has changed from NC in the CE overlay under the notified plan to RDIS under the decision. Mining should not be an anticipated activity with the CE and therefore a Non-complying status is appropriate.</p> <p>There also appears to be an error in the decision amendments as the NC status for HNC has been misplaced and appears under CE-R12.</p>	<p>CE-R10.1 change activity status for mining on the CE overlay to NC</p> <p>Fix the error so that CE-R14(2) for NC in HNC areas is located under R14(1).</p> <p>See amendments in Appendix 3</p>

Energy and Infrastructure

Introduction

The ~~Energy and Infrastructure and Energy~~ Chapter contains district-wide provisions that cover ~~Regionally Significant Infrastructure, Lifeline Utilities~~¹ and other infrastructure. It also contains provisions applying to amateur radio and to protect the operation of Richard Pearce (~~Timaru~~) Airport (~~Timaru Airport~~). Transport-related infrastructure is ~~also covered by contained in~~² the Transport Chapter. Provisions relating to ~~the Port activities at the Port of Timaru are also covered by contained in~~³ the Port Zone Chapter.

Regionally ~~Significant Infrastructure, Lifeline Utilities~~⁴ and other infrastructure have important functions and enable people and communities to provide for their social, economic and cultural wellbeing. The positive effects of ~~Regionally Significant Infrastructure, Lifeline Utilities~~⁵ and other infrastructure may be realised locally, regionally or nationally. However, they can also have adverse effects, especially on sensitive environments.

Amateur radio is a personal recreational and technical activity that encourages experimentation in radio technology and related topics, self-training, and personal communications across wide geographic areas. Amateur radio operators do not fit within the definition of network utility operators under the RMA and the structures they use are not defined as infrastructure under the RMA; however, their activities involve radio-communication and amateur radio configurations that involve masts, aerials and supporting structures similar to some infrastructure.

With reference to Part 1 — National Direction Instruments, the provisions in this chapter (in combination with the other chapters cross-referenced below):

Give effect to the following national documents:

1. the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG);
2. the National Policy Statement on Electricity Transmission 2008 (NPSET); ~~and~~
3. ~~the New Zealand Coastal Policy Statement 2010 (NZCPS).~~

Are consistent with:

4. the National Environmental Standards on Electricity Transmission Activities 2009 (NESETA); and
5. the National Environmental Standards for Telecommunications Facilities 2016 (NESTF).

Notwithstanding any other rules in the District Plan:

1. the ~~NESETA Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009~~ applies to the operation, maintenance, upgrading, relocation or removal of National Grid transmission lines that were operating or able to be operated on, or prior to, 14 January 2010 and remain part of the National Grid; ~~and~~
2. the ~~NESTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016~~ applies to telecommunications facilities; ~~and~~

In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. ~~Except in relation to the Port of Timaru operations,⁶ The objectives and policies in this chapter take precedence over the objectives and policies in any Zzone Chapter of Part 3 — Area Specific Matters as specified in EI-O2, EI-P2 and EI-PX5.⁷ In managing the effects of Regionally Significant~~

¹ TDC [42.15] and Radio NZ [152.27]

² Waka Kotahi [143.20]

³ A consequential amendment following Waka Kotahi [143.20]

⁴ TDC [42.15] and Radio NZ [152.27]

⁵ TDC [42.15] and Radio NZ [152.27]

⁶ PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186]

⁷ Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

~~Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply.⁸ The application of the rules in relation to other chapters is set out in the Rules section.⁹~~

Because of the broad and overlapping definitions of infrastructure, regionally significant infrastructure and lifeline utilities, the objectives and policies apply these general terms, whereas the rules apply more specific definitions such as network utilities and reference specific subtypes of infrastructure as required.¹⁰ ~~For the purposes of the Energy and Infrastructure Chapter the Redruth Landfill and Resource Recovery facility is regionally significant infrastructure¹¹~~

~~Except for the Port of Timaru operations, when considering activities involving regionally significant infrastructure or lifeline utilities, in the event of a conflict between the objectives and policies of this chapter and those of a zone chapter, the objectives and policies of this chapter are to be given greater weight.~~

~~The rules within Part 2 District-Wide Matters chapters also apply to regionally significant infrastructure and other infrastructure. When considering any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure, the objectives and policies of both this chapter and those relating to overlays and areas set out under Policy EI-P2(1)(a) in other chapters also apply.~~

Objective	
EI-O1	Regionally Significant Infrastructure and Lifeline Utilities¹²
	Regionally Significant Infrastructure and Lifeline Utilities¹³ are Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that and:¹⁴ <ol style="list-style-type: none">1. provides essential and secure services, including in emergencies; and2. facilitates local, regional, national or international connectivity; and3. contributes to the economy, support emissions reduction¹⁵ where practicable¹⁶ and supports a high standard of living; and4. is are aligned and integrates with the timing and location of urban development; and5. enables¹⁷ people and communities to provide for their health, safety and wellbeing.
EI-O2	Adverse effects of infrastructure, including¹⁸ Regionally Significant Infrastructure and Lifeline Utilities^{19,20}
	The adverse effects of infrastructure, including Regionally Significant Infrastructure, and Lifeline Utilities and other infrastructure²¹: <ol style="list-style-type: none">1. are avoided in sensitive environments the areas identified in EI-P2.1.a²² unless there is a functional need²³ or operational need for the infrastructure to be in that location and no practicable alternative locations are available,²⁴ in which case they must be remedied or mitigated managed by applying the effects management hierarchy set out in consistent with²⁵ EI-P2; and

⁸ ~~Panel Decision Report Part 5, Section 2.16.2.~~

⁹ Forest and Bird [156.49, 156.50, 156.51]

¹⁰ Kāinga Ora [229.14], TDC [42.14] and Opuha Water [181.33], [181.43], [181.44]

¹¹ ~~Panel Decision Report Part 5, Section 2.8.2 relating to Enviro NZ [162.2].~~

¹² The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]

¹³ The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]

¹⁴ Waka Kotahi [143.21]

¹⁵ Forest and Bird [156.52]

¹⁶ Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 29.

¹⁷ Opuha Water [181.25] for all the singular to plural changes

¹⁸ Clause 16(2). See also the evidence of Ms Francis for ECan [183] for Hearing E, dated 23 January 2025 at paragraph 69

¹⁹ The Telcos [176.36, 208.36, 209.36, 210.36] and TDC [42.17]

²⁰ Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

²¹ Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]. Clause 16(2). See also the evidence of Ms Francis for ECan [183] for Hearing E, dated 23 January 2025 at paragraph 69

²² Opuha Water [181.26]

²³ Clause 16(2)

²⁴ Dir. General Conservation [166.20] and Radio NZ [152.29]

²⁵ ~~Panel Decision Report, Part 5, Section 2.19.2~~

- ~~2. in other areas, are avoided, remedied or mitigated to achieve having regard to the relevant objectives for the underlying zone in other areas;²⁶ and~~
- ~~3. in the case of the National Grid, are managed appropriately in the context of:

 - ~~a. the characteristics and values of the receiving environment; and~~
 - ~~b. the nature of the National Grid, including its functional needs and operational needs.²⁷~~~~

EI-O3 ~~Adverse effects of other infrastructure~~²⁸

~~The adverse effects of other infrastructure:~~

- ~~1. are avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within; and~~
- ~~2. are avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas.~~

EI-O43 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities

The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including incompatible activities and²⁹ reverse sensitivity effects.

EI-O54 Amateur radio configurations

Amateur radio configurations are able to be efficiently established with as to³⁰ minimal adverse effects on the surrounding environment.

Policies

EI-P1 Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities

Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:

- ~~1. enabling providing for~~ their operation, maintenance, repair, ~~removal~~³¹, upgrade, and development in appropriate locations;³² and
- ~~2. enabling their removal during an emergency; and³³~~
3. recognising their functional needs or operational needs; and
4. ~~encouraging supporting~~ the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and
5. ~~enabling providing for~~ the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and
6. ~~allowing providing for~~ large scale renewable generation ~~and non-renewable generation~~ activities where the adverse effects can be minimised or able to be remediated; and
7. supporting Regionally Significant Infrastructure in adopting new technologies that:
 - a. improve access to, and efficient use of, networks and services; and
 - b. allow for the re-use of redundant services and structures and construction materials³⁴; and
 - c. increase resilience, safety or reliability of networks and services; and
 - d. result in environmental benefits and enhancements; or
 - e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.

²⁶ The Telcos [176.36, 208.36, 209.36, 210.36]

²⁷ Transpower [159.33] and the evidence of Ms McLeod for Transpower for Hearing E, dated 23 January 2025, paragraph 29

²⁸ Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

²⁹ Kāinga Ora [229.18]

³⁰ Panel Decision Report Part 5, Section 2.22.2

³¹ TDC [42.18] and Opuha Water [181.28]

³² Forest and Bird [156.57]

³³ TDC [42.18] and Opuha Water [181.28]

³⁴ Forest and Bird [156.57] for all the changes after the deletion of clause 2, except where specified.

1. ~~Except as provided for by Policy EI-PX5,³⁷ provide for Regionally Significant Infrastructure, Lifeline Utilities³⁸ and other infrastructure where any adverse effects are appropriately managed by:~~
- ~~a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes (ONLs), and Outstanding Natural Features (ONFs), Visual Amenity Landscapes (VALs), the Coastal Environment outside of urban zoned areas,³⁹ Significant Natural Areas (SNAs), High Naturalness Waterbodies Areas (HNWB), Sites and areas⁴⁰ of Significance to Māori (SASM), historic heritage, cultural, and archaeological areas, riparian margins, Long Tailed Bat Protection Areas⁴¹ and notable trees in accordance with the relevant Part 2 – District Wide provisions applying to those areas; and~~
 - ~~b. controlling managing⁴² the height, bulk and location of Regionally Significant Infrastructure and other all infrastructure, consistent with taking into account⁴³ the role, function, character and identified qualities of the underlying zone; and~~
 - ~~c. requiring compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity⁴⁴; and~~
 - ~~d. requiring the undergrounding of network utilities lines⁴⁵ in new areas of urban development; and~~
 - ~~e. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and~~
 - ~~f. allow new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities in sensitive environments where the adverse effects can be minimised; and⁴⁶~~
 - ~~g. requiring other infrastructure to adopt sensitive design to integrate within the site, and existing built form and/or landform, and to maintain take into account⁴⁷ the character and qualities of the surrounding area;~~
- ~~while:~~
2. ~~Recognising the functional need⁴⁸ or operational need of Regionally Significant Infrastructure, Lifeline Utilities⁴⁹ and other infrastructure activities, and having regard to:~~
- ~~a. the extent to which adverse effects have been addressed through site, route or method selection; and~~
 - ~~b. the need to quickly repair and restore disrupted services; and~~
 - ~~c. the impact of not operating, repairing, maintaining, replacing,⁵⁰ upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and~~
 - ~~d. the time, duration or frequency of adverse effects; and~~
 - ~~e. their location, including:~~
 - ~~i. the complexity and connectedness of the networks and services;~~

³⁵ The drafting of EI-P2 that the panel adopts is shown as a duplicate rule below.

³⁶ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

³⁷ Transpower [159.36]

³⁸ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

³⁹ PrimePort [175.20]

⁴⁰ Clause 16(2)

⁴¹ S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233, responding to a submission from Dir. General of Conservation [166.11]

⁴² Radio NZ [152.32]

⁴³ The Telcos [176.40, 208.40, 209.40, 210.40]

⁴⁴ Kāinga Ora [229.20]

⁴⁵ The Telcos [176.40, 208.40, 209.40, 210.40]

⁴⁶ Opuha Water [181.29]

⁴⁷ The Telcos [176.40, 208.40, 209.40, 210.40]

⁴⁸ Clause 16(2)

⁴⁹ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

⁵⁰ Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

- ii. the potential for co-location and shared use of infrastructure corridors; and
- iii. the extent to which there are feasible alternative sites, routes or methods available;⁵⁴ and
- f. for renewable energy generation, the need to locate where the natural resources occur; and

3. ~~Where due to functional needs or operational needs, regionally significant infrastructure RSI and other infrastructure must be located in the environments identified in EI-P2.1.a, and trigger a resource consent for those environments under the District-Wide provisions,⁵² apply the following effects management hierarchy:~~

- ~~a. adverse effects are avoided where practicable; and~~
- ~~b. where adverse effects cannot be avoided, they are minimised where practicable; and~~
- ~~c. where adverse effects cannot be minimised, they are remedied where practicable; and~~
- ~~d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and~~
- ~~e. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and~~
- ~~f. if compensation is not appropriate, consider whether the activity itself must should be avoided in the environments identified in EI-P2.1.a.⁵³~~

1.⁵⁴ Except where provided for by Policy EI-P5,⁵⁵ provide for regionally significant infrastructure and lifeline utilities⁵⁶ and other infrastructure where any adverse effects are appropriately managed by:

a. seeking to avoid adverse effects on the identified values and qualities of locating activities within or adjacent to Outstanding Natural Landscapes (ONLs), and Outstanding Natural Features (ONFs), Visual Amenity Landscapes (VALs), the coastal environment outside of urban zoned areas,⁵⁷ Significant Natural Areas (SNAs) listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna, HNWB, SASM, historic heritage, cultural, and archaeological areas, riparian margins, Long-Tailed Bat Habitat Protection Areas⁵⁸ and notable trees in accordance with the relevant Part 2—District-Wide provisions applying to those areas unless functional needs or operational needs require that such infrastructure must be located in these areas.

b. Where due to functional needs or operational needs, regionally significant infrastructure and lifeline utilities and other infrastructure must be located in the environments identified in clause 1(a), and trigger a resource consent under those district wide provisions,⁵⁹ other than where 1(cx) or 1(cy) applies, manage adverse effects in the following way:

- i. adverse effects are avoided where practicable; and
- ii. where adverse effects cannot be avoided, they are remedied where practicable; and
- iii. where adverse effects cannot be remedied, they are mitigated where practicable; and
- iv. where more than minor residual adverse effects cannot be avoided, remedied, or mitigated offsetting is provided where possible; and
- v. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and

⁵¹ Opuha Water [181.29] and TDC [42.19]

⁵² Clause 16(2)

⁵³ Dir. General Conservation [166.22]

⁵⁴ Panel Decision Report, Part 5, Section 2.19.2. This is the Panel drafting of EI-P2. It is not shown as track changes relative to the Final Reply version to improve readability.

⁵⁵ Transpower [159.36]

⁵⁶ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

⁵⁷ PrimePort [175.20]

⁵⁸ S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233, responding to a submission from Dir. General of Conservation [166.11]

⁵⁹ Clause 16(2)

vi. if compensation is not appropriate, consider whether the activity itself should be avoided.⁶⁰

(cx). In the coastal environment manage adverse effects in accordance with Policies 11, 13 and 15 of the NZCPS.

(cy) where the RSI activity does not have significant regional or national benefits as required under clause 3.11 of the NPSIB, avoid adverse effects on the matters under clause 3.10(2).

EI-P2X

Managing adverse effects of regionally significant infrastructure and lifeline utilities and other infrastructure in all environments

- 1.e. In all environments (including the environments described in 1(a)) managing adverse effects in accordance with relevant provisions in Part 2 District Wide chapters and by:
- i. managing⁶¹ the height, bulk and location of all infrastructure, taking into account⁶² the role, function, character and identified qualities of the underlying zone; and
 - ii. requiring compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity⁶³; and
 - iii. requiring the undergrounding of network utility lines⁶⁴ in new areas of urban development; and
 - iv. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and
 - v. requiring other infrastructure to adopt sensitive design to integrate within the site, and existing built form and/or landform, and to take into account⁶⁵ the character and qualities of the surrounding area;
 - vi. recognising the functional needs or operational needs of the infrastructure.

2. When recognising the functional needs⁶⁶ or operational needs of regionally significant infrastructure, lifeline utilities⁶⁷ and other infrastructure activities, regard must be had to:

- a. the extent to which adverse effects have been addressed through site, route or method selection; and
- b. the need to quickly repair and restore disrupted services; and
- c. the impact of not operating, repairing, maintaining, replacing,⁶⁸ upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and
- d. the time, duration or frequency, scale and extent of adverse effects; and
- e. their location, including:
 - i. the complexity and connectedness of the networks and services;
 - ii. the potential for co-location and shared use of infrastructure corridors;
 - iii. the extent to which there are feasible alternative sites, routes or methods available;⁶⁹ and
- f. for renewable energy generation, the need to locate where the natural resources occur.

EI-P3

Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities⁷⁰

⁶⁰ Dir. General Conservation [166.22]

⁶¹ Radio NZ [152.32]

⁶² The Telcos [176.40, 208.40, 209.40, 210.40]

⁶³ Kāinga Ora [229.20]

⁶⁴ The Telcos [176.40, 208.40, 209.40, 210.40]

⁶⁵ The Telcos [176.40, 208.40, 209.40, 210.40]

⁶⁶ Clause 16(2)

⁶⁷ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

⁶⁸ Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

⁶⁹ Opuha Water [181.29] and TDC [42.19]

⁷⁰ TDC [42.20]

1. Ensure new or modified⁷¹ incompatible activities are appropriately located or designed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and
2. Recognise and provide for the safe and efficient operation, maintenance, repair,⁷² upgrading, removal and development of the National Grid by:
 - a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding incompatible activities subdivision, use and development that may would⁷³ compromise the operation, maintenance, repair, upgrading, renewal replacement,⁷⁴ or development of the National Grid; and
 - b. providing security of supply and/or maintaining the integrity of National Grid assets; and
 - c. maintaining ongoing access to conductors and support structures for maintenance and upgrading works; and
 - d. minimising exposure to health and safety risks from the National Grid; and
 - e. managing activities, as far as reasonably practicable, to avoid the potential for reverse sensitivity effects on the National Grid.

EI-P4 Amateur radio configurations

1. Enable amateur radio configurations within the Rural zones, Residential zones, and Commercial and mixed-use zones, General Industrial Zone, Māori Purpose Zone and Port Zone, where:
 - a. they are of a size and scale that is compatible with the character and qualities of the zone; and
 - b. there are no adverse effects on the health and safety of people and communities; and
2. Only allow amateur radio configurations within the Open Space Zone, Sport and Active Recreation Zone or any other zones not identified in EI-P4(1) where it can be demonstrated that:
 - a. they are compatible with the character and amenity values of the zone; and
 - b. any adverse effects are minimised.

EI-PX5 Managing adverse effects of the National Grid⁷⁵

Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by/while:

1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets; and
2. providing for new, or upgrades that are more than minor to, the National Grid; while/by
 - a. in urban environments, minimising adverse effects on urban amenity and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities; and
 - b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required⁷⁶ to protect the special values and characteristics of those areas; and
 - c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following:
 - i. SNA significant natural areas listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
 - ii. ONFs and ONLs outstanding natural features and landscapes listed in SCHED8 and SCHED9; and
 - iii. HNWB High Naturalness Waterbodies Areas; and
 - iv. areas of high or outstanding natural character; and
 - v. historic heritage items sites and historic heritage areas listed in SCHED3-4; and
 - vii. SASM sites and areas of significance to Kāi Huirapa listed in SCHED6; and

⁷¹ BP Oil, et al [196.24]

⁷² Clause 16(2)

⁷³ Kāinga Ora [229.21]. See also the evidence of Ms McLeod for Transpower [159] Hearing H., dated 23 January 2025, at paragraph 45

⁷⁴ Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

⁷⁵ Transpower [159.36]

⁷⁶ Evidence of Ms McLeod for Transpower [159.36] for Hearing E, dated 23 January 2025, paragraph 59

- viii. VALs ~~visual amenity landscapes~~ listed in SCHED10; and
- ix. Long-Tailed ~~Bat~~ **Habitat** Protection Areas listed in SCHEDXX⁷⁷; and

3. where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2)(c), remedy or mitigate adverse effects having regard to:
 - a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain ~~measures to avoid, remedying or mitigating adverse effects the~~ **location of National Grid activities**; and
 - b. the extent to which significant adverse effects are avoided; and
 - c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection; and
 - d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade; and
 - e. the extent to which adverse effects on urban amenity have been minimised; and
 - f. **the scale of residual effects remaining after measures to avoid, remedy or mitigate adverse effects and the protection of areas listed in (2)(c); and**
 - g. **for any significant residual effects on indigenous biodiversity, consider whether biodiversity offsetting or biodiversity compensation is appropriate.**
4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3); and
5. prevailing clause 2(c) over SASM-P5, SASM-P6, ~~and SASM-P7 and SASM-8~~⁷⁸ in the event of conflict; and
6. prevailing clause 2(c) over NATC-P4 and NATC-P6 in the event of conflict; and
7. using substantial upgrades of transmission infrastructure as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

EL p6

Application of Provisions⁷⁶

~~Except for the Port Zone Port of Timaru operations⁸⁰, when considering activities involving regionally significant infrastructure or lifeline utilities, in the event of a conflict between the objectives and policies of this chapter and those of a zone chapter, the objectives and policies of this chapter are to be given greater weight.~~

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter but may still require resource consent under other chapters.⁸¹

~~With the exception of the rules in the Port Zone **PORTZ** applying to **P**port activities⁸² **R**ules in Sections A - Section F of this chapter ~~take precedence over~~ **apply instead of**⁸³ rules in any **Z**zone **C**hapters of Part 3 — Area-Specific Matters - Zone Chapters and the **Z**zone **C**hapter rules do not apply.⁸⁴ ~~Unless otherwise specified in this chapter, the provisions of the Development Area Chapter, Designation Chapter⁸⁵ and Chapters in Part 2 - District-**W**Wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.~~⁸⁶~~

⁷⁷ the Long Tailed Bat Protection Areas are mapped but are not listed in a schedule

⁷⁸ Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]. SASM-P8 is recommended to be removed

⁷⁹ Panel Decision Report Part 5, Section 2.16.2

⁸⁰ Technical correction, Minute 55

⁸¹ Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

⁸² Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 27.

⁸³ Panel Decision Report Part 5, Section 2.16.2

⁸⁴ Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

⁸⁵ Schedule 1 c10(b)(2)

⁸⁶ Forest and Bird [156.50]

Rules in Section G of this chapter ~~apply as well as do not take precedence over~~⁸⁷ rules in the ~~Z~~zones chapters. Consent may be required by rules the Part 2 - District ~~Wide~~ Matters Chapters and Part 3 — Area ~~Specific~~ Matters - Zone Chapters. Unless expressly stated otherwise by a rule, consent is required under each of those rules.

Large infrastructure may have multiple components covered by more than one section of these rules.⁸⁸

The steps plan users should take to determine which rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

Section A - Rules for Energy and Infrastructure Activities (not <u>otherwise</u> listed in other Sections of this EI chapter Rules, Sections B to G)		
EI-R1	Operation, Maintenance⁸⁹ and repair, or removal of infrastructure not otherwise addressed by another rule listed in this chapter	
All Zzones	Activity status: Permitted Where: PER-1 EI-S1 is complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R2	Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter⁹⁰	
All Zones	Activity status: Permitted - Where - PER-1 EI-S2 is complied with.	Activity status when compliance not achieved: Restricted Discretionary - Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R32	New and upgrading existing⁹¹ underground infrastructure (including customer connections) not otherwise listed addressed by another rule in this chapter	
All Zzones	Activity status: Permitted <u>Where:</u> <u>PER-1</u> <u>EI-S2 is complied with.</u>	Activity status when compliance not achieved: Not applicable <u>Activity status when compliance not achieved: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>the matters of discretion of any infringed standard; and</u> 2. <u>any effects on ecosystems and indigenous biodiversity.</u>
EI-R43	Upgrading of⁹² above ground network utilities not otherwise listed addressed by another rule in this chapter	
All Zzones	Activity status: Permitted Where: PER-1 EI-S1 and EI-S2 are complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard and

⁸⁷ [Panel Decision Report Part 5, Section 2.16.2](#)

⁸⁸ Opuha Water [181.32]

⁸⁹ KiwiRail [187.24] and Radio NZ [152.34]

⁹⁰ Transpower [159.40]

⁹¹ Transpower [159.40]

⁹² Clause 16(2)

		2. any effects on ecosystems and indigenous biodiversity.
EI-R64	Vehicle access tracks for network utilities, including ancillary access tracks	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The access track is unsealed; and</p> <p>PER-2 The access track, including unformed paper roads, is not classified as a road under the District Plan; and</p> <p>PER-3 The access track is 6m or less in width.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the purpose, necessity and location of the vehicle access track; and 2. the impact on the character and qualities of the surrounding area.
EI-R65	Above ground customer connections	
<p>1.</p> <p>Residential Zones</p> <p>Commercial and Mixed Use Zones</p> <p>Open Space and Recreation Zones</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The connection does not require a new tower; and</p> <p>PER-2 The connection does not exceed three additional poles; and</p> <p>PER-3 EI-S1 is complied with.</p>	<p>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the purpose, necessity and location of the above ground customer connection; and 2. the extent to which the design integrates the activity within the site, existing built form and/or landform in a way that assists to maintain the character and qualities of the surrounding area; and 3. the extent to which landscaping and/or recessive colours and finishing mitigates any adverse effects. <p>Activity status when compliance not achieved with PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
<p>2.</p> <p>Rural Zones</p> <p>General Industrial Zone</p> <p>Port Zone</p> <p>Māori Purpose Zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 EI-S1 is complied with.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.

EI-R76		Temporary network utilities, including generators	
All Z<u>z</u>ones	Activity status: Permitted	Activity status when compliance not achieved with PER-1, PER-2, PER-3 or PER-5: Restricted Discretionary	
	<p>Where:</p> <p>PER-1 The temporary network utility operates for a maximum of up to 12 consecutive months; and</p> <p>PER-2 Any temporary network utilities, and associated buildings and structures, are removed from the site within two months of completion of the associated works; and</p> <p>PER-3 Any electricity generator, excluding those covered under EI-R2419: <ol style="list-style-type: none"> 1. is transportable; <u>and</u> 2. operates for a maximum of up to 12 consecutive months in any two year period; and 3. is removed from the site within one month of when it ceases to be used; and </p> <p>PER-4 EI-S1 is complied with.</p> <p>Note: PER-5 Where relevant, the area must be reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs <u>and or</u>⁹³ operational needs of, and benefits from, the temporary network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the temporary network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area. 	
EI-R87		Substations (including switching stations) and energy storage batteries not enclosed within a building	
All Z<u>z</u>ones	Activity status: Permitted	Activity status when compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary	
	<p>Where:</p> <p>PER-1 The maximum building and structure height for a network utility structures is: <ol style="list-style-type: none"> 1. <u>as set out in EI-S1 for those structures covered under EI-S1; and for other structures and buildings;</u>⁹⁴ 2. <u>a</u> 2.5m metres; or 3. <u>b</u> in the General Rural Zone, Rural Lifestyle Zone or General Industrial Zone, the maximum building and structure height for network utility </p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs <u>and or</u>⁹⁸ operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 	

⁹³ Waka Kotahi [143.31]

⁹⁴ Clause 16(2)

⁹⁸ Waka Kotahi [143.31]

	<p>structures is the maximum building height for the underlying zone; and</p> <p>PER-2 The maximum area of the substation, or energy storage batteries is: 1. 420m² in Residential Zones; or 2. 630⁹⁵m² in all other zones; and⁹⁶</p> <p>PER-3 The substation, or energy storage batteries are set-back at least 2m metres from any Residential Zone site boundary, and</p> <p>PER-4 EI-S1 is complied with.</p> <p>Note: Height shall be measured from the existing ground level prior to any works commencing.⁹⁷</p>	<p>3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.</p> <p>Activity status when compliance not achieved with PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.⁹⁹</p>
EI-R98	New network utilities within existing fully enclosed buildings	
All Zones	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
EI-R409	Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity complies with the height, setback, and height in relation to boundary standards of the underlying zone.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.</p>
EI-R4410	New overhead lines and associated support structures that convey electricity excluding customer connections	
General Rural Zone	<p>Activity status: Permitted</p> <p>Where:</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. 2. Any adverse effects on indigenous biodiversity in the coastal environment</p>
General Industrial Zone	<p>PER-1 EI-S1 is complied with, and PER-2 the activity is outside the coastal environment.</p>	
Port Zone		
All zones other than the General Rural	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to: 1. the functional needs and or¹⁰⁰ operational needs of, and benefits</p>	Activity status when compliance not achieved: Not applicable

⁹⁵ Panel Decision Report Part 5, Section 2.31.2, Clause 16(2)

⁹⁶ Millward Finlay Lobb [60.9] and the tabled evidence of Ms McMullan for Hearing E, dated 30 January 2025

⁹⁷ ECan [183.4]

⁹⁹ Consequential change arising from PER-4 being deleted.

¹⁰⁰ Waka Kotahi [143.31]

Zone: General Industrial Zone and Port Zone	<p>from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and</p> <ol style="list-style-type: none"> the bulk, height, location and design of the network utility, including any associated buildings or structures; and the impact on the character and qualities of the surrounding area; and any adverse effects on public health and/or safety. 	
EI-RX11 Network utilities emitting electric and magnetic fields¹⁰¹		
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any activity that generates electric or magnetic fields does not exceed:</p> <ol style="list-style-type: none"> the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz - 100kHz) (Health physics, 2010, 99(6); 818-836); and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007). 	Activity status when compliance not achieved: Non-complying
EI-R12	New electricity generation from a non-renewable source not otherwise addressed listed in this chapter	
All Zones	Activity status: Discretionary Non-complying	Activity status when compliance not achieved: Not applicable

~~Renumber all rules to take account of EI-RX~~

Rules Section B - Rules for Telecommunication and Radiocommunication Activities		
EI-R13	New overhead telecommunications lines and associated support structures excluding customer connections	
1. General Rural Zone General Industrial Zone Port Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 EI-S1 is complied with.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the matters of discretion of any infringed standard.
2. All Zones,	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p>	Activity status when compliance not achieved: Not applicable

¹⁰¹ Transpower [159.48]

<p>other than the General Rural Zone, General Industrial Zone, and Port Zone</p>	<ol style="list-style-type: none"> 1. the functional needs and <u>or</u>¹⁰² operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety. 	
<p>EI-R14</p>	<p>Telecommunications kiosk</p>	
<p>All Zones</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The telecommunication kiosk does not exceed:</p> <ol style="list-style-type: none"> 1. a height for network utility structures of 3.5m metres; and 2. a total area of 1.5m²; and <p>PER-2 If not located within a road reserve, the telecommunication kiosk is setback:</p> <ol style="list-style-type: none"> 1. no less than 2m from all <u>side and rear site boundaries, and</u> 2. no less than 2m from set back from a road boundary in any zone other than a Mixed Use Zone, Town Centre Zone, City Centre Zone, Port Zone or General Industrial Zone in accordance with the underlying applicable zone setback requirements;¹⁰³¹⁰⁴ and <p>PER-3 Any attached small cell unit or antenna is no greater than 1m in height for network utility structures and does not have a horizontal dimension greater than the horizontal dimensions of the telecommunication kiosk.</p> <p>Note: Height shall be measured from the existing ground level prior to any works commencing;¹⁰⁵</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and <u>or</u>¹⁰⁶ operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effect on public health and/or safety.
<p>EI-R15</p>	<p>Telecommunications or radiocommunication activities (not otherwise listed in rules EI-R15 to EI-R22 and not regulated by the NESTF)</p>	
<p>All Zones</p>	<p>Activity status: Permitted</p> <p>Where:</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p>

¹⁰² Waka Kotahi [143.31]

¹⁰³ ~~Panel Decision Report Part 5, Section 2.34.2~~

¹⁰⁴ Telcos [176.52, 208.52, 209.52, 210.52] and the evidence of Mr Anderson for the Telcos, dated 23 January 2025 at paragraphs 38 to 44

¹⁰⁵ ECan [183.4]

¹⁰⁶ Waka Kotahi [143.31]

PER-1

All telecommunications poles and antenna (except those located on the road reserve) do not project above a 45° height in relation to boundary recession plane that is measured from any point 3m above the site boundary when the adjoining residential zone property is zoned Residential (but not a road boundary); and

PER-2

A panel antenna:

- 1. does not exceed a width of 0.79m metres; ¹⁰⁷ and
- 2. when in a road reserve, fits within an envelope of 3.5m metres in length and 0.79m metres in width; ¹⁰⁸ and

PER-3

A dish antenna does not exceed a diameter of 1.2m metres; and

PER-4

Omni directional 'whip' or dipole antenna do not exceed:

- 1. 1.6m metres in vertical length; and
- 2. 60mm in diameter; and
- 3. 1.5m metres in horizontal length; and

PER-5

A headframe does not exceed:

- 1. 2.5m metres in diameter in a Residential zone (except when located in a road as provided for by PER-2, 2. above); or
- 2. 6m metres in diameter in all other zones; and

PER-6

For antenna attached to a building, the antenna does not exceed a height for network utility structures of 5m metres above the point of attachment to the building; and

PER-7

A telecommunications cabinet does not exceed:

- 1. within a road corridor, a footprint of 2m² or height for network utility structures of 2m metres; or
- 2. outside of a road corridor, a footprint of 2.5m² or height for network utility structures of 2m metres; and

PER-8

A group of telecommunications cabinets does not exceed a footprint of 3m².

Matters of discretion are restricted to:

- 1. the functional needs and or¹¹¹ operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and
- 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and
- 3. the impact on the character and qualities of the surrounding area; and
- 4. any adverse effect on public health and/or safety.

¹⁰⁷ The Telcos [176.53, 208.53, 209.53, 210.53]

¹⁰⁸ The Telcos [176.53, 208.53, 209.53, 210.53]

¹¹¹ Waka Kotahi [143.31]

	Note: Height shall be measured from the existing ground level prior to any works commencing. ¹⁰⁹ 110	
EI-R16	Small cell units	
All Zones	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
EI-R17	Other network utilities (including network utility buildings and enclosed substations) not otherwise addressed by another rule in EI-R413 to EI-R20 and not regulated by the NESTF.	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The network utility is located within an existing building; or¹¹²</p> <p>PER-12 The maximum building and structure height for a network utility structures is: 1. as set out in EI-S1 for those structures covered under EI-S1; and 2. for other structures and buildings; The building or structure complies with the building height for network utility structures, setback, and height in relation to boundary standards of the underlying for the zone; and</p> <p>PER-23 The building or structure does not exceed a maximum footprint of: 1. 20m² in a Residential Zone or Open Space and Recreation Zone; or 2. 50m² in any other zone, except the General Industrial Zone, which has no maximum footprint; and</p> <p>PER-3 EI-S1 is complied with.</p>	<p>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and or¹¹³ operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. effects resulting from¹¹⁴ the bulk, height, location and design of the network utility, including any associated buildings or structures; and any matters to address those effects to the extent practicable given any functional need and operational need, and benefits from, the network utility; and¹¹⁵ 3. the impact on the character and qualities of the surrounding area and any matters to address those effects to the extent practicable given any functional need and operational need, and benefits from, the network utility; and¹¹⁶; 4. any adverse effect on public health and/or safety. <p>Activity status when compliance not achieved with PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p>

¹⁰⁹ ECan [183.4]

¹¹⁰ ECan [183.4]

¹¹² Clause 16(2) to be consistent with EI-R9. See also the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 49

¹¹³ Waka Kotahi [143.31]

¹¹⁴ Clause 16(2) and the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 50

¹¹⁵ Panel Decision Report Part 5, Section 2.36.2

¹¹⁶ Panel Decision Report Part 5, Section 2.36.2

		1. the matters of discretion of any infringed standard. ¹¹⁷
EI-R18	Network utilities emitting electric and magnetic fields¹¹⁸	
All Zones	Activity status: Permitted - Where: - PER-4 Any activity that generates electric or magnetic fields does not exceed: 2. the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz–100kHz) (Health physics, 2010, 99(6); 818–836); and 3. recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).	Activity status when compliance not achieved: Non-complying - - -
EI-R4918	Network utilities generating radiofrequency fields	
All Zones	Activity status: Permitted Where: PER-1 An activity that generates radiofrequency fields does not exceed the maximum exposure level of the general public in New Zealand Standards NZS2772.1: 1999 Radiofrequency fields - Maximum exposure levels - 3KHz to 300 GHz.	Activity status when compliance not achieved: Non-complying
EI-R2019	New emergency or permanent back-up electricity generation (including any associated energy storage batteries) for a utility or lifeline utility which is not the primary electricity supply to the site.	
All Zones	Activity status: Permitted Where: PER-1 Buildings and structures comply with the height, boundary and height in relation to boundary standards <u>of the underlying for the relevant zone</u> ; and PER-2 Any permanent back-up generator or a self-contained power unit is: 1. setback at least <u>2m metres</u> from a site boundary with a residential activity; and 2. operates for a maximum of 12 consecutive months.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and <u>or</u> ¹¹⁹ operational needs of, and benefits derived from, the network utility; and 2. the purpose and necessity of the generator or power unit; and 3. any adverse visual or nuisance effects (including the effects of any outdoor lighting), particularly on the character and qualities of the surrounding area.

¹¹⁷ Consequential change arising from PER-3 being deleted.

¹¹⁸ Transpower [159.48]

¹¹⁹ Waka Kotahi [143.31]

EI-R2420	Telecommunications lines, cabinets, poles and new antennas regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF and are not expressly listed as a controlled activity in Part 3 of the NESTF Regulations.	
All Zzones	Activity status: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> the functional needs and or ¹²⁰ operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and the bulk, height, location and design of the network utility, including any associated buildings or structures; and the impact on the character and qualities of the surrounding area; and any adverse effects on public health and/or safety. 	Activity status when compliance not achieved: Not applicable

Rules Section C - Rules for Network Utilities - Three Waters

EI-R22¹²¹	Construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure	
All Zzones	Activity status: Permitted Where: - PER-4 Any pipe is not located on or within a waterbody, except where it is: <ol style="list-style-type: none"> attached to and/or incorporated within an existing bridge structure; or within an existing conduit or duct. 	Activity status when compliance not achieved: Restricted Discretionary - Matters of discretion are restricted to: <ol style="list-style-type: none"> the functional needs and or ¹²² operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and the impact on the character and qualities of the surrounding area; and the effects on the values of Kati Huirapa.¹²³
EI-R2321	New water <u>supply</u> ¹²⁴ , wastewater <u>systems</u> ¹²⁵ and stormwater <u>infrastructure</u> ¹²⁶ connections to existing reticulated networks	
All Zzones	Activity status: Permitted Where: <u>The construction or upgrading is not in the coastal environment.</u>	Activity status when compliance not achieved: Not Applicable Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> <u>effects on the coastal environment.</u>

¹²⁰ Waka Kotahi [143.31]

¹²¹ Opuha Water [181.34] and TDC [42.21]

¹²² Waka Kotahi [143.27]

¹²³ Te Runanga o Ngai Tahu [185.8]

¹²⁴ Clause 16(2) for consistency

¹²⁵ Clause 16(2) for consistency

¹²⁶ Clause 16(2) for consistency

<p>EI-R2422</p> <p>All Zones</p>	<p>Rainwater collection systems for non-potable use</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The rainwater tank complies with building height, setback and height in relation to boundary standards for the zone.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
<p>EI-R2523</p>	<p>Maintenance, repair and upgrading of existing <u>underground and above ground water systems infrastructure, including:</u></p> <ul style="list-style-type: none"> • water supply, wastewater systems, and stormwater infrastructure <u>not covered under EI-R2321;</u>¹²⁷ • open drains and channels, pipes, water reservoirs, storage ponds; and • other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)¹²⁸ 	<p>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and <u>or</u>¹³² operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and¹³³ 3. the impact on the character and qualities of the surrounding area.
<p>All Zones</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Building <u>or structure</u> maintenance and upgrades occur within the existing building <u>or structure</u>¹²⁹ envelope; or</p> <p>PER-2 New buildings and structures comply with the building height, setback, and height in relation to boundary <u>standards</u> for the <u>underlying zone;</u> and</p> <p>PER-3 EI-S1 and¹³⁰ if located outside a rural zone EI-S2 are <u>is</u>¹³¹ complied with.</p>	<p>Activity status when compliance not achieved with PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. <u>Effects on the coastal environment.</u>
<p>EI-R2624</p>	<p>Construction of new <u>underground and above ground water systems infrastructure, including:</u>¹³⁴</p> <ul style="list-style-type: none"> • water supply, wastewater systems and stormwater infrastructure <u>not covered under EI-R2321</u>^{135;} 	

¹²⁷ Clause 16(2)

¹²⁸ Clause 16(2)

¹²⁹ Opuha Water [181.35] and TDC [42.22, 42.80]

¹³⁰ Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna

¹³¹ Clause 16(2) to avoid conflict with EI-R26 that permits new 3 waters infrastructure in rural zones

¹³² Waka Kotahi [143.30]

¹³³ [Schedule 1, cl16\(2\)](#)

¹³⁴ Rooney, et al [249.14, 250.14, 251.14, 252.14, 191.14, 174.14] for all these changes except where separately referenced

¹³⁵ Clause 16(2)

	<ul style="list-style-type: none"> • open drains and channels, pipes, water reservoirs, storage ponds; and • other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)¹³⁶ 	
1. Rural Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 New buildings and structures comply with the building height, setback, and height in relation to boundary for the zone.</p> <p>PER-2 EI S1 is complied with.¹³⁷</p> <p><u>PER-2 Any new water, wastewater and stormwater connections are not in the coastal environment.</u></p>	<p>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and¹³⁸ 3. the impact on the character and qualities of the surrounding area; and 4. <u>dust nuisance, sedimentation, land instability, erosion and contamination effects.</u>¹³⁹ 5. <u>Effects on the coastal environment.</u> <p>Activity status when compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
2. 42. All Zones except Rural Zones	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and or¹⁴⁰ operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and¹⁴¹ 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. <u>the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any</u> 	<p>Activity status when compliance not achieved: Not applicable</p>

¹³⁶ Panel Decision Report Part 5, Section 2.41.2

¹³⁷ Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna

¹³⁸ Schedule 1, cl16(2)

¹³⁹ Transpower [159.38]

¹⁴⁰ Waka Kotahi [143.31]

¹⁴¹ Schedule 1, cl16(2)

measures to avoid, remedy or mitigate adverse effects;¹⁴² and
5. dust nuisance, sedimentation, land instability, erosion and contamination effects.¹⁴³

~~Note: This rule does not apply to connections permitted under EI-R2321.¹⁴⁴~~

Rules Section D - Rules for the National Grid

EI-R2725 Buildings or structures within the National Grid Yard		
All Zzones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 In the National Grid Yard:</p> <ol style="list-style-type: none"> 1. any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height for network utility structures¹⁴⁵ or footprint; or 2. it is a network utility undertaken by a network utility operator (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes); or 3. it is a non-habitable building or structure for primary production in the Rural Zzones, including yards for milking/dairy sheds and artificial crop protection structures (but does not include any building for intensive primary production, commercial greenhouses or milking/dairy sheds); or 4. it is a yard for milking/dairy sheds; or 5. it is an artificial crop protection and support structure; or <u>4.</u> it is not for the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties; and <p>PER-2 In the National Grid Yard, the building or structure is located at least 12m from the outer visible edge of any National Grid tower or pole and associated stay wire, unless it does not permanently physically obstruct existing vehicular access to a</p>	Activity status when compliance not achieved: Non-complying

¹⁴² Te Runanga o Ngai Tahu [185.8]

¹⁴³ Transpower [159.38]

¹⁴⁴ Clause 16(2).

¹⁴⁵ Transpower [159.49] for all the changes in EI-R27

	<p>National Grid support structure and it is one of the following:</p> <ol style="list-style-type: none"> 1. a network utility undertaken by a network utility operator (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes); or 2. a fence no greater than 2.5m high, measured from the existing ground level, and that is no closer than 5m to the nearest National Grid pole; or no closer than 6m to the nearest National Grid tower; or 3. an artificial crop protection structure or crop support structure not exceeding 2.5m metres in height, measured from the existing ground level, and located at least 8m metres from a National Grid transmission line pole that is removable or temporary to allow a clear working space of 12m metres from the pole for maintenance and allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or 4. a building or structure where Transpower New Zealand Limited has given written approval in accordance with clause 2.4.1 of NZECP34:2001; and <p>PER-3 The building or structure meets the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP2434:2001).</p> <p>Note: Height shall be measured from the existing ground level prior to any works commencing.¹⁴⁶</p>	
EI-R2826	<p>Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard, excluding:</p> <ul style="list-style-type: none"> • the repair or resealing of a road, footpath, driveway or farm track; and • excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire. 	
All Zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The depth of the earthworks or land disturbance is no greater than 300mm deep within 6m 12 metres of the outer visible edge of a foundation of a National</p>	<p>Activity status when compliance not achieved <u>with PER-1</u>: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The earthworks or land disturbance is <u>greater than 300mm deep and less than 3 metres deep between 6 metres and 12</u></p>

¹⁴⁶ ECan [183.4]

	<p>Grid transmission line tower or pole; and¹⁴⁷</p> <p><u>PER-2</u></p> <p>The <u>earthworks or land disturbance work</u> does not compromise the stability of a National Grid transmission line tower or pole; <u>and</u></p> <p><u>PER-3</u></p> <p>The <u>earthworks or land disturbance does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances); and</u></p> <p><u>PER-4</u></p> <p>The earthworks or land disturbance does not result in existing vehicle access to a National Grid support structure being permanently obstructed.</p> <p>Note: PER-1 to PER-4 clauses (a) and (b) do not apply to:</p> <p>a. the repair or resealing of a road, footpath, driveway or farm track; and</p> <p>b. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire.</p>	<p><u>metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p><u>Matters over which of discretion are is restricted to:</u></p> <ol style="list-style-type: none"> 1. effects on the operation, maintenance, upgrading and development of the National Grid; and 2. the risk to the structural integrity of the National Grid support structure(s); and 3. any impact on the ability to access the National Grid; and 4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and 5. the outcome of any consultation with the owner and operator of the National Grid. <p><u>Activity status when compliance not achieved with RDIS-1, PER-2, PER-3 or PER-4: Non-complying</u></p>
EI-R29	Subdivision of land within the National Grid Subdivision Corridor¹⁴⁸	
All Zones	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 All resulting allotments can accommodate a building platform for the likely principal building(s) and any building(s) for sensitive activities outside the National Grid Yard (other than where the allotments are for roads, access ways and network utilities); <u>and</u></p> <p>-</p> <p>RDIS-2 Existing vehicle access way to National Grid assets is maintained.</p> <p>-</p> <p>Matters over which discretion is restricted:</p>	<p>Activity status when compliance not achieved: Non-complying</p> <p>-</p> <p>-</p>

¹⁴⁷ Transpower [159.50] for all the changes to EI-R28 except where specified.

¹⁴⁸ Speirs, B [66.45]

	<ol style="list-style-type: none"> 1. the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; and 2. the location of any future building platform as it relates to the National Grid Yard; and 3. the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and 4. the nature and location of any vegetation to be planted in the vicinity of the National Grid; and 5. the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and 6. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and 7. the outcome of any consultation with the owner and operator of the National Grid. 	
<u>EI-R3027</u>	Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard	
All Zzones	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
<u>EI-RXX28</u>	The storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard¹⁴⁹	
<u>All Zzones</u>	<u>Activity Status: Non-Complying</u> Notification: <u>Any application arising from EI-RXX28 shall not be subject to public notification and shall be limited notified to the following parties: Transpower New Zealand Limited, unless their written approval is provided.</u>	<u>Activity status when compliance not achieved: Not applicable</u>

Rules Section E - Rules for Renewable Electricity Generation

<u>EI-R3429</u>	Installation, operation, maintenance, repair, upgrading and removal of new utility equipment for investigating a site for suitability for renewable electricity generation	
All Zzones	Activity status: Permitted Where: PER-1 The utility equipment is not on-site for more than 18 months within any 36-month period; and	Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the functional needs and ^{or}¹⁵¹ operational needs of, and benefits from, the activity; and

¹⁴⁹ Transpower [159.66]

¹⁵¹ Waka Kotahi [143.31]

	<p>PER-2 The utility equipment complies with NZS6808:2010 Acoustics — Wind farm noise, or when not a wind turbine, it must comply with the underlying zone noise standards; and</p> <p>PER-3 An anemometer does not exceed 90m in height for network utility structures; and</p> <p>PER-4 All masts are removed at the end of the investigation period; <u>and</u></p> <p>PER-5 The site is restored to its pre-works condition after completion of all investigation activities, and the removal of all investigation equipment; <u>and</u></p> <p>PER-6 Other than as provided by PER-3, any other utility equipment does not exceed the permitted height for network utility structures in relation to boundary and setback standards for the underlying zone. Note: Height shall be measured from the existing ground level prior to any works commencing.¹⁵⁰</p>	<ol style="list-style-type: none"> 2. the impact on the character and qualities of the surrounding area; and 3. noise; and 4. site restoration. <p>Activity status when compliance not achieved with PER-6: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; <u>and</u> 2. Nnoise; and 3. site restoration.
<p>EI-R3230</p>	<p>The installation, operation, maintenance, repair,¹⁵² upgrading, installation of new¹⁵³ and removal of a solar cell or an array of solar cells for small scale renewable electricity generation and its use</p>	
<p>4. Rural Lifestyle Zone</p>	<p>Activity status: Permitted¹⁵⁴</p> <p>Where:</p> <p>PER-1 The electricity generated is solely for use on the site and ancillary to the principal use of the site; and</p> <p>PER-2 Buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. overshadowing on surrounding sites. <p>Activity status when compliance not achieved with PER-2: Restricted Discretionary</p> <p>-</p> <p>Matters of discretion are restricted to:</p>

¹⁵⁰ ECan [183.4]

¹⁵² Clause 16(2)

¹⁵³ Clause 16(2) to change the order of activities from low to high change

¹⁵⁴ Rooney, et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] and Bruce Spiers [66.20] for all these changes

		1. the matters of discretion of any infringed standard.
2. 4. All Zzones except the Rural Lifestyle Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The electricity generated is either:</p> <ol style="list-style-type: none"> 1. solely for use on the site and ancillary to the principal use of the site; or 2. for use on the site and ancillary to the principal use of the site, and <ol style="list-style-type: none"> a. for supply to not more than 20 other properties; and b. for supply of any excess electricity to the electricity distribution network or the National Grid; and <p>PER-2 Buildings and structures comply with the building height, setback, and height in relation to boundary standards <u>of the underlying</u> for the zone.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. overshadowing on surrounding sites. <p>Activity status when compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
<u>EI-R3331</u>	The installation, operation, maintenance, <u>repair</u>,¹⁵⁵ upgrading, installation of <u>new</u> and removal of a small-scale wind turbine/s for small-scale renewable electricity generation and its use	
All Zzones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The electricity generated is either:</p> <ol style="list-style-type: none"> 1. solely for use on the site and ancillary to the principal use of the site; or 2. for use on the site and ancillary to the principal use of the site, and <ol style="list-style-type: none"> a. for supply to not more than 20 other properties; and b. for supply of any excess electricity to the electricity distribution network or the National Grid; and <p>PER-2 If PER-1.2. a.¹⁵⁶ applies, no more than one wind turbine is erected on a site; and</p> <p>PER-3 If PER-1.2.b.¹⁵⁷ applies, the wind turbines are either erected on a single site or clustered on one or more of sites; and</p> <p>PER-4</p>	<p>Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 4. noise. <p>Activity status when compliance not achieved with PER-6: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. noise.

¹⁵⁵ Clause 16(2)

¹⁵⁶ Bruce Spiers [66.19]

¹⁵⁷ Bruce Spiers [66.19]

	<p>The maximum permitted height for network utility structures of each wind turbine (including the full extent of blades) is:</p> <ol style="list-style-type: none"> 1. 20m in the General Rural Zone and General Industrial Zone; and 2. 15m in all other zones; and <p>PER-5 The utility equipment complies with NZS6808:2010 Acoustics — Wind farm noise, or when not a wind turbine, it must comply with the underlying zone noise standards; and</p> <p>PER-6 Each wind turbine (including the full extent of blades) complies with road and internal boundary building setback standards <u>of the underlying for the zone.</u></p> <p>Note: Height shall be measured from the existing ground level prior to any works commencing.¹⁵⁸</p>	
EI-R3432	Solar hot water systems	
All Zones	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
EI-R3533	The installation and upgrading of large scale renewable electricity generation activities	
General Industrial Zone GIZ and the Clandeboye Special Purpose Precinct Zone if created ¹⁵⁹	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity is a solar array and is located on a building in the <u>General Industrial Zone GIZ</u>; and</p> <p>PER-2 The solar array meets the applicable height limit for buildings and structures in the <u>General Industrial Zone GIZ</u>; and</p> <p>PER-3 The solar array has a maximum reflectance value of 30%.¹⁶⁰</p>	Activity status when compliance not achieved: Discretionary
All Zones other than the General	Activity status: Discretionary	Activity status when compliance not achieved: Not Applicable

¹⁵⁸ ECan [183.4]

¹⁵⁹ Panel Decision Report Part 5, Section 2.47.2

¹⁶⁰ Rooney, et al [174.16, 191.16, 249.16, 250.16, 251.16, 252.16] and the evidence of Mr Hole for Hearing E, dated 23 January 2025, at paragraphs 9 to 14

Rules Section F - Rules for Amateur Radio Configurations

EI-R3634

Amateur radio configurations

**All
Zones**

Activity status: Permitted

Where:

PER-1

The amateur radio configuration must be owned and operated by a licensed amateur radio operator; and

PER-2

All amateur radio configurations must be designed and operated in compliance with New Zealand Standard NZS 2772.1:1999; and

PER-3

There are no more than 12 antennas and aerials per site; and

PER-4

The underlying relevant zone setback standards are complied with; and

PER-5

Within the ~~R~~ residential zones, no support structures, aerials and antennas are located between the road and the closest part of any building on the site, or within 1.5m from any other boundary; and

PER-6

The maximum height for network utility structures ~~or~~ aerials and associated support structures attached to buildings must not exceed the permitted building height for network utility structures for the underlying relevant zone by more than 5m; and

PER-7

1. Where antennas are attached to a building or other structure (including a mast), the radio and telecommunications antenna does not exceed:
 - a. for an antenna dish; 2m in diameter, or
 - b. for panel antenna; 4m² in area; and
2. ~~P~~rovided there is no more than one pedestal mounted antenna per site, which:
 - a. is pivoted less than 4m above the ground with a maximum diameter of 5m and a maximum

Activity status when compliance not achieved: Restricted Discretionary

Matters of discretion are restricted to:

1. visual amenity effects, including effects on landscape and streetscape values and neighbouring properties; and
2. any positive effects of the activity; and
3. cumulative effects associated with multiple devices and structures.

- height for network utility structures of 6.5m; and
- b. if guy wires are used, where these do not exceed 12mm in diameter; and

PER-8

1. Provided any element making up an aerial does not exceed 80mm in diameter; and
2. ~~F~~for horizontal HF yagi aerials, provided the maximum element length does not exceed 14.9m, and maximum boom length does not exceed 13m; and
3. ~~F~~for whip aerials, provided the maximum length does not exceed 3.5m in height for network utility structures above the maximum height for network utility structures for the support structure; and

PER-9

1. Provided there is only one primary mast per site, which does not exceed a maximum height for network utility structures of 20m. This mast may be a pole of lattice mast, and may be guyed or self-supporting. Lattice masts shall be no more than:
 - a. 1,000mm in outside diameter up to 9m in height for network utility structures; or
 - b. 420mm in outside diameter above 9m in height for network utility structures; and
2. ~~P~~rovided there is only one secondary mast per site with a maximum height for network utility structures of 12m. This mast may be fitted with a rotator for VHF and/or UHF aerials; and
3. ~~P~~rovided all masts (except for as provided for in PER 6(a) above) shall be less than 115mm in outside diameter; and
4. ~~I~~n addition to the primary mast and the secondary mast, provided there are no more than six other masts per site, which do not exceed the maximum height for network utility structures for buildings within the underlying zone in which it is located by more than 30% (except that one mast may be used as a vertical aerial up to 13.5m in height for network utility structures).

Rules Section G - Flight Paths Protection for Richard Pearse (Timaru) Airport (~~Timaru Airport~~)

EI-R3735 Fish processing or packing plants, abattoirs or freezing works

<p>Birdstrike Management Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Storage, processing and disposal of all organic material takes place within enclosed buildings; <u>and</u></p> <p>PER-2 There is no disposal of effluent onto land associated with the plant or works.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Sscale and significance of birdstrike risk likely to be created at the location proposed; and 2. Mitigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.
<p>EI-R3836</p>	<p>Creation of a new stormwater basins, or new¹⁶¹ waterbodies body (including wastewater oxidation ponds) which exceeds 500m² in area</p>	
<p>Birdstrike Management Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The combined area of all existing and proposed stormwater basins and/or water-bodies, that are wholly or partly within 0.75km of the centre of the proposed water-body or stormwater basins, shall not exceed 1,000m²; <u>and</u></p> <p>PER-2 Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <ol style="list-style-type: none"> 1. Sstormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event; 2. Sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and 3. Plant species used shall be limited to those listed in Table 3 below; <u>and</u> <p>PER-3 Any water-body has been designed by a suitably qualified and experienced practitioner person, with experience in <u>managing avian fauna within and around waterbodies stormwater management systems</u>,¹⁶² to the following standards:</p> <ol style="list-style-type: none"> 1. No permanent island features shall be included, that could provide perching sites for birds; and 2. Plant species used shall be limited to those listed in Table 3 below. 	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Sscale and significance of birdstrike risk likely to be created at the location proposed; and 2. Mitigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.

¹⁶¹ Panel Decision Report Part 5, Section 2.48.2

¹⁶² Road Metals [169.10] and Fulton Hogan [170.11]

Table 3 — Plant Species for water-bodies and stormwater basins in the Birdstrike Management Area Overlay

Edge of Water-body/stormwater basin	
Botanical name:	Common name:
<i>Schoenoplectus validus / tabernaemontani</i>	lake club rush / kapungawha
<i>Eleocharis acuta</i>	spike sedge
<i>Carex germinate</i>	makura
<i>Schoenus pauciflorus</i>	bog rush
<i>Polystichum vestitum</i>	prickly shield fern
<i>Juncus pallidus</i>	tussock rush / wiwi
<i>Cyperus ustulatus</i>	umbrella sedge
Lower Bank	
Botanical name	Common name
<i>Anemanthele lessoniana</i>	wind grass
<i>Astelia fragrans</i>	bush lily / kakaha
<i>Coprosma propinqua</i>	mikimiki
<i>Dianella nigra</i>	ink berry / turutu
<i>Plagianthus divaricatus</i>	swamp ribbonwood
Upper Bank	
Botanical name	Common name
<i>Aristotelia serrata</i>	makomako / wineberry
<i>Carpodetus serratus</i>	marbleleaf / putaputaweta
<i>Coprosma rotundifolia</i>	roundleaved coprosma
<i>Dodonea viscosa (frost tender)</i>	akeake
<i>Eleocarpus hookerianus</i>	pokaka
<i>Griselinia littoralis</i>	kapuka / broadleaf
<i>Hebe salicifolia</i>	koromiko
<i>Hoheria angustifolia</i>	narrow leaved lacebark
<i>Kunzea ericoides</i>	kanuka
<i>Leptospermum scoparium</i>	manuka
<i>Lophomyrtus obcordata</i>	rohutu / NZ myrtle

<i>Myrsine australis</i>	mapou
<i>Myrsine divaricate</i>	weeping mapou
<i>Pittosporum eugenioides</i>	lemonwood
<i>Pittosporum tenuifolium</i>	matipo
<i>Plagianthus regius</i>	lowland ribbonwood
<i>Podocarpus totara</i>	totara
<i>Prumnopitys taxifolia</i>	matai
<i>Pseudowintera colorata</i>	peppertree
<i>Sophora microphylla</i>	kowhai

Note: ~~This rule does not apply to replacements of existing stormwater basins or water bodies.~~^{163,164}

El-R3937 Buildings, structures or trees within¹⁶⁵ the Aerodrome Flight Paths Protection Area Overlay

Aerodrome Flight Paths Protection Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Richard Pearce (Timaru) Airport has provided a written certification statement¹⁶⁶ to Timaru District Council that the building, structure or tree complies with Appendix 10; or</p> <p>PER-2 The building, structure or tree is located in an urban area of¹⁶⁷ Temuka or Timaru and is no higher than 10m above existing ground level.</p>	Activity status where compliance not achieved: Non-complying
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El-4938 New landfills, excluding cleanfills, landfills for cleanfill material,¹⁶⁸ within the Birdstrike Management Overlay

Birdstrike Management Area Overlay	<p>Activity status: <u>Restricted</u>¹⁶⁹ Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>the nature of the proposed fill and the extent to which it includes material that could attract avian</u></p>	Activity status where compliance not achieved: Not applicable
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¹⁶³ Road Metals [169.10] and Fulton Hogan [170.11]

¹⁶⁴ Panel Decision Part 5, Section 2.48.2

¹⁶⁵ Bruce Spiers [66.21]

¹⁶⁶ North Meadows [190.6], Hilton Haulage [168.24], Southern Proteins [140.6]

¹⁶⁷ Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]

¹⁶⁸ RMA Clause 16(2)

¹⁶⁹ Road Metals [169.11] and Fulton Hogan [170.12] for all these changes

- fauna directly, or attract other wildlife that could attract avian fauna; and
2. ~~The methods proposed to avoid or minimise birdstrike risk on Richard Pearse (Timaru) Airport (Timaru Airport);~~

Standards

EI-S1	Maximum structure height for network utility structures of poles, antenna, and towers and telecommunications poles¹⁷⁰ (including the combined height of poles and antenna)	
All Zones	<p>5m above the permitted height limit for buildings in the underlying applicable zone.</p> <p>Notes except that:</p> <ol style="list-style-type: none"> 1. Omni directional 'whip' or dipole antenna that comply with dimensions in EI-R4 (4) are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height for network utility structures) lighting rods are exempt from the maximum for network utility structures standard. 2. <u>EI-S1 does not apply to works and changes to existing network utility structures that already exceed the permitted height limit, provided that the works and changes do not increase the exceedance of the permitted height limit.</u>¹⁷¹ 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>changes in</u>¹⁷² visual dominance; and 2. <u>changes in</u>¹⁷³ the impact on the character and qualities of the surrounding area; <u>and</u> 3. the functional needs and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken.
EI-S2	Upgrading infrastructure	
All Zones	<ol style="list-style-type: none"> 1. The realignment, relocation or replacement of a line, pipe (excluding a liquid petroleum pipeline), telecommunication pole, pole, tower, conductor, switch, transformer or ancillary structure <u>is</u> within 5m of the existing alignment or location; <u>and</u> 2. A pole is not replaced with a tower; <u>and</u> 3. A replacement pole, tower or telecommunication pole does not exceed the height for network utility structures of the replaced pole or tower or telecommunication pole by the greater of: <ol style="list-style-type: none"> a. more than 15% across any 10-year period; or 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the functional needs and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. <u>changes in</u>¹⁷⁴ the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. <u>changes in</u>¹⁷⁵ the impact on the character and qualities of the surrounding area; and 4. site reinstatement and replanting; and

¹⁷⁰ The Telcos [176.58, 208.58, 209.58, 210.58]

¹⁷¹ The Telcos [176.58, 208.58, 209.58, 210.58] and Radio NZ [152.45]

¹⁷² Radio NZ [152.45]

¹⁷³ Radio NZ [152.45]

¹⁷⁴ Radio NZ [152.46]

¹⁷⁵ Radio NZ [152.46]

- b. the maximum height for network utility structures of the underlying zone; and
- 4. The diameter or width of a replacement pole or telecommunications pole:
 - a. does not exceed twice that of the replaced pole at its widest point; or
 - b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times the width of the replaced pole at its widest point; and
- 5. The footprint of a replacement tower does not exceed the width of the tower by more than 25% across any 10-year period; and
- 6. There are no additional towers; and
- 7. There are no more than two poles, which are necessary to achieve the conductor clearances required by NZECP 34:2001; and
- 8. The realignment, relocation of replacement of any other network utility structure or building:
 - a. is within 5m of the alignment or location of the original structure or building; and
 - b. does increase the footprint of the structure or building by greater than 25% across any 10-year period; and
- 9. A replacement antenna does not increase the diameter of an existing dish antenna or the width of an existing panel antenna by more than 25% across any 10-year period; and
- 10. A replacement cabinet or building does not increase the footprint of the existing cabinet or building by more than 25% in any 10-year calendar period; and
- 11. The diameter of replacement pipes located above ground must not exceed the diameter of the replaced pipe by more than 300mm.

- 5. the duration, timing, and frequency of adverse effects.

Appendix 2 ECO

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Ecosystems and indigenous biodiversity

Introduction

The District contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered indigenous species. Many of these habitats are endemic, comprising forests, shrubland, herbfields, drylands, tussock grasslands, and waterbody margins.¹⁷⁶

The Council has a responsibility to maintain 'indigenous biodiversity' generally and in particular to recognise and provide for the protection of 'significant indigenous vegetation' and 'significant habitats of indigenous fauna'. The identified significant indigenous vegetation and habitats are collectively referred to as Significant Natural Areas (SNA's) having been assessed and listed in the District Plan. In addition, there are likely to be a range of other areas not yet assessed, but containing significant values that meet the APP5 Criteria for identifying Significant Natural Areas.¹⁷⁷

Objectives	
ECO-O1	Protection of significant indigenous biodiversity
The values of Areas of s Significant ¹⁷⁸ indigenous vegetation and significant habitats of indigenous fauna across the District are protected. ¹⁷⁹	
ECO-O2	Maintenance and enhancement of indigenous biodiversity
The indigenous biodiversity of the District is maintained or enhanced.	
ECO-O3	Recognition of Ngāi Tahu
The relationship of Ngāi Tahu whānui with indigenous biodiversity is recognised and provided for.	
Policies	
ECO-P1	Assessment and identification of <u>Significant Natural Areas</u> significant indigenous biodiversity
Identify SNA <u>Significant Natural Areas</u> by: <ol style="list-style-type: none"> 4. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and 5. including SNA <u>Significant Natural Areas</u> on the planning maps and in SCHED7 - Schedule of Significant Natural Areas. 	
<u>ECO-PX</u>	<u>Protection of significant indigenous biodiversity outside Significant Natural Areas</u>

¹⁷⁶ Forest and Bird [156.97], Dir. General Conservation [166.30]

¹⁷⁷ Forest and Bird [156.97], Dir. General Conservation [166.30]

¹⁷⁸ ECan [183.68] - Evidence of Deidre Francis

¹⁷⁹ Forest and Bird [156.98]

[Have particular regard to ECO chapter objectives and policies, including those relating to SNAs, in consenting processes for activities in areas that meet the APP5 criteria but are not included in SCHED7.](#)

ECO-P2	Appropriate indigenous vegetation clearance in Significant Natural Areas
<p>Provide for the clearance of indigenous vegetation in SNAs Significant Natural Areas where it is appropriate for health and <u>safety</u>,¹⁸⁰ wellbeing or customary reasons, or to allow for the continuation of grazing within areas of improved pasture-ongoing farming practises¹⁸¹, by enabling clearance:</p> <ol style="list-style-type: none"> 6. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or 7. where it is causing imminent danger to human life, structures, or <u>network utilities, or affecting the safe operation of network utilities</u>¹⁸²; or 8. where necessary to manage plant or animal pests or unwanted organisms; or 9. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or 10. for the operation, maintenance, or repair <u>or minor upgrade</u>¹⁸³ of the National Grid; or 11. for the operation or maintenance of the electricity distribution network, rail network¹⁸⁴ and public roads; <u>or</u> 12. <u>arising from continued</u>¹⁸⁵ <u>grazing (i.e. at the same frequency, intensity and scale) within areas of improved pasture which form part of SNAs Significant Natural Areas</u>¹⁸⁶; <u>and where the values of SNAs are protected.</u> 	
ECO-P3	Protection of indigenous biodiversity in sensitive areas
<p>Protect indigenous biodiversity by managing the clearance of indigenous vegetation in the following sensitive areas:</p> <ol style="list-style-type: none"> 3. riparian <u>margins areas, wetlands</u>¹⁸⁷ and springs; and 4. <u>coastal areas; and</u>¹⁸⁸ 5. areas at higher altitude; and 6. areas on steep slopes; <u>and</u> 7. <u>areas of indigenous vegetation that provide habitat for Threatened, At Risk or locally uncommon species.</u> 	
ECO-P4	Protection for long-tailed bats
<p>Protect long-tailed bats by:</p> <ol style="list-style-type: none"> 6. Identifying identifying important habitat for long-tailed bats as a <u>Long-Tailed Bat Habitat</u>¹⁸⁹ Protection Area Overlay on the planning maps; and 7. maintaining the habitat for long-tailed bats within this Overlay; <u>and</u> 8. <u>managing adverse effects on long tailed bats both within and outside the Overlay.</u> 	
ECO-P5	Protection of Significant Natural Areas

¹⁸⁰ Forest and Bird [156.102]

¹⁸¹ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

¹⁸² Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

¹⁸³ Transpower [159.70]

¹⁸⁴ Alpine [55.4], KiwiRail [187.54]

¹⁸⁵ Speaking Notes of Forest and Bird, paras 8-13.

¹⁸⁶ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

¹⁸⁷ Clause 10(2)(b) relating to Federated Farmers [182.117]

¹⁸⁸ Clause 10(2)(b) relating to Forest and Bird [156.5]

¹⁸⁹ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

~~Except as provided for in ECO-P2¹⁹⁰, a~~ Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:

~~A1. are provided for under ECO-P2; or~~

- ~~4. are outside the coastal environment and~~¹⁹¹ can be undertaken in a way that protects the identified ecological values; ~~and or~~¹⁹²
- ~~5. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~ and within the coastal environment in accordance with ECO-P8; or
- ~~3. are for the National Grid, and it can be demonstrated that adverse effects are managed in accordance with EI-P5 Managing adverse effects of the National Grid~~¹⁹³.

~~ECO-P6~~ Maintaining ~~indigenous~~ Biodiversity¹⁹⁴

~~Limit the clearance of indigenous vegetation outside areas identified in ECO-P1, ECO-P3 and ECO-P8,~~ in order to maintain indigenous biodiversity, taking into account the value of such biodiversity.

~~ECO-P67~~ Avoidance of risk species

Avoid the planting of species that are likely to adversely affect indigenous biodiversity values.

~~ECO-P8~~ Indigenous Biodiversity in the ~~Coastal~~ Environment¹⁹⁵

In the coastal environment, ~~except as provided for in ECO-P2, provide for the protection of indigenous biodiversity by, avoiding~~ adverse effects of activities on:

- ~~1. indigenous taxa that are listed as threatened or at-risk in the New Zealand Threat Classification System lists; and~~
 - ~~2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; and~~
 - ~~3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and~~
 - ~~4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and~~
 - ~~5. areas containing nationally significant examples of indigenous community types; and~~
 - ~~6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and~~
- ~~avoiding~~ significant adverse effects and ~~avoiding, remedying or mitigating~~ other adverse effects of activities on:
- ~~7. areas of predominantly indigenous vegetation in the coastal environment; and~~
 - ~~8. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and~~
 - ~~9. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; and~~
 - ~~10. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; and~~
 - ~~11. habitats, including areas and routes, important to migratory species; and~~

¹⁹⁰ ECan [183.75]

¹⁹¹ Forest and Bird [156.5]

¹⁹² Clause 10(2)(b)

¹⁹³ Transpower [159.71]

¹⁹⁴ Frank, H [90.23], Forest and Bird [156.3, 156.106, 156.107], Dir. General Conservation [166.29]

¹⁹⁵ Forest and Bird [156.5]

12. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

ECO-P29 **Restoration of ~~indigenous~~ biodiversity¹⁹⁶**

Promote the restoration of indigenous biodiversity through a range of methods, including consent conditions, covenants, reserves, management plans and other initiatives, with prioritisation given to:

1. SNA's ~~Significant Natural Areas~~ whose ecological integrity is degraded; and
2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems; and
3. areas that provide important connectivity or buffering functions; and
4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna; and
5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and
6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

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.~~

ECO-R1 **Clearance of indigenous vegetation ~~(except as provided for in ECO-R2 for flood protection works, or ECO-R3 for National Grid activities or ECO-R X6 for restoration or enhancement of a Significant Natural Area)~~¹⁹⁷**

<p>1 Significant Natural Areas Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous¹⁹⁸ vegetation to be cleared is causing an imminent danger to human life, structures, or <u>network utilities, or affecting the safe operation of network utilities,¹⁹⁹</u> and the clearance of <u>indigenous vegetation</u> is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance <u>of indigenous vegetation</u> is carried out by the relevant Road</p>	<p>Activity status where compliance not achieved: Non-complying</p>
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¹⁹⁶ Dir. General Conservation [166.38]

¹⁹⁷ Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

¹⁹⁸ **Schedule 1, cl16(2)**

¹⁹⁹ Road Metals [169.20], Fulton Hogan [170.21]

Requiring Authority or an agent authorised by them²⁰⁰:

3. to install, maintain or repair²⁰¹ road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m² within a single SNA; or
4. to maintain existing roadside drainage; or

PER-2A3

The clearance of indigenous vegetation is for the purpose of maintaining the rail network and the clearance is less than 5m² within a single SNA; or²⁰²

PER-34

~~The vegetation clearance of indigenous vegetation is carried out by NgKāi Tahu whānui for the purposes of mahika kai or other customary uses, in accordance with tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)~~²⁰³; or

PER-45

~~The clearance of indigenous vegetation clearance is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or~~

PER-56

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

PER-67

²⁰⁰ Road Metals [169.20] and Fulton Hogan [170.21]

²⁰¹ Road Metals [169.20] and Fulton Hogan [170.21]

²⁰² KiwiRail [187.56]

²⁰³ Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3

	<p><u>The clearance of indigenous vegetation occurs due as part of is caused by</u>²⁰⁴ <u>continued grazing, (but not over-grazing/trampling), within an area of improved pasture, where grazing has previously been undertaken</u>^{205 206}.</p> <p>Advice Note</p> <p><u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry (NESCF).</u>²⁰⁷</p> <p><u>This rule does not apply to indigenous vegetation clearance for National Grid activities which are addressed under ECO-R3 or for flood protection works which are addressed under ECO-R2</u></p>	
<p>2 Within 50m of any wetland Riparian margins (excluding a river that is a High Naturalness Waterbody)²⁰⁸ In the Coastal Environment, within 20m of mean high water springs²⁰⁹ Within 20m of the bank of any waterbody²¹⁰</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous²¹¹ vegetation to be cleared is causing an imminent danger to human life, structures, or <u>network utilities, or affecting the safe operation of network utilities,</u>²¹² and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance <u>of indigenous vegetation</u> is within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, <u>railway tracks, stock water or irrigation systems,</u>²¹³</p>	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the <u>extent ability to which the proposal retain protects</u>²²² any significant <u>biodiversity vegetation</u>²²³; and 2. the condition and character of the indigenous vegetation; and 3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species; and 4. any adverse effects on indigenous vegetation and

²⁰⁴ Speaking notes of Forest and Bird, para 26.

²⁰⁵ Speaking notes of Forest and Bird, para 26.

²⁰⁶ Hart, J R [149.2], Speaking notes of Forest and Bird, para 26.

²⁰⁷ Port Blakely [94.7]

²⁰⁸ Clause 10(2)(b) relating to Federated Farmers [182.117]

²⁰⁹ Clause 10(2)(b) relating to Forest and Bird [156.5]

²¹⁰ Clause 10(2)(b) relating to Federated Farmers [182.117]

²¹¹ **Schedule 1, cl16(2)**

²¹² Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

²¹³ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

²²² Dir. General Conservation [166.41]

²²³ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

<p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or <u>network utilities, or regionally significant infrastructure,</u>²¹⁴ <u>or for an upgrade in seal cover of an existing road</u>²¹⁵; or</p> <p>PER-3 The vegetation <u>clearance of indigenous vegetation</u> is carried out by <u>NgKāi Tahu whānui</u> for the purposes of mahinga kai or other customary uses, <u>in accordance with tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikaka protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)</u>²¹⁶; or</p> <p>PER-4 The clearance is of indigenous vegetation that:</p> <ul style="list-style-type: none"> a. has been planted and managed specifically for the purpose of harvesting, or b. has grown up under an area of lawfully established plantation forestry, or²¹⁷ c. 1. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or d. 2. is within an area of improved pasture and: <ul style="list-style-type: none"> <u>ia. is caused by continued grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or</u> <u>ib. is for the purpose of maintaining improved pasture outside any originally rare ecosystems within the upper Rangitata; and provided the clearance is not of any</u> 	<p>habitats of indigenous fauna due to the clearance; and</p> <ol style="list-style-type: none"> 5. any adverse effects on the mauri of the site, <u>rakatirataka, kaitiakitaka, mahika kai, tikaka, or wāhi tapu or wāhi tāoka values</u>²²⁴; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and 12. any benefits that the activity provides to the local community and beyond; <u>and</u> 13. <u>within the coastal environment, the management of effects in accordance with ECO- P48,</u>²²⁵ <u>and</u> 14. <u>where the clearance of indigenous vegetation is within a riparian margin</u>²²⁶: <ol style="list-style-type: none"> a. <u>the extent of any adverse effects on the overall natural character of an area by</u>
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²¹⁴ Waka Kotahi [143.84]

²¹⁵ KiwiRail [187.59]

²¹⁶ Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3

²¹⁷ Port Blakely [94.7]

²²⁴ TRoNT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 3.

²²⁵ Clause 10(2)(b) relating to Forest and Bird [156.5]

²²⁶ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

	<p><u>'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists); or²¹⁸</u></p> <p>PER-5 The clearance <u>of indigenous vegetation</u> is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993;²¹⁹ or</p> <p>PER-6 The clearance <u>of indigenous vegetation</u> where this occurs as part of indigenous biodiversity restoration or enhancement, <u>including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin²¹⁹; or</u></p> <p>PER-7 The vegetation <u>clearance of indigenous vegetation</u> is within a riparian margin and is <u>associated with necessary for the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.²²⁰</u></p> <p><u>Advice Note</u> <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCFNational Environmental Standard for Commercial Forestry.²²¹</u></p> <p><u>This rule does not apply to indigenous vegetation clearance for National Grid activities which are addressed under ECO-R3 or for flood protection works which are addressed under ECO-R2</u></p>	<p><u>reference to the values listed in NATC-P1; and</u></p> <p>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></p> <p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,²²⁷ for the activity to locate in a riparian margin; and</u></p> <p>15. <u>where the proposed clearance is located within a site identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa:</u></p> <p>a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></p> <p>b. <u>the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></p>
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²¹⁸ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29] - Evidence of Elizabeth Williams, paras 46-52; Speaking notes of Forest and Bird, para 27

²¹⁹ Shifted from NATC-R1 PER-6 (Clause 10(2)(b) relating to Federated Farmers [182.117])

²²⁰ Te Kotare [115.29], Waipopo Huts [189.41]

²²¹ Port Blakely [94.7]

²²⁷ Transpower [159.78]

		<ul style="list-style-type: none"> c. <u>the nature of any effects on mahika kai and other customary uses; and</u> d. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> e. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the SASM site or area of <u>significance; and</u></u> f. <u>the appropriateness of any mitigation measures proposed; and</u> g. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, <u>and any potential to:</u> <ul style="list-style-type: none"> i. <u>affirm the connection between mana whenua and place; or</u> ii. <u>enhance the cultural values of the SASM site/area; <u>or</u></u> iii. <u>provide for the relationship of Kāti Huirapa with their taonga; or</u> iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance; <u>commensurate with the scale and nature of the proposal.</u>²²⁸</u> </u>
<p><u>3. Riparian margins of a High Naturalness Waterbody</u>²²⁹</p>	<p><u>Activity status: Discretionary</u></p> <p><u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF National Environmental Standard for Commercial Forestry.</u>²³⁰</p> <p><u>This rule does not apply to indigenous vegetation clearance for National Grid activities which are addressed under ECO-R3.</u></p>	<p><u>Activity status when the compliance not achieved: Not applicable</u></p>

²²⁸ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

²²⁹ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

²³⁰ Port Blakely [94.7]

4. All areas not specified in 1. = to 3. above²³¹

Activity status: Permitted

Where:

PER-1

The clearance of indigenous vegetation is for the purpose of:

1. the maintenance, repair or replacement of:
 - a. existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities and is limited to the area within 2m of these²³²; and
 - b. any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works; and
 - c. existing buildings, and is limited to within 2m from any existing exterior wall²³³; and
2. clearing vegetation that is causing an imminent danger to human life, structures, infrastructure, or important infrastructure; and
3. mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikanga protocols; and
4. clearing vegetation that has been managed as part of a domestic or public garden, for amenity purposes, or as a shelterbelt; and
5. protecting, maintaining, restoring, and accessing

Activity status where compliance not achieved: Restricted discretionary

Matters of discretion are restricted to:

1. whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity²³⁷; and
2. the condition and character of the indigenous vegetation; and
3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species or is more than 25 years old; and
4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and
5. any adverse effects on the mauri of the site, rakatirataka, kaitiakitaka, mahika kai, tikaka, or²³⁸ wāhi tapu or wāhi taoka values; and
6. whether species diversity would be adversely impacted by the proposal; and
7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and
8. any potential for mitigation or compensation of adverse effects on biodiversity values; and
9. the economic effects on the landholder of the retention of the vegetation; and
10. any site specific management factors to promote the restoration and enhancement

²³¹ Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

²³² Statement of Rachel Thomas and Greg Anderson, para 29

²³³ Statement of Rachel Thomas and Greg Anderson, para 29

²³⁷ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

²³⁸ TRoNT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 3.

	<p><u>ecological values, and is carried out in accordance with:</u></p> <ol style="list-style-type: none"> a. <u>a Reserve Management Plan approved under the Reserves Act 1977; and</u> b. <u>a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; and</u> c. <u>a national park management plan or conservation management plan or strategy prepared under the Conservation Act 1987; and</u> <ol style="list-style-type: none"> 6. <u>maintaining cultivated land, where cultivation has been undertaken within the past 15 years²³⁴; and</u> 7. <u>continued grazing, that is not over-grazing/trampling, within an area of improved pasture; and</u> 8. <u>maintaining improved pasture by way of oversowing and/or topdressing:</u> <ol style="list-style-type: none"> a. <u>outside any depositional landforms originally rare ecosystems within the upper Rangitata; and</u> b. <u>provided the clearance is not of any 'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists);²³⁵ and</u> 9. <u>biosecurity, and is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, including the clearance of material</u> 	<p><u>of indigenous vegetation and habitats; and</u></p> <ol style="list-style-type: none"> 11. <u>the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u> 12. <u>any benefits that the activity provides to the local community and beyond; and</u> 13. <u>where the proposed clearance is located within a site identified in in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa:</u> <ol style="list-style-type: none"> a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> b. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> c. <u>the nature of any effects on mahika kai and other customary uses; and</u> d. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> e. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the SASM site or area of significance; and</u>
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²³⁴ ECan [183.8] - Evidence of Deidre Francis, paras 47–58; Evidence of Jean Jack, paras 24-29

²³⁵ Evidence of Elizabeth Williams, paras 46-50

	<p>infected by unwanted organisms.</p> <p>Advice Note This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the <u>NESCF National Environmental Standard for Commercial Forestry</u>.²³⁶</p>	<p>f. <u>the appropriateness of any mitigation measures proposed; and</u></p> <p>g. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM site/area, and any potential to:</u></p> <ul style="list-style-type: none"> i. <u>affirm the connection between mana whenua and place; or</u> ii. <u>enhance the cultural values of the SASM site/area; or</u> iii. <u>provide for the relationship of Kāti Huirapa with their taonga; or</u> iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the SASM Site or Area of Significance; commensurate with the scale and nature of the proposal.</u>²³⁹
<p>ECO-R2 Clearance of indigenous vegetation for natural hazard mitigation works</p>		
<p>Significant Natural Areas Overlay</p> <p>Within 50m of any wetland Riparian margins (excluding a river that is a High Naturalness WaterbodyB)²⁴⁰</p> <p>In the Coastal Environment</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous vegetation removed is only pohuehue (<i>muehlenbeckia australis</i>, <i>muehlenbeckia axillaris</i> or <i>muehlenbeckia complexa</i> only); and</p> <p>PER-2 The indigenous²⁴⁴ vegetation clearance is carried out solely by the CRC Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p>	<p>Activity status where compliance not achieved with PER-1: Controlled</p> <p>Matters of control are restricted reserved²⁴⁵ to:</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and 3. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and

²³⁶ Port Blakely [94.7]

²³⁹ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

²⁴⁰ Clause 10(2)(b) relating to Federated Farmers [182.117]

²⁴⁴ Schedule 1, cl16(2)

²⁴⁵ Schedule 1, cl16(2)

**Area Overlay²⁴¹,
within 20m of
Mean High
Water
Springs²⁴²**

**Within 20m of
the bank of any
waterbody²⁴³**

**Within 20m of
any waipuna
(spring)**

**At an altitude
of 900m or
higher**

**Land with an
average slope
of 30° or
greater**

4. methods proposed to monitor or inspect the works undertaken; and
5. the ability to apply a management plan approach to the works and the content of any management plan; and
6. the timing of works to minimise adverse effects on significant indigenous species.

Activity status where compliance not achieved with PER-2 and the clearance is outside a SNA Significant Natural Area: Restricted Discretionary²⁴⁶

Matters of discretion are restricted to:

1. whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity²⁴⁷; and
2. the condition and character of the indigenous vegetation; and
3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species; and
4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance of indigenous vegetation; and
5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka values; and
6. whether species diversity would be adversely impacted by the proposal; and
7. the role the indigenous vegetation plays in providing a

²⁴¹ **Schedule 1, cl16(2)**

²⁴² Clause 10(2)(b) relating to Forest and Bird [156.5]

²⁴³ Clause 10(2)(b) relating to Federated Farmers [182.117]

²⁴⁶ Alliance Group [173.58]

²⁴⁷ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

		<p><u>buffer to effects or an ecological corridor; and</u></p> <p>8. <u>any potential for mitigation or compensation of adverse effects on biodiversity values; and</u></p> <p>9. <u>the economic effects on the landholder of the retention of the vegetation; and</u></p> <p>10. <u>any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and</u></p> <p>11. <u>the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and</u></p> <p>12. <u>any benefits that the activity provides to the local community and beyond; and</u></p> <p>13. <u>where the clearance is within a riparian margin:²⁴⁸</u></p> <p>a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u></p> <p>b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u></p> <p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to</u></p>
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²⁴⁸ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

		<p><u>infrastructure an operational need,²⁴⁹ for the activity to locate in a riparian margin.</u></p> <p><u>Activity status where compliance is not achieved with PER-2 and the clearance is within a SNA Significant Natural Area: Non-complying</u></p>
ECO-R3	Clearance of indigenous vegetation associated with the National Grid or electricity distribution network²⁵⁰	
<p>1. Significant Natural Areas Overlay</p> <p><u>Within 50m of any wetland Riparian margins (excluding a river that is a High Naturalness WaterbodyB)²⁵¹</u></p> <p><u>In the Coastal Environment Area Overlay²⁵² within 20m of Mean High Water Springs²⁵³</u></p> <p><u>Within 20m of the bank of any waterbody²⁵⁴</u></p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance <u>of indigenous vegetation</u> is to provide for the operation, maintenance or repair of the National Grid or electricity distribution network²⁵⁵, including maintenance of existing access to National Grid support structures; and</p> <p>PER-2 The vegetation clearance is carried out by or on behalf of Transpower New Zealand Limited or Alpine Energy Limited²⁵⁶.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 3. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 4. the necessity for the clearance and any alternate options that have been considered; and 5. the mitigation measures proposed to ensure that the values of the SNA are protected as far as practicable; and <p><u>X. any adverse effects on the coastal environment; and</u></p> <ol style="list-style-type: none"> 6. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 7. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 8. methods proposed to monitor or inspect the works undertaken; and 9. the ability to apply a management plan approach to the works and the content of any management plan; and

²⁴⁹ Transpower [159.78]

²⁵⁰ Alpine Energy [55.5]

²⁵¹ Clause 10(2)(b) relating to Federated Farmers [182.117]

²⁵² Schedule 1, cl16(2)

²⁵³ Clause 10(2)(b) relating to Forest and Bird [156.5]

²⁵⁴ Clause 10(2)(b) relating to Federated Farmers [182.117]

²⁵⁵ Alpine Energy [55.5]

²⁵⁶ Alpine Energy [55.5]

<p>Land with an average slope of 30° or greater</p>		<p>10. the timing of works to minimise adverse effects on significant indigenous species; and</p> <p>11. <u>where the clearance is within a riparian margin:</u>²⁵⁷</p> <ul style="list-style-type: none"> a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u> d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u> e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u> f. <u>whether there is a functional need, or in relation to infrastructure an operational need,</u>²⁵⁸ <u>for the activity to locate in a riparian margin.</u> <p>Activity status where compliance not achieved with PER-2: Non-complying</p>
<p><u>2. Riparian margins of a High Naturalness Waterbody</u>²⁵⁹</p>	<p>Activity status: Discretionary</p>	<p>Activity status where compliance not achieved: Not applicable</p>

²⁵⁷ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

²⁵⁸ Transpower [159.78]

²⁵⁹ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

ECO-R4	Clearance of trees in the Long-Tailed Bat Habitat ²⁶⁰ Protection Area <u>Overlay</u>	
<p>Long-Tailed Bat Habitat²⁶¹ Protection Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The trees being cleared:</p> <ol style="list-style-type: none"> 3. were planted for timber production (plantation forest and woodlots); or 4. are within a domestic garden; or 5. are causing an imminent danger to human life, structures, or <u>network</u> utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or <p>PER-2 The tree is:</p> <ol style="list-style-type: none"> 2. a native tree with a trunk circumference of less than 31.5cm, when measured at 1.5m above ground level; or 3. an exotic tree, excluding willow, with a trunk circumference of less than 70cm, when measured at 1.5m above ground level <u>greater</u>²⁶²; or 4. any willow tree with a trunk circumference of less than 120cm, when measured at 1.5m above ground level; <u>or</u> <p>PER-3 <u>Where PER-1 and PER-2 are not complied with, and:</u></p> <ol style="list-style-type: none"> 1. the trees being cleared present a risk to the integrity of the public flood or erosion protection schemes administered by the CRC Regional Council; and 	<p>Activity status when compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 2. whether, upon specialist assessment by a suitably qualified <u>and experienced expert ecologist, or demonstrated (which may be supported through use of an automatic bat monitor)</u>,²⁶⁴ the tree/s proposed to be removed is habitat for long-tailed bats; and 3. the extent to which the removal of tree/s would impact on the ability of the long-tailed bat habitat²⁶⁵ protection area to provide for the habitat needs of the bats; and 4. the extent to which the long-tailed bat habitat²⁶⁶ protection area has been previously modified by the removal of bat habitat; <u>and</u> 5. the reasons for removal of the tree and any alternatives considered; and 6. any measures to avoid or mitigate the adverse effects.

²⁶⁰ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

²⁶¹ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

²⁶² Clause 16

²⁶⁴ Port Blakely [94.8], Zolve [164.2]

²⁶⁵ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

²⁶⁶ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

	<p>2. The works are completed by the CRC Regional Council or an agent authorised by the CRC Regional Council; and</p> <p>3. The works are assessed as being consistent with the Department of Conservation's Bat Roost Protocols (October 2024) by a suitably qualified and experienced expert; and</p> <p>4. A written record of the assessment under PER-3.3, is provided to Timaru District Council and the Department of Conservation 10 working days prior to carrying out the works.²⁶³</p>	
ECO-R5	Earthworks in a Significant Natural Area (except as provided for ECO-R-46 for restoration or enhancement of a Significant Natural Area) ²⁶⁷	
Significant Natural Areas Overlay	<p>Activity status: Permitted Restricted discretionary²⁶⁸</p> <p>Where:</p> <p>RDISPER-1</p> <p>The earthworks are within 2m, and <u>are required for the purpose of</u>²⁶⁹ the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or <u>network</u> utilities.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>²⁷⁰</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and 2. the necessity for the earthworks and any alternate 	<p>Activity status when <u>re</u> compliance not achieved with PER-1: Restricted discretionary²⁷¹</p> <p>Where:</p> <p>DIS-1</p> <p>The earthworks are to provide for activities associated with the National Grid and are carried out by or on behalf of Transpower New Zealand Limited; or</p> <p>DIS-2</p> <p>The earthworks are for flood protection works and are carried out solely by the CRC Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p> <p>Activity status when <u>re</u> compliance not achieved with DIS-1 or DIS-2: Non-complying</p>

²⁶³ ECan [183.79] - Summary of Evidence Statement of Jolene Irvine

²⁶⁷ Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

²⁶⁸ Transpower [159.73], Federated Farmers [182.109]

²⁶⁹ Speaking notes of Forest & Bird, para 32

²⁷⁰ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²⁷¹ Forest and Bird [156.113], Federated Farmers [182.109]

	<p>options that have been considered</p> <ol style="list-style-type: none"> 3. the mitigation measures proposed to ensure that the values of the SNA are maintained; and 4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species. 	
<u>ECO-R-16</u>	<u>Clearance of indigenous vegetation and earthworks in a Significant Natural Area associated with the restoration or enhancement of the Significant Natural Area²⁷²</u>	

²⁷² Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

<p>Significant Natural Areas Overlay</p>	<p>Activity status: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. <u>the extent to which the values of the SNA Significant Natural Area will be restored or enhanced as part of the overall project; and</u> 2. <u>the necessity for the clearance or earthworks and any alternate options that have been considered; and</u> 3. <u>the mitigation measures proposed to ensure that the values of the SNA are protected; and</u> 4. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and</u> 5. <u>methods proposed to monitor or inspect the works undertaken; and</u> 6. <u>the ability to apply a management plan approach to the works and the content of any management plan; and</u> 7. <u>the timing of works to minimise adverse effects on significant indigenous species.</u> 	<p>Activity status where compliance not achieved: Not Applicable</p>
<p>ECO-R6 Subdivision of land containing a Significant Natural Area</p>		
<p>Sites containing a Significant Natural Areas Overlay</p>	<p>Activity Status: Discretionary</p>	<p>Activity status where compliance not achieved: Not Applicable</p>
<p>ECO-R7 Planting of potential pest species</p>		
<p>All Zones</p>	<p>Activity status: Non-complying</p> <p>Where:</p> <p>NC-1 The planting involves any of the following species:</p> <ol style="list-style-type: none"> 3. <i>Acer pseudoplatanus</i> (sycamore) 4. <i>Ammophila arenaria</i> (marram) 5. <i>Berberis glaucocarpa</i> (barberry) 6. <i>Buddleja davidii</i> (buddleia) 7. <i>Cotoneaster simonsii</i> (Khasia berry) 8. <i>Crataegus monoqyna</i> (hawthorn) 9. <i>Erica lusitanica</i> (Spanish heath) 10. <i>Fraxinus excelsior</i> (Ash) 11. <i>Glechoma hederacea</i> (ground ivy) 	<p>Activity status where compliance not achieved: Not Applicable</p>

12. *Ilex aquifolium* (holly)
13. *Salix cinerea* (grey willow)
14. *Betula pendula* (Silver birch)
15. *Ribes sanguineum* (Red-flowering currant)
16. *Dryopteris filix-mas* (Male fern)
17. *Populus alba* (White poplar)
18. *Sorbus aucuparia* (rowan)
19. *Cotoneaster franchetii*;
r. *Cotoneaster glaucophyllus*;
s. *Cotoneaster lacteus*;
t. *Cotoneaster microphylla*²⁷³ ; or

NC-2

The planting is undertaken above 300m **asl above sea level**²⁷⁴ and involves any of the following species:

4. *Lupinus arboreus* (tree lupin); or
5. *Lupinus polyphyllus* (Russell lupin);
or
6. *Salix fragilis* (crack willow);
~~7. *Sorbus aucuparia* (rowan).~~²⁷⁵

Note: Reference should also be made to species included in the Canterbury Regional Pest Management Plan. Under sections 52 and 53 of the Biosecurity Act 1993, any person is prevented from selling, propagating or distributing any pest species listed in that Plan.

²⁷³ Frank, H [90.10]

²⁷⁴ **Schedule 1, cl16(2)**

²⁷⁵ Frank, H [90.10]

COASTAL ENVIRONMENT

Introduction

Timaru District's coastal environment is generally a narrow margin of land that lies between the coastal marine area (CMA) and the farmed hinterlands and is identified by the Coastal Environment Area Overlay on the planning map.²⁷⁶ 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 Overlay contains several waterbodies and wetlands including the Rakitata/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 Overlay.

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.~~²⁷⁷

~~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 hazard²⁷⁸ specific provisions are provided for the Port Zone. No other natural hazard provisions apply~~

²⁷⁶ Clause 16(2)

²⁷⁷ Clause 16(2) as part of merging the natural hazards provisions into the Natural Hazards chapter

²⁷⁸ Clause 16(2)

~~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.~~^{279 280}

~~The provisions of other chapters in this District Plan also apply to the Coastal Environment. For example, identified Significant Natural Areas (SNAs) and the indigenous biodiversity clearance protection of indigenous biodiversity in the coastal environment are addressed in the Ecosystems and Indigenous Biodiversity Chapter. ONLs and ONFs in the coastal environment are addressed in the Natural Features and Landscapes Chapter. SASMs located in the coastal environment are addressed in the Sites and Areas of Significance to Māori SASM Chapter.~~²⁸¹

~~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.~~²⁸²²⁸³

~~Activities within the CMA coastal marine area, i.e. below mean high water springs, are within the jurisdiction of the CRC 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 CRC 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 CRC Canterbury Regional Council and the Council and may require resource consent from the CRC Canterbury Regional Council.~~²⁸⁴

~~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.~~²⁸⁵²⁸⁶

Objectives	
CE-O1	Coastal natural character
The natural character of Timaru's Coastal Environment is preserved and protected from inappropriate subdivision, use and development, while enabling people and communities to provide for their social, economic and cultural wellbeing and their health and safety.	
CE-O2	Quality of the Coastal Environment
The quality of the Coastal Environment is maintained and/or enhanced, while providing for safe access in appropriate locations to ensure that the public can enjoy the coastal environment.	
CE-O3	Kāti Huirapa values
The relationship of mana whenua / Kāti Huirapa with, and their cultural values, traditions and ancestral lands and waters in, the coastal environment are recognised and provided for and Kāti Huirapa are able to exercise kaitiakitaka and rakatirataka in accordance with MW2.2.5. ²⁸⁷	

²⁷⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

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

²⁸¹ ECan [183.107] and ECan [183.110]

²⁸² Connexa [176.60], Spark [208.60], Chorus [209.60] and Vodafone [210.60] and the evidence of Mr Anderson dated 9 April (paragraph 17)

²⁸³ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁸⁴ ECan [183.130], [183.131] and the evidence of Ms Irvine dated 9 April, paragraphs 52 to 61.

²⁸⁵ Clause 16(2)

²⁸⁶ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁸⁷ Te Rūnanga o Ngāi Tahu [185.42]

CE-04	Coastal hazards
People, buildings and structures are protected from unacceptable risks arising from coastal hazards, including those exacerbated by climate change. ^{288 289}	
CE-05	Natural defences features and buffers²⁹⁰
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 <u>hard engineering natural hazard mitigation works</u> , ²⁹¹ wherever appropriate. ^{292 293}	
CE-064	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. ²⁹⁴	
CE-07	Adaptive management at the Port within the Port Zone²⁹⁵
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. ²⁹⁶	
CE-085	Regionally Significant Infrastructure and Lifeline Utilities²⁹⁷
The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities are managed in accordance with EI-02.	

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 ²⁹⁸ 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-P53 below and describe these in SCHED14 - Schedule of attributes/qualities of Coastal High Natural Character areas.	
CE-P3	Identifying coastal hazards

²⁸⁸ Forest and Bird [156.145], Dir. General Conservation [166.101] and ECan [183.114].

²⁸⁹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁹⁰ Forest and Bird [156.146], Dir. General Conservation [166.102]

²⁹¹ Clause 16(2)

²⁹² Forest and Bird [156.146], Dir. General Conservation [166.102]

²⁹³ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁹⁴ Silver Fern Farms [172.80]

²⁹⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

²⁹⁶ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁹⁷ KiwiRail [187.68]

²⁹⁸ Forest and Bird [156.150]

~~Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,²⁹⁹ 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.³⁰⁰~~

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

~~Protect, and maintain, restore or enhance natural defences where appropriate, including natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation.^{301,302}~~

CE-P53 **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.³⁰³

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-P64 **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.

²⁹⁹ Dir. General Conservation [166.108] and Forest and Bird [156.151]

³⁰⁰ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³⁰¹ Forest and Bird [156.152], Dir. General Conservation [166.109] and ECan [183.118]

³⁰² Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³⁰³ Forest and Bird [156.153]

CE-P75	Restoration or rehabilitation of natural character
<p>Enable Promote and encourage <u>the</u> restoration or rehabilitation of the coastal natural character of the coastal environment and require consideration of opportunities for <u>restoration or rehabilitation enhancement</u> where a proposal has an adverse effect on coastal natural character qualities.³⁰⁴</p>	
CE-P86	Maintain and/or enhance the quality of the coastal environment
<p>Outside of urban <u>zoned</u> areas, enable <u>ensure</u>³⁰⁵ 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:</p> <ol style="list-style-type: none"> 1. expansive views of the <u>CMA coastal marine area</u> 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 <u>CMA coastal marine area</u>; 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. <u>the attributes/ values that are identified in any overlay relating to the site.</u>³⁰⁶ 	
CE-P97	Anticipated activities
<p>Enable <u>Provide for</u>³⁰⁷ activities that are of a scale and type that:</p> <ol style="list-style-type: none"> 1. will maintain the coastal natural character qualities identified in CE-P86; or 2. if located within urban <u>zoned</u>³⁰⁸ areas, are consistent with the anticipated qualities of the applicable zone. 	
CE-P108	Preserving the natural character of the coastal <u>environment</u>
<p>Enable Manage³⁰⁹ subdivision, use and development outside of areas of coastal high natural character <u>so that:</u></p> <ol style="list-style-type: none"> 1. <u>it</u> avoids significant adverse effects; and 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"> a. in rural zoned areas, <u>rural industry, buildings and structures for non-intensive</u>³¹⁰ primary production³¹² and residential activities may be appropriate depending on their size, scale and nature <u>and proximity to areas of High Natural Character;</u>³¹³ <u>and</u> b. for existing urban <u>zoned</u>³¹⁴ areas, development will likely be appropriate where it is consistent with the anticipated character and qualities of the zone; and c. for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure; <u>and</u> 	

³⁰⁴ Forest and Bird [156.155]

³⁰⁵ ECan [183.122]

³⁰⁶ Te Rūnanga o Ngāi Tahu [185.45]

³⁰⁷ ECan [183.123]

³⁰⁸ Silver Fern Farms [172.85]

³⁰⁹ ECan [183.124]

³¹⁰ Fonterra [165.90]

³¹¹ Fernlea Farms [171.21]

³¹² Hort NZ [245.74]

³¹³ Fonterra [165.90] and HortNZ [245.74]

³¹⁴ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

~~3. adverse effects of regionally significant infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and EI-PX5 Managing the effects of the National Grid.³¹⁵~~

CE-P119 ~~Preserve the natural character qualities of areas with Coastal High Natural Character~~

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

- ~~1. for infrastructure, the development is in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure and National Grid activities are in accordance with EI-PX5 Managing the effects of the National Grid,³¹⁶ and~~
- ~~2. for other activities:

 - ~~a. the activity avoids significant adverse effects on the identified natural character qualities of the Coastal High Natural Character Area Overlay,³¹⁷ and~~
 - ~~b. avoids, remedies or mitigates all other adverse effects on the identified natural character qualities; and~~
 - ~~c. demonstrates that it is appropriate by ensuring that the area of Coastal High Natural Character continues to:~~
 - ~~d. i.³¹⁸ recognise and provide for the on-going natural physical processes that have created the Coastal Environment; and~~
 - ~~ii. retain the integrity of landforms and geological features; and~~
 - ~~iii. retain a sense of remoteness and wildness; and~~
 - ~~iv. retain areas of indigenous vegetation, and enhance these where possible; and~~
 - ~~v. recognise river mouths and lagoons as important breeding, feeding and resting places for wetland and coastal birds, including waders.~~~~

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

- ~~1. In non urban zoned³¹⁹ areas, avoid subdivision, use and development within the Coastal Erosion Overlay and Sea Water Inundation Overlay where there is a new or increased risk of loss of life, or significant damage to structures or property;~~
- ~~2. Within existing urban zoned³²⁰ areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.³²¹~~

CE-P13 ~~Regionally Significant Infrastructure in coastal hazard areas~~

~~Only allow Regionally Significant Infrastructure, including the Port of Timaru,³²² in areas subject to coastal hazards where:~~

- ~~a. there is a functional or operational need for it to locate there; and~~
- ~~b. It will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.³²³~~

³¹⁵ Transpower [159.84]

³¹⁶ Change arising from recommendations in the EI, TRAN and DWP S42A Report (paragraph 6.26.14) in response to Transpower [159.36]

³¹⁷ Silver Fern Farms [172.86] and Alliance Group [173.97]

³¹⁸ Clause 16(2)

³¹⁹ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

³²⁰ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

³²¹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³²² PrimePort [175 - various] and Timaru District Holdings [186 - various]

³²³ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

CE-P14 **Hard engineering natural hazard mitigation works³²⁴ within the Coastal Environment**

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

1. ~~soft engineering measures would not provide an appropriate level of protection and it can be demonstrated that there are no other reasonable alternatives;~~
2. ~~the construction of hard engineering measures will not increase the risk from coastal hazards on adjacent properties that are not protected by the hard engineering measures;~~
3. ~~where managed retreat has not been adopted and there is an immediate a demonstrated clear³²⁵ risk to life or property from the natural hazard;~~
4. ~~it minimises avoids³²⁶ the modification or alteration of natural defences and systems in a way that would compromise their function as natural defences; and~~
5. ~~other significant adverse effects on natural defences and systems from those measures are avoided, and any other non significant³²⁷ adverse effects are avoided, remedied or mitigated.³²⁸~~

CE-P15 **PORTZ Port Zone³²⁹**

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.³³⁰~~

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.³³¹*

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 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

³²⁴ Clause 16(2)

³²⁵ Tosh Prodanov [117.3],

³²⁶ Silver Fern Farms [172.88]

³²⁷ Silver Fern Farms [172.88]

³²⁸ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³²⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

³³⁰ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³³¹ Panel Decision Report, Part 1, Section 4.3

do not cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.³³²³³³

For the purposes of CE R9 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.³³⁴³³⁵

CE-R1		
Amenity planting and horticultural planting		
1 Coastal Environment Area Overlay	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
2 Coastal High Natural Character Area Overlay	Activity status: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse impacts on the identified matters contained in CE-P4 , CE-P53, CE-P64, CE-P75, CE-P86, CE-P108 and CE-P119. 2. Any effects on natural character matters in NFL-P4 or NFL-P5	Activity status when compliance not achieved: Not applicable
CE-R2		
Plantation Commercial forestry		
1 Coastal Environment Area Overlay	Activity status: Permitted Restricted Discretionary Matters of discretion are restricted to: <u>1. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P108 and CE-P119.</u> ³³⁶ <u>2. Any effects on ecosystems and indigenous biodiversity.</u> <u>3. Any effects on natural character matters in NFL-P4 or NFL-P5</u>	Activity status when compliance not achieved: Not applicable
2 Coastal High Natural Character Area Overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
CE-R3		
Planting of trees and/or vegetation for conservation, restoration, natural hazard mitigation works or enhancement purposes		
Coastal Environment Area Overlay	Activity status: Permitted Where:	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to:

³³² PrimePort [175 - various] and Timaru District Holdings [186 - various]

³³³ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³³⁴ ECan [183.128]

³³⁵ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³³⁶ Forest and Bird [156.163]

	<p>PER-1 With the exception of natural hazard mitigation works, the planting is limited to indigenous species.</p>	<ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P108 and CE-P119. Any effects on natural character matters in NFL-P4 or NFL-P5
CE-R4	Buildings and structures and extensions (excluding Regionally Significant Infrastructure and fences)	
1 Coastal Environment Area Overlay in Urban Zoned Areas ³³⁷	<p>Activity status: Permitted</p>	Activity status when compliance not achieved with: Not applicable
2 Coastal Environment Area Overlay outside of Urban Zoned Areas ³³⁸	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure does not exceed 150m² in area and there are no more than 3 new buildings per property over 10 years from when the plan becomes operative; and</p> <p>PER-2 CE-S1, CE-S2, CE-S3 are complied with.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86 and CE-P108; and the extent to which the building or structure will result in adverse cumulative effects; and the extent to which the building or structure has a functional need or operational need for its location. Any effects on natural character matters in NFL-P4 or NFL-P5. <p>Activity status when compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the matters of discretion of any infringed standard.
3 Coastal High Natural Character Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any extension to an existing building or structure <u>or a new building or structure</u> does not exceed 10m² in area, and</p> <p>PER-2</p>	<p>Activity status when compliance not achieved: Non-complying Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 <u>Any extension to an existing building or structure or a new building or structure</u> does not exceed 150m² in area.³⁴⁰ Any effects on natural character matters in NFL-P4 or NFL-P5</p>

³³⁷ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

³³⁸ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

³⁴⁰ Fenlea Farms [171.23]

	A new building or structure does not exceed 10m ² in area. ³³⁹	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1.any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86 and CE-P109; and 2.the extent to which the building or structure will result in adverse cumulative effects; and 3.the extent to which the building or structure has a functional need or operational need for its location.³⁴¹ <p>Activity status when compliance not achieved with RDIS-1: Non-complying</p>
4 Sea Water Inundation Overlay within urban areas	<p>Activity status: Permitted³⁴² Where:</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</p> <p>PER-3 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1; or</p> <p>PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.</p>	<p>Activity status when compliance not achieved: Restricted-Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the building includes natural hazard mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; 3. the extent to which the building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the extent to which the proposal requires any increased reliance on emergency services.
5 Sea Water Inundation Overlay outside of urban areas	<p>Activity status: Permitted³⁴³</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of</p>	<p>Activity status when compliance not achieved: Non-complying</p>

³³⁹ Clause 16(2)

³⁴¹ Fenlea Farms [171.23]

³⁴² Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

³⁴³ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

	<p>25m² in any continuous 10-year period from 22 September 2022; or</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or</p> <p>PER-3 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.</p>	
<p>6 Coastal Erosion Overlay</p>	<p>Activity status: Restricted Discretionary³⁴⁴</p> <p>Where</p> <p>RDIS-1 The activity includes an addition to an existing building or structure only; and</p> <p>RDIS-2 The extension has a maximum floor area of 25m² established in any continuous 10-year period from 22 September 2022; or</p> <p>RDIS-3 The extension is not to accommodate a natural hazard sensitive activity.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the building includes hazard mitigation; 3. the extent to which the building has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent of any adverse effects on the amenity values of the coastal environment; and 7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works. 	<p>Activity status where compliance not achieved: Non-complying</p>

³⁴⁴ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

CE-RX	Natural Hazard Sensitive Buildings^{345 346}	
<p>4-1 Sea Water Inundation Overlay within urban zoned³⁴⁷ areas</p>	<p>Activity status: Permitted Where:</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or³⁴⁸</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or³⁴⁹</p> <p>PER-3-1 The building or extension <u>natural hazard sensitive building³⁵⁰</u> has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment³⁵¹ Certificate issued in accordance with NH-S1; or</p> <p>PER-4 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.³⁵²</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the extent to which³⁵³ the building includes natural hazard mitigation such as raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; 3. the extent to which the building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the extent to which the proposal requires any increased reliance on emergency services; and 8. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.</u>³⁵⁴
<p>5-2 Sea Water Inundation Overlay outside</p>	<p>Activity status: Permitted Where:</p> <p>PER-1 The new building or extension has a maximum ground floor area per site of 25m² in any</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p>

³⁴⁵ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

³⁴⁶ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³⁴⁷ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

³⁴⁸ Simo Enterprises [148.30] and Fenlea Farms [171.23]

³⁴⁹ Fenlea Farms [171.23]

³⁵⁰ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

³⁵¹ ECan [183.26]

³⁵² ECan [183.125]

³⁵³ Clause 16(2)

³⁵⁴ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<p>of urban zoned³⁵⁵ areas</p>	<p>continuous 10-year period from 22-September 2022; or³⁵⁶</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or³⁵⁷</p> <p>PER-3_1 The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment³⁵⁸ Certificate issued in accordance with NH-S1; and</p> <p>PER-2 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.³⁵⁹</p>	<ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. 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; 3. the extent to which the building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the extent to which the proposal requires any increased reliance on emergency services. <p>Activity status when compliance not achieved with PER-2: Non-complying</p>
<p>6.3 Coastal Erosion Overlay</p>	<p>Activity status: Restricted-Discretionary</p> <p>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.³⁶⁰</p> <p>Where</p> <p>RDIS-1 The activity is an addition or extension³⁶¹ to an existing building or structure only; and</p> <p>RDIS-2 The addition or extension has a maximum floor area of <u>30³⁶²25m²</u> established in any continuous 10-year period from 22-September 2022 [insert date Plan becomes operative];³⁶³ or</p>	<p>Activity status where compliance not achieved: Non-complying</p>

³⁵⁵ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

³⁵⁶ Simo Enterprises [148.30] and Fenlea Farms [171.23]

³⁵⁷ Fenlea Farms [171.23]

³⁵⁸ ECan [183.26]

³⁵⁹ ECan [183.125]

³⁶⁰ The New Zealand Defence Force [151.15]

³⁶¹ Clause 16(2)

³⁶² ECan [183.125]

³⁶³ ECan [183.125]

	<p>RDIS-3 The extension is not to accommodate a natural hazard sensitive activity.³⁶⁴</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the building includes hazard mitigation; 3. the extent to which the building has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent of any adverse effects on the amenity values of the coastal environment; and 7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works. 8. <u>The risk to the building or structure taking into account:</u> <ol style="list-style-type: none"> a. <u>The nature of the building, including its materials and ability to be relocated;</u> b. <u>The anticipated lifespan of the building, structure or activity</u> c. <u>The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer term period.</u>³⁶⁵ 	
CE-R5	<p>Earthworks, excluding:</p> <ol style="list-style-type: none"> 1. earthworks for natural hazard mitigation works; and 2. any land disturbance; <u>and</u> 3. earthworks for access tracks for network utilities under CE-R46.³⁶⁶ 	
Coastal High Natural Character Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 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</u></p>	<p>Activity status when compliance not achieved: Discretionary</p>

³⁶⁴ Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)

³⁶⁵ ECan [183.109]

³⁶⁶ Forest and Bird [156.66]

	<p>located within 2m of the fence line, road or track;³⁶⁷ or</p> <p>PER-2 The earthworks are for the purpose of installation of underground network utilities and ancillary structures;³⁶⁸ or</p> <p>PER-3 Any other earthworks do not exceed the following quantum <u>per calendar year</u>:³⁶⁹</p> <ol style="list-style-type: none"> 100m³ within the area of the site located within the Coastal High Natural Character Area Overlay;² or 100m² within the area of the site located within the Coastal High Natural Character Area Overlay. 	
CE-R66	Vehicle access tracks for network utilities, including ancillary access tracks, outside of urban zoned areas ³⁷⁰	
1 Coastal Environment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vehicle access track is not wider than 4m.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of Discretion for PER-1 are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P97 and CE-P108. Any effects on natural character matters in NFL-P4 or NFL-P5
2 Coastal High Natural Character Area Overlay	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The vehicle access track is located within the Coastal High Natural Character Area Overlay.</p> <p>Matters of Discretion for RDIS-1 are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, and CE-P119. Any effects on natural character matters in NFL-P4 or NFL-P5 	<p>Activity status when compliance not achieved: Not applicable</p>
CE-R67	Land disturbance	

³⁶⁷ Forest and Bird [156.165]

³⁶⁸ Forest and Bird [156.165]

³⁶⁹ Silver Fern Farms [172.90]

³⁷⁰ Forest and Bird [156.66]

<p>Coastal Environment Area Overlay</p> <p>-</p> <p>Coastal Erosion Overlay</p> <p>-</p> <p>Coastal High Natural Character Area Overlay</p> <p>-</p> <p>Sea Water Inundation Overlay³⁷⁴</p>	<p>Activity status: Permitted</p> <p>-</p>	<p>Activity status when compliance not achieved with: Not applicable</p>
<p>CE-R78</p>	<p>Regionally Significant Infrastructure - maintenance and upgrade</p> <p>Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ11 and CE-RA12^{372,373}</p>	
<p>1</p> <p>Coastal Erosion overlay</p> <p>Sea Water Inundation Overlay</p>	<p>Activity status: Permitted³⁷⁴</p> <p>Where:</p> <p>PER-1 A new building or building extension is located outside of the Coastal Erosion Overlay and has a collective maximum additional³⁷⁶ ground floor area per site of 200m² in any continuous 10-year period from 22 September 2022 <u>[insert plan operative date]</u>³⁷⁷; or</p> <p>PER-2 Any upgrading does not increase the building or structure coverage by more than 10% within a continuous 10-year period from 22 September 2022 <u>[insert plan operative date]</u>³⁷⁸; or</p> <p>PER-3 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building activity³⁷⁹; or</p> <p>PER-4</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any 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. <u>The risk to the building or structure taking into account:</u> <ol style="list-style-type: none"> a. <u>The nature of the building, structure or activity, including its materials and ability to be relocated;</u> b. <u>The anticipated lifespan of the building, structure or activity</u>

³⁷¹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

³⁷² Forest and Bird [156.73] [156.74]

³⁷³ Panel Decision Report, Part 4, Section 5.29.

³⁷⁴ Clause 16(2) – shifted into NH-R5 as part of the coastal natural hazards merge into the Natural Hazards chapter

³⁷⁵ ECan [183.126]

³⁷⁶ Clause 16(2)

³⁷⁷ ECan [183.126]

³⁷⁸ ECan [183.126]

³⁷⁹ Clause 16(2)

	<p>The building or extension is located outside of the Coastal Erosion Overlay and³⁸⁰ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment³⁸¹ Certificate issued in accordance with NH S1.</p> <p>PER-5 That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.³⁸²</p>	<p><u>e. 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>³⁸²</p>
<p>2-1 Coastal Environment Area Overlay outside of urban zoned areas</p>	<p>Activity status: Permitted³⁸⁴</p> <p>Where:</p> <p>PER-1 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 1,000m².</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, and CE-P108; 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. 4. Any effects on natural character matters in NFL-P4 or NFL-P5
<p>2-3 Coastal High Natural Character Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any upgrading does not increase the building or structure envelope by more than 10% within a continuous 10-year period, up to a maximum of 200m².³⁸⁵</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P10³⁸⁶ and CE-P119; 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. 4. Any effects on natural character matters in NFL-P4 or NFL-P5

³⁸⁰ ECan [183.126]

³⁸¹ ECan [183.26]

³⁸² ECan [183.126], [183.125]

³⁸³ ECan [183.109], [183.126]

³⁸⁴ Forest and Bird [156.167]

³⁸⁵ Forest and Bird [156.167]

³⁸⁶ Clause 16(2)

CE-R89	Regionally Significant Infrastructure – New Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ11 and CE-RA12^{387, 388}	
1 Coastal Erosion Overlay³⁸⁹ Sea Water Inundation Overlay	Activity status: Permitted³⁹⁰ 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] ³⁹¹ ; or PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building activity ³⁹² ; 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 Assessment ³⁹³ 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. ³⁹⁴	Activity status when compliance not achieved: Discretionary
2 Coastal Erosion Overlay³⁹⁵	Activity status: RDIS Permitted^{396 397 398} Where: Except that this shall not apply to: 1. Community land drainage infrastructure; 2. Established community scale irrigation and stockwater infrastructure; or	Activity status: Not applicable Restricted Discretionary Matters of discretion are restricted to: 1. Whether there is an operational or functional need for the location; 2. The risk to the building or structure taking into account;

³⁸⁷ Forest and Bird [156.73] [156.74]

³⁸⁸ Panel Decision Report, Part 4, section 5.29.

³⁸⁹ ECan [183.126]

³⁹⁰ Clause 16(2) - shifted to NH-R6 as NH-R6.2.as part of the natural hazards provisions merging

³⁹¹ ECan [183.127]

³⁹² Clause 16(2)

³⁹³ ECan [183.26]

³⁹⁴ ECan [183.127], [183.126], [183.125]

³⁹⁵ ECan [183.126]

³⁹⁶ ECan [183.126]

³⁹⁷ 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

³⁹⁸ Clause 16(2) - shifted to NH-R6 as NH-R6.3.as part of the coastal natural hazards provisions merge

	<p>3. Any building or structure that has a footprint less than 30m².</p> <p>PER 1 The work, building or structure is for: 1. Community land drainage infrastructure; 2. Established community scale irrigation and stockwater infrastructure; or</p> <p>PER 2 Any building or structure that has a footprint less than 30m².</p>	<p>a. The nature of the building, structure or activity, including its materials and ability to be relocated;</p> <p>b. The anticipated lifespan of the building, structure or activity</p> <p>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.³⁹⁹</p>
<p>3-1 Coastal Environment Area Overlay outside of urban zoned areas</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any upgrading does not increase the building or structure envelope by more than 200m² within a continuous 10-year period.</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86 and CE-P108; 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. Any effects on natural character matters in NFL-P4 or NFL-P5
<p>2-4 2 Coastal High Natural Character Area Overlay</p>	<p>Activity status: Discretionary</p>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>CE-R9⁴⁰⁰</p>	<p>Natural hazard mitigation works, including associated⁴⁰¹ earthworks and incidental vegetation removal⁴⁰²; maintenance, replacement and upgrading⁴⁰³</p> <p>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation⁴⁰⁴</p>	
<p>1 Coastal Environment Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER 1</p>	<p>Activity status where compliance not achieved with PER 1 PER 5: Restricted Discretionary</p> <p>Where</p> <p>RDIS 1⁴¹²</p>

³⁹⁹ ECan [183.109]

⁴⁰⁰ Clause 16(2) – merged with NH-R3.1 and NH-R3.2 as part of natural hazards merge

⁴⁰¹ Clause 16(2)

⁴⁰² Clause 16(2) to align with NH-R3

⁴⁰³ ECan [183.128]

⁴⁰⁴ Clause 16(2)

⁴¹² ECan [183.128]

Sea Water Inundation Overlay⁴⁰⁵

The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; or⁴⁰⁶

PER-12

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; or⁴⁰⁷

PER-13

The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:

1. The natural hazard mitigation works is occur⁴⁰⁸ within 25m of the existing alignment or location vertically and horizontally of the existing natural hazard mitigation works;⁴⁰⁹ and
2. Does not increase The footprint of the existing⁴¹⁰ natural hazard mitigation works is not increased by more than 25%; and or

PER-34

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;⁴¹¹ or

PER-5

The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.

Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council;⁴¹³

or⁴¹³ b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.⁴¹⁴

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 significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;⁴¹⁵ and
3. any potential adverse effects of from⁴¹⁶ diverting or blocking overland flow path(s), including upstream and downstream flood risks; and
4. any increased flood risk for people, property, or public spaces; and
5. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and
6. any positive effects of the proposal on the community.
7. the extent to which the works will result in adverse cumulative effects; and
8. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and

⁴⁰⁵ ECan [183.128]

⁴⁰⁶ Clause 16(2)

⁴⁰⁷ ECan [183.128]

⁴⁰⁸ Clause 16(2)

⁴⁰⁹ Clause 16(2)

⁴¹⁰ Clause 16(2)

⁴¹¹ PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2)

⁴¹³ ECan [183.128]

⁴¹⁴ ECan [183.128], PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁴¹⁵ ECan [183.128]

⁴¹⁶ ECan [183.128]

		<p><u>9. the extent of any positive benefits that will result from the proposal;</u> and</p> <p><u>10. the extent to which the works have a functional need or operational need for its location;</u> and</p> <p><u>11. the matters set out in CE P14.</u>⁴⁴⁷</p> <p>Activity status where compliance not achieved with RDIS 1: Discretionary</p> <p>Activity status where compliance not achieved with PER 1, PER 2, PER 3, or PER 4: Restricted Discretionary</p> <p>Matters of discretion are restricted to: Those matters set out for PER 1 PER 5.</p>
<p><u>2 Coastal High Natural Character Area Overlay</u>⁴⁴⁸</p> <p><u>Coastal Erosion Overlay</u>⁴⁴⁹</p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS 1</u>⁴²⁰</p> <p><u>Any new natural hazard mitigation works are:</u></p> <p><u>a. established by or on behalf of the Crown, Regional Council, or the Council; or</u>⁴²¹</p> <p><u>b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7.</u>⁴²²</p> <p>Matters of discretion are restricted to: those matters set out for non-compliance with PER-1.⁴²³</p>	<p><u>Activity status where compliance is not achieved: Discretionary</u></p>
<p><u>CE-R1410</u></p>	<p><u>Quarrying/Mining / Quarrying</u>⁴²⁴ <u>Activities outside the beds of lakes and rivers and the coastal marine area and</u>⁴²⁵ <u>excluding for natural hazard mitigation works or reclamation within or adjacent to the PORTZ Port Zone</u></p>	
<p><u>1. Coastal Environment Area Overlay</u></p>	<p><u>Activity status: Permitted</u>⁴²⁶</p> <p><u>Where:</u></p> <p><u>PER-1</u></p>	<p><u>Activity status when compliance not achieved with PER-1 and the activity is a Quarrying activity: Restricted Discretionary</u></p>

⁴¹⁷ ECan [183.40]

⁴¹⁸ ECan [183.128]

⁴¹⁹ ECan [183.128]

⁴²⁰ ECan [183.128]

⁴²¹ ECan [183.128]

⁴²² PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁴²³ ECan [183.128]

⁴²⁴ Road Metals [169.32] and Fulton Hogan [170.32]

⁴²⁵ ECan [183.142]

⁴²⁶ Road Metals [169.32], Fulton Hogan [170.32] for all these changes

	<p>The activity is a farm quarry and is less than 500m².</p> <p><u>Note: Consent for mining and quarrying may be required from the CRC Canterbury Regional Council within the beds of lakes and rivers and the CMA coastal marine area.</u>⁴²⁷</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P97 and CE-P108; and the extent to which the works will result in adverse cumulative effects; and the extent to which the activity results in the enhancement of natural character. Any effects on natural character matters in NFL-P4 or NFL-P5 <p>Activity status when compliance not achieved with PER-1 and the activity is a Mining activity: Non-complying</p>
<p>Coastal Environment Area Overlay</p> <p>2. Coastal High Natural Character Area Overlay</p>	<p>Activity status: Non-complying</p>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>CE-R10 CE-R11⁴²⁸</p>	<p>Planting of trees and/or vegetation not listed in CE-R1, CE-R2 or CE-R3</p>	
<p>Coastal High Natural Character Area Overlay</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P10 and CE-P119. 	<p>Activity status when compliance not achieved: Not applicable</p>
<p>CE-R11 CE-R11</p> <p>SUB-RY</p>	<p>Subdivision within the Coastal Environment⁴²⁹</p>	
<p>1 Coastal Environment Area Overlay</p> <p>-</p>	<p>Activity status: Restricted Discretionary</p> <p><u>Where:</u></p> <p>RDIS-1 The site is not located within the Coastal High Natural Character Area Overlay.</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9⁴³⁰ and CE-P11; and 	<p>Activity status when compliance not achieved: Not applicable Discretionary</p> <p><u>Note: Where a resource consent is required as a Discretionary activity under RDIS-1,⁴³¹ future building platforms must be indicated in the application and will be registered on the Certificate Record of Titles of resulting new allotments.</u></p>

⁴²⁷ ECan [183.142]

⁴²⁸ **Schedule 1, Clause 16(2)**

⁴²⁹ Speirs, B [66.53], [66.45].

⁴³⁰ Clause 16(2) to address a policy omission

⁴³¹ Clause 16(2) for clarity

	2. the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects.	
2 Sea Water Inundation Overlay	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent to which the proposal results in an increased risk of economic, social or environmental harm; 2. whether the proposal includes hazard mitigation; 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the location of any proposed building that will accommodate a natural hazard sensitive activity. 	Activity status when compliance not achieved: Not applicable
3 Coastal High Natural Character Area Overlay	<p>Activity status: Discretionary</p> <p><i>Note: Future building platform must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.</i></p>	Activity status when compliance not achieved: Not applicable
4 Coastal Erosion Overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
CE-R12	Natural hazard mitigation works, including earthworks – New⁴³² <i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i>	
Coastal High Natural Character Area Overlay Coastal Erosion Overlay Sea Water Inundation Overlay	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The natural hazard mitigation works are undertaken by or on behalf of the Council, Crown or Regional Council; or</p> <p>RDIS-2 The works are undertaken by PrimePort and are within or adjacent to the Port Zone and are required to protect the ongoing operation of the Port.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE- 	Activity status when compliance not achieved: Non-complying

⁴³² ECan [183.128], [183.130]

	<p>P6, CE-P7, CE-P8, CE-P10 and CE-P11; and</p> <ol style="list-style-type: none"> 1. the extent to which the works will result in adverse cumulative effects; and 2. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and 3. the extent of any positive benefits that will result from the proposal; and 4. the extent to which the works have a functional need or operational need for its location. 	
CE- R131412⁴³³	Primary production not otherwise specified listed⁴³⁴ in this chapter	
Coastal High Natural Character Area Overlay	<p>Activity status: Discretionary</p> <p>Where:</p> <p>DIS-1 The activity does not involve irrigation or intensive primary production.</p>	Activity status when compliance not achieved: Non-complying
NH-RXX CE-RXX⁴³⁵	Natural Hazard Sensitive Buildings within the PORTZ Port Zone⁴³⁶	
Flood Assessment Area Overlay	Activity status: Permitted	Activity status where compliance is achieved: Restricted Discretionary
Sea Water Inundation Overlay	Where	Matters of discretion are restricted to:
Coastal Erosion Overlay⁴³⁷	<p>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</p> <p>PER-2 The building activity:⁴³⁸</p> <ol style="list-style-type: none"> 1. <u>complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> 2. <u>will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> 3. <u>the building has a footprint smaller than 100m²; or</u> 4. <u>the building is relocatable.</u> 	<ol style="list-style-type: none"> 1. <u>any increased flood risk for people, property, or public spaces; and</u> 2. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 3. <u>any operational need or functional need for the activity to be established in this location; and</u> 4. <u>any increased reliance on emergency services; and</u> 5. <u>any positive effects of the proposal.</u>
NH-RX	New buildings, structures and earthworks in the PORTZ Port Zone⁴⁴⁰	

⁴³³ Schedule 1, Clause 16(2)

⁴³⁴ Schedule 1, cl16(2)

⁴³⁵ Clause 16(2) change - deleted as part of the natural hazards merge as there is already a duplicate rule NH-RX

⁴³⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁴³⁷ 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.

⁴³⁸ Clause 16(2)

⁴⁴⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various]

CE-RX ⁴³⁹		
Flood Assessment Area Overlay Coastal Erosion Overlay ⁴⁴¹	Activity status: Permitted Where PER-1 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. ⁴⁴² 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.	Activity status where compliance is achieved: Restricted-Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> any adverse effects on the rate of flow and direction of overland flow path(s); and any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; and any increased flood risk for people, property, or public spaces; and the effectiveness and potential adverse effects of any proposed mitigation measures and the benefits of or necessity for the proposed building, structure or earthworks.
CE-RZ11	Upgrading of existing, or installation of new solar cells or an array of solar cells ^{443, 444}	
1 Coastal Environment Area Overlay	Activity status: Permitted Where: PER-1 The activity is located on an existing building; and PER-2 The activity is within an urban zoned area; and PER-2 CE-S1 and CE-S3 are complied with.	Activity status when compliance not achieved with PER-1 or PER-3: Restricted-Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> Any adverse impacts on the identified matters contained in CE-P53, CE-P64, CE-P75, CE-P86, and CE-P108. Activity status when compliance not achieved with PER-2: Discretionary
2 Coastal High Natural Character Area Overlay	Activity status: Discretionary Where: DIS-1 The activity is located on a building; and DIS-2 CE-S1 and CE-S3 are complied with.	Activity status when compliance not achieved: Non-complying

⁴³⁹ Clause 16(2) change - deleted as part of the natural hazards merge as there is already a duplicate rule NH-RX

⁴⁴¹ 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.

⁴⁴² ECan [183.38]

⁴⁴³ Forest and Bird [156.73]

⁴⁴⁴ Panel Decision Report, Part 7, Section 5.29.2.

CE-RA12	Upgrading an existing wind turbine or installation of a new wind turbine, for electricity generation ^{445, 446}	
1 Coastal Environment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER 1 The activity meets the definition of Small Scale Renewable Electricity Generation; and</p> <p>PER 2 The activity is located within an urban zoned area; and</p> <p>PER 3 The activity is not visible from a coastal High Natural Character Area; and</p> <p>PER 4 CE S1 and CE S3 are complied with.</p>	<p>Activity status when compliance not achieved with PER 1 or PER 2: Discretionary</p> <p>Activity status when compliance not achieved with PER 3 or PER 4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p><u>1</u> Any adverse impacts on the identified matters contained in CE P53, CE P64, CE P75, CE P86, and CE P108.</p>
2 Coastal High Natural Character Area Overlay	<p>Activity status: Discretionary</p> <p>Where:</p> <p>DIS 1 CE S1 and CE S3 are complied with.</p>	<p>Activity status when compliance not achieved: Non-complying</p>

Standards		
CE-S1	Height of buildings and structures	
Coastal Environment Area Overlay	<p>The maximum height of any building or structure measured from existing ground level prior, must not exceed:</p> <ol style="list-style-type: none"> 1. 4m; or 2. if located within the General Industrial Zone or Port Zone, it shall be as per the applicable zone rules and standards. <p>Note: Height shall be measured from the existing ground level prior to any works commencing.⁴⁴⁷</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse impacts on the identified matters contained in CE CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P97, CE-P108 and CE-P119; and 2. the extent to which the height of the building or structure will result in: <ol style="list-style-type: none"> a. visual dominance; or b. incompatibility with the character and scale of buildings and structures within the surrounding area; or c. reduced views from publicly accessible areas; and 3. the extent to which the building or structure has a functional need or operational need for its location.

⁴⁴⁵ Forest and Bird [156.74]

⁴⁴⁶ Panel Decision Report, Part 7, Section 5.29.2.

⁴⁴⁷ ECan [183.4]

CE-S2 Site Coverage by buildings and structures ⁴⁴⁸		
Coastal Environment Area Overlay	The combined ⁴⁴⁹ building and structure coverage of a site ⁴⁵⁰ within the overlay shall not exceed a maximum floor area of: <ol style="list-style-type: none"> 1. 500m² for sites that are less than 20ha in area; and 2. 500m² for every 20ha of site area for sites larger than 20ha in area, or a maximum of 2,000m² per property (whichever is the lesser); unless <ol style="list-style-type: none"> 3. if the building and structure is to be located within the an urban zoned⁴⁵¹ area, in which case⁴⁵² it shall be as per the applicable zone rules and standards. 	Matters of discretion are restricted to: <ol style="list-style-type: none"> 3. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P108 and CE-P119; and 4. the extent to which the building or structure will meet a community or public need; and 5. the extent to which the building or structure has a functional need or operational need for its location.
CE-S3 Building and structure external materials		
Coastal Area Environment Overlay	With the exception of the Port Zone, all external cladding and roofing of ⁴⁵³ buildings and structures must be finished in materials with a maximum reflectance value of 30%.	Matters of discretion are restricted to: <ol style="list-style-type: none"> 5. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P108 and CE-P119; and 6. the extent to which the proposed exterior materials and colours respond to and respect the natural character qualities of the surrounding area; and 7. the extent to which the building or structure has a functional need or operational need for its location.
SUB-RX Subdivision within the PORTZ ^{454 455}		
<u>1</u> <u>Flood Assessment Area Overlay</u> <u>Sea Water Inundation Overlay</u>	<u>Activity status: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> 1. <u>the design and layout of the subdivision, in relation to natural hazards; and</u> 2. <u>any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and</u> 3. <u>any increased flood risk for people, property, or public spaces; and</u> 4. <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> 	<u>Activity status where compliance not achieved: Not applicable</u>

⁴⁴⁸ ECan [183.132]

⁴⁴⁹ ECan [183.132]

⁴⁵⁰ ECan [183.132]

⁴⁵¹ Silver Fern Farms [172.94]

⁴⁵² Clause 16(2)

⁴⁵³ Silver Fern Farms [172.95] and Alliance Group [173.96]

⁴⁵⁴ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁴⁵⁵ Clause 16(2) – this rule is now merged as SUB-RX1A in the subdivision chapter as shown in the Natural Hazards chapter changes

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|--|---|--|
| | <p>5. the extent to which future development will require new or upgraded public natural hazard mitigation works; and</p> <p>6. any increase in reliance on emergency services.</p> | |
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Appendix 3: Principles for biodiversity offsetting

These principles apply to the use of biodiversity offsets for adverse effects on indigenous biodiversity.

(1) **Adherence to effects management hierarchy:** A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.

(2) **When biodiversity offsetting is not appropriate:** Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where:

- a. residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected:
- b. effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible:
- c. there are no technically feasible options by which to secure gains within an acceptable timeframe.

(3) **Net gain:** This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site:

- a. types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and
- b. amount; and
- c. condition (structure and quality).

(4) **Additionality:** A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

(5) **Leakage:** Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.

(6) **Long-term outcomes:** A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.

(7) **Landscape context:** Biodiversity offsetting is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.

(8) **Time lags:** The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

(9) **Science and mātauranga Māori:** The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori.

(10) **Tangata whenua and stakeholder participation:** Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.

(11) **Transparency:** The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Appendix 4: Principles for biodiversity compensation

These principles apply to the use of biodiversity compensation for adverse effects on indigenous biodiversity:

(1) **Adherence to effects management hierarchy:** Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.

(2) **When biodiversity compensation is not appropriate:** Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where:

- a. the indigenous biodiversity affected is irreplaceable or vulnerable;
- b. effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible;
- c. there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes.

(3) **Scale of biodiversity compensation:** The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects.

(4) **Additionality:** Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.

(5) **Leakage:** Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.

(6) **Long-term outcomes:** Biodiversity compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.

(7) **Landscape context:** Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site

and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.

(8) **Time lags:** The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

(9) **Trading up:** When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity gains are demonstrably greater or higher than those lost. The proposal also shows the values lost are not to Threatened or At Risk (declining) species or to species considered vulnerable or irreplaceable.

(10) **Financial contributions:** A financial contribution is only considered if: there is no effective option available for delivering biodiversity gains on the ground; and

it directly funds an intended biodiversity gain or benefit that complies with the rest of these principles.

(11) **Science and mātauranga Māori:** The design and implementation of biodiversity compensation is a documented process informed by science, and mātauranga Māori.

(12) **Tangata whenua and stakeholder participation:** Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.

(13) **Transparency:** The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.