

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.¹ 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.²~~

~~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~~

¹ Clause 16(2)

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

~~natural hazard³ specific provisions are provided for the Port Zone. No other natural hazard provisions apply unless otherwise specified in the provisions. The following objectives and policies therefore do not apply to the Port Zone: CE-O4, CE-O5, CE-P3, CE-P4, CE-P12, CE-P13, CE-P14.^{4 5}~~

~~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 of indigenous biodiversity in the coastal environment are addressed in the Ecosystems and Indigenous Biodiversity ~~EIB~~ Chapter. ONLs and ONFs in the coastal environment are addressed in the Natural Features and Landscapes ~~NFL~~ Chapter. SASMs located in the coastal environment are addressed in the Sites and Areas of Significance to Māori ~~SASM~~ Chapter.⁶~~

~~Regulation 57 of the National Environmental Standard for Telecommunication Facilities specifically disapplies District Plan natural hazard provisions from telecommunication structures which are regulated under that standard. Therefore, the natural hazards provisions in this chapter do not apply to telecommunications infrastructure regulated under this standard.⁷⁸~~

~~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.⁹~~

~~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.¹⁰¹¹~~

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.	

³ Clause 16(2)

⁴ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁵ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁶ ECan [183.107] and ECan [183.110]

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

⁸ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

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

¹⁰ Clause 16(2)

¹¹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

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 <u>and Kāti Huirapa are able to exercise kaitiakitaka and rakatirataka in accordance with MW2.2.5.</u> ¹²	
CE-O4	Coastal hazards
People, buildings and structures are protected from unacceptable risks arising from coastal hazards, including those exacerbated by climate change. ^{13 14}	
CE-O5	Natural defences features and buffers ¹⁵
Natural features <u>Natural defences and buffers are protected, restored or enhanced retained and used for coastal hazard management, in preference to natural hazard mitigation works hard engineering natural hazard mitigation works,</u> ¹⁶ wherever appropriate. ^{17 18}	
CE-O64	Existing urban activities
Recognise that parts of the coastal environment are highly modified, <u>including by existing urban activities in urban zoned areas,</u> including the Port of Timaru, and provide for these ongoing activities. ¹⁹	
CE-O7	<u>Adaptive management at the Port within the Port Zone</u> ²⁰
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. ²¹	
CE-O85	<u>Regionally Significant Infrastructure and Lifeline Utilities</u> ²²
The adverse effects of <u>Regionally Significant Infrastructure and Lifeline Utilities</u> are managed in accordance with EI-O2.	

Policies

CE-P1	Identifying the Coastal Environment
Identify and map the inland extent of the C oastal E nvironment, and the different areas, elements and characteristics within it, in accordance with Policy 1 of the New Zealand Coastal Policy Statement.	

¹² Te Rūnanga o Ngāi Tahu [185.42]

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

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

¹⁵ Forest and Bird [156.146], Dir. General Conservation [166.102]

¹⁶ Clause 16(2)

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

¹⁸ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

¹⁹ Silver Fern Farms [172.80]

²⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various]

²¹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²² KiwiRail [187.68]

CE-P2	Identifying areas of high coastal natural character
Identify <u>and map</u> ²³ 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
Identify coastal hazard areas on the planning maps, and take a risk-based approach <u>taking account of climate change</u> , ²⁴ to the management of subdivision, use and development based on the following: <ol style="list-style-type: none"> 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.²⁵ 	
CE-P4	Role of natural features and vegetation
Protect, and maintain <u>restore or enhance natural defences where appropriate, including natural topographic features and vegetation</u> , that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation. ^{26,27}	
CE-P53	Coastal natural character matters
Recognise that <u>the following matters contribute to the coastal natural character of the terrestrial part of Timaru's coastal environment include matters such as</u> : ²⁸ <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	

²³ Forest and Bird [156.150]

²⁴ Dir. General Conservation [166.108] and Forest and Bird [156.151]

²⁵ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁶ Forest and Bird [156.152], Dir. General Conservation [166.109] and ECan [183.118]

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

²⁸ Forest and Bird [156.153]

CE-P75	Restoration or rehabilitation of natural character
<p>Enable <u>Promote</u> 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.²⁹</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>³⁰ 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>³¹ 	
CE-P97	Anticipated activities
<p>Enable <u>Provide for</u>³² 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>³³ areas, are consistent with the anticipated qualities of the applicable zone. 	
CE-P108	Preserving the natural character of the <u>C</u>oastal <u>E</u>nvironment
<p>Enable <u>Manage</u>³⁴ 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 <u>C</u>oastal <u>E</u>nvironment, while recognising that: <ol style="list-style-type: none"> a. in rural zoned areas, <u>rural industry</u>,³⁵ buildings and structures for non-intensive³⁶ primary production³⁷ and residential activities may be appropriate depending on their size, scale and nature <u>and proximity to areas of High Natural Character</u>;³⁸ <u>and</u> b. for existing urban <u>zoned</u>³⁹ areas, development will likely be appropriate where it is consistent with the anticipated character and qualities of the zone; and 	

²⁹ Forest and Bird [156.155]

³⁰ ECan [183.122]

³¹ Te Rūnanga o Ngāi Tahu [185.45]

³² ECan [183.123]

³³ Silver Fern Farms [172.85]

³⁴ ECan [183.124]

³⁵ Fonterra [165.90]

³⁶ Fernlea Farms [171.21]

³⁷ Hort NZ [245.74]

³⁸ Fonterra [165.90] and HortNZ [245.74]

³⁹ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

- c. for infrastructure, the development is in accordance with EI-P2 ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure;~~ and
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.~~⁴⁰

CE-P449 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 EI-PX5 ~~Managing the effects of the National Grid;~~⁴¹ 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;~~⁴² 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:
 - i.⁴³ 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 zoned⁴⁴ 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 zoned⁴⁵ areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.~~⁴⁶

CE-P13 Regionally Significant Infrastructure in coastal hazard areas

Only allow Regionally Significant Infrastructure, including the Port of Timaru,⁴⁷ in areas subject to coastal hazards where:

- a. there is a functional or operational need for it to locate there; and

⁴⁰ Transpower [159.84]

⁴¹ Change arising from recommendations in the EI, TRAN and DWP S42A Report (paragraph 6.26.14) in response to Transpower [159.36]

⁴² Silver Fern Farms [172.86] and Alliance Group [173.97]

⁴³ Clause 16(2)

⁴⁴ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

⁴⁵ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

⁴⁶ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁴⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

~~b. It will not create more than minor adverse coastal hazard effects on adjoining or surrounding land.⁴⁸~~

CE-P14 **Hard engineering natural hazard mitigation works⁴⁹ 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 clear⁵⁰ risk to life or property from the natural hazard;~~
- ~~4. it minimises avoids⁵¹ 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-significant⁵² adverse effects are avoided, remedied or mitigated.⁵³~~

CE-P15 **PORTZ Port Zone⁵⁴**

~~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.⁵⁵~~

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.**⁵⁶~~

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.

⁴⁸ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁴⁹ Clause 16(2)

⁵⁰ Tosh Prodanov [117.3],

⁵¹ Silver Fern Farms [172.88]

⁵² Silver Fern Farms [172.88]

⁵³ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁵⁴ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁵⁵ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁵⁶ **Panel Decision Report, Part 1, Section 4.3**

CE-RZ, CE-RA the PORTZ-specific rules and CE-R12. These PORTZ Port Zone specific rules do not cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.^{57,58}

For the purposes of CE-R9 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.^{59,60}

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-P449.	Activity status when compliance not achieved: Not applicable
CE-R2	Plantation Commercial forestry	
1 Coastal Environment Area Overlay	Activity status: Permitted Restricted Discretionary <u>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-P449. ⁶¹	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: PER-1	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to:

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

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

⁵⁹ ECan [183.128]

⁶⁰ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁶¹ Forest and Bird [156.163]

	With the exception of natural hazard mitigation works, the planting is limited to indigenous species.	1. any adverse impacts on the identified matters contained in CE-P4 , CE-P53 , CE-P64 , CE-P75 , CE-P86 , CE-P108 and CE-P149 .
CE-R4	Buildings and structures and extensions (excluding Regionally Significant Infrast<u>r</u>ucture and fences)	
1 Coastal Environment Area Overlay in Urban Zoned Areas ⁶²	Activity status: Permitted	Activity status when compliance not achieved with: Not applicable
2 Coastal Environment Area Overlay outside of Urban Zoned Areas ⁶³	Activity status: Permitted Where: PER-1 The building or structure does not exceed 150m ² in area; and PER-2 CE-S1, CE-S2, CE-S3 are complied with.	Activity status when compliance not achieved with PER-1: 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 and CE-P108 ; 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. Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
3 Coastal High Natural Character Overlay	Activity status: Permitted Where: PER-1 Any extension to an existing building or structure or a new building or structure does not exceed 10m ² in area, and PER-2 A new building or structure does not exceed 10m² in area. ⁶⁴	Activity status when compliance not achieved: Non-complying Restricted Discretionary Where: RDIS-1 <u>Any extension to an existing building or structure or a new building or structure does not exceed 150m² in area.</u> ⁶⁵

⁶² Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

⁶³ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

⁶⁴ Clause 16(2)

⁶⁵ Fenlea Farms [171.23]

		<p><u>Matters of discretion are restricted to:</u> <u>1.any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86 and CE-P409; and</u> <u>2.the extent to which the building or structure will result in adverse cumulative effects; and</u> <u>3.the extent to which the building or structure has a functional need or operational need for its location.</u>⁶⁶</p> <p><u>Activity status when compliance not achieved with RDIS-1: Non-complying</u></p>
<p>4 Sea Water Inundation Overlay within urban areas</p>	<p>Activity status: Permitted⁶⁷ 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><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. the extent to which the proposal results in an increased risk to people and property;</u> <u>2. whether the building includes natural hazard mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable;</u> <u>3. the extent to which the building or structure has a functional need or operational need for its location; and</u> <u>4. the extent of any positive benefits that will result from the proposal; and</u> <u>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</u> <u>6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</u> <u>7. the extent to which the proposal requires any increased reliance on emergency services.</u>
<p>5 Sea Water Inundation Overlay outside of urban areas</p>	<p>Activity status: Permitted⁶⁸</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>

⁶⁶ Fenlea Farms [171.23]

⁶⁷ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

⁶⁸ 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 Discretionary⁶⁹</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 	<p>Activity status where compliance not achieved: Non-complying</p>

⁶⁹ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

	<p>7. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works.</p>	
<p>CE-RX</p>	<p><u>Natural Hazard Sensitive Buildings</u>^{70 71}</p>	
<p>4.1 Sea Water Inundation Overlay within urban zoned⁷² 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; or⁷³</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or⁷⁴</p> <p>PER-3 1 The building or extension <u>natural hazard sensitive building</u>⁷⁵ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment⁷⁶ 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.⁷⁷</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 <u>the extent to which</u>⁷⁸ 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; 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>⁷⁹

⁷⁰ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

⁷¹ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁷² ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

⁷³ Simo Enterprises [148.30] and Fenlea Farms [171.23]

⁷⁴ Fenlea Farms [171.23]

⁷⁵ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

⁷⁶ ECan [183.26]

⁷⁷ ECan [183.125]

⁷⁸ Clause 16(2)

⁷⁹ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<p>5-2 Sea Water Inundation Overlay outside of urban zoned⁸⁰ 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; or⁸¹</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or⁸²</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 Assessment⁸³ 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.⁸⁴</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 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.⁸⁵</p> <p>Where</p> <p>RDIS-1 The activity is an addition or extension⁸⁶ to an existing building or structure only; and</p>	<p>Activity status where compliance not achieved: Non-complying</p>

⁸⁰ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

⁸¹ Simo Enterprises [148.30] and Fenlea Farms [171.23]

⁸² Fenlea Farms [171.23]

⁸³ ECan [183.26]

⁸⁴ ECan [183.125]

⁸⁵ The New Zealand Defence Force [151.15]

⁸⁶ Clause 16(2)

RDIS-2

~~The addition or extension has a maximum floor area of 30⁸⁷25m² established in any continuous 10-year period from 22 September 2022 [insert date Plan becomes operative];⁸⁸ or~~

RDIS-3

~~The extension is not to accommodate a natural hazard sensitive activity.⁸⁹~~

Matters of discretion are restricted to:

- ~~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. The risk to the building or structure taking into account:
 - ~~a. The nature of the building, including its materials and ability to be relocated;~~
 - ~~b. The anticipated lifespan of the building, structure or activity~~
 - ~~c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer term period.⁹⁰~~~~

⁸⁷ ECan [183.125]

⁸⁸ ECan [183.125]

⁸⁹ Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)

⁹⁰ ECan [183.109]

<p>CE-R5</p>	<p>Earthworks, excluding: 1. earthworks for natural hazard mitigation works; and 2. any land disturbance; and 3. earthworks for access tracks for network utilities under CE-RY6.⁹¹</p>	
<p>Coastal High Natural Character Area Overlay</p>	<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, underground network utilities and ancillary structures and are located within 2m of the fence line, road or track;⁹² or</p> <p>PER-2 The earthworks are for the purpose of installation of underground network utilities and ancillary structures;⁹³ or</p> <p>PER-3 Any other earthworks do not exceed the following quantum per calendar year:⁹⁴</p> <ol style="list-style-type: none"> 1. 100m³ within the area of the site located within the Coastal High Natural Character Area Overlay; or 2. 100m² within the area of the site located within the Coastal High Natural Character Area Overlay. 	<p>Activity status when compliance not achieved: Discretionary</p>
<p><u>CE-RY6</u></p>	<p><u>Vehicle access tracks for network utilities, including ancillary access tracks, outside of urban zoned areas⁹⁵</u></p>	
<p><u>1 Coastal Environment Area Overlay</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The vehicle access track is not wider than 4m.</u></p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p><u>Matters of Discretion for PER-1 are restricted to:</u></p> <p><u>1. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P97 and CE-P108.</u></p>

⁹¹ Forest and Bird [156.66]

⁹² Forest and Bird [156.165]

⁹³ Forest and Bird [156.165]

⁹⁴ Silver Fern Farms [172.90]

⁹⁵ Forest and Bird [156.66]

<p>2 Coastal High Natural Character Area Overlay</p>	<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 <u>CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, and CE-P149.</u> 	<p>Activity status when compliance not achieved: Not applicable</p>
<p>CE-R67 Land disturbance</p>		
<p>Coastal Environment Area Overlay</p> <p>Coastal Erosion Overlay</p> <p>Coastal High Natural Character Area Overlay</p> <p>Sea Water Inundation Overlay⁹⁶</p>	<p>Activity status: Permitted</p>	<p>Activity status when compliance not achieved with: Not applicable</p>
<p>CE-R78 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^{97,98}</p>		
<p>4 Coastal Erosion overlay</p> <p>Sea Water Inundation Overlay</p>	<p>Activity status: Permitted⁹⁹</p> <p>Where:</p> <p>PER-1 A new building or building extension is located outside of the Coastal Erosion Overlay and¹⁰⁰ has a collective maximum additional¹⁰¹ ground floor area per site of 200m² in any continuous 10-</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 impacts on natural elements, processes and patterns, and landforms; and the extent to which the building or structure has a functional need or operational need for its location; and

⁹⁶ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁹⁷ **Forest and Bird [156.73] [156.74]**

⁹⁸ **Panel Decision Report, Part 4, Section 5.29**

⁹⁹ Clause 16(2) – shifted into NH-R5 as part of the coastal natural hazards merge into the Natural Hazards chapter

¹⁰⁰ ECan [183.126]

¹⁰¹ Clause 16(2)

	<p>year period from 22 September 2022 [insert plan operative date];¹⁰² 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 [insert plan operative date];¹⁰³ or</p> <p>PER-3 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u>¹⁰⁴; or</p> <p>PER-4 The building or extension is located <u>outside of the Coastal Erosion Overlay and</u>¹⁰⁵ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk <u>Assessment</u>¹⁰⁶ 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.¹⁰⁷</p>	<p>3. the extent of any positive benefits that will result from the proposal; and</p> <p>4. the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and</p> <p>5. The risk to the building or structure taking into account:</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.¹⁰⁸</p>
<p><u>2-1 Coastal Environment Area Overlay outside of urban zoned areas</u></p>	<p><u>Activity status: Permitted</u>¹⁰⁹</p> <p><u>Where:</u></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><u>Activity status when compliance not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></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-P408; 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.

¹⁰² ECan [183.126]

¹⁰³ ECan [183.126]

¹⁰⁴ Clause 16(2)

¹⁰⁵ ECan [183.126]

¹⁰⁶ ECan [183.26]

¹⁰⁷ ECan [183.126], [183.125]

¹⁰⁸ ECan [183.109], [183.126]

¹⁰⁹ Forest and Bird [156.167]

<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 200m².¹¹⁰</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, CE-P10¹¹¹ and CE-P14⁹; 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.
<p>CE-R89 Regionally Significant Infrastructure – New</p> <p>Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ11 and CE-RA12^{112, 113}</p>		
<p>4 Coastal Erosion Overlay¹¹⁴</p> <p>Sea Water Inundation Overlay</p>	<p>Activity status: Permitted¹¹⁵</p> <p>Where:</p> <p>PER-1 A new building or extension has a maximum ground floor area per site of 200m² in any continuous 10-year period from 22 September 2022 [insert plan operative date]¹¹⁶; or</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building activity¹¹⁷; 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 Assessment¹¹⁸ Certificate issued in accordance with NH-S1; or</p> <p>PER-4</p>	<p>Activity status when compliance not achieved: Discretionary</p>

¹¹⁰ Forest and Bird [156.167]

¹¹¹ Clause 16(2)

¹¹² Forest and Bird [156.73] [156.74]

¹¹³ Panel Decision Report, Part 4, section 5.29.

¹¹⁴ ECan [183.126]

¹¹⁵ Clause 16(2) - shifted to NH-R6 as NH-R6.2.as part of the natural hazards provisions merging

¹¹⁶ ECan [183.127]

¹¹⁷ Clause 16(2)

¹¹⁸ ECan [183.26]

	<p>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.¹¹⁹</p>	
<p><u>2 Coastal Erosion Overlay</u>¹²⁰</p>	<p><u>Activity status: RDIS Permitted</u>^{124 122 123}</p> <p><u>Where:</u></p> <p><u>Except that this shall not apply to:</u></p> <p><u>1. Community land drainage infrastructure;</u></p> <p><u>2. Established community-scale irrigation and stockwater infrastructure; or</u></p> <p><u>3. Any building or structure that has a footprint less than 30m².</u></p> <p><u>PER-1</u> <u>The work, building or structure is for:</u></p> <p><u>1. Community land drainage infrastructure;</u></p> <p><u>2. Established community-scale irrigation and stockwater infrastructure; or</u></p> <p><u>PER-2</u> <u>Any building or structure that has a footprint less than 30m².</u></p>	<p><u>Activity status: Not applicable Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. Whether there is an operational or functional need for the location;</u></p> <p><u>2. The risk to the building or structure taking into account:</u></p> <p><u>a. The nature of the building, structure or activity, including its materials and ability to be relocated;</u></p> <p><u>b. The anticipated lifespan of the building, structure or activity</u></p> <p><u>c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer term period.</u>¹²⁴</p>
<p><u>3-1 Coastal Environment Area Overlay outside of urban zoned areas</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> Any upgrading does not increase the building or structure</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-P4, CE-P53, CE-P64, CE-P75, CE-P86 and CE-P408; and</u></p>

¹¹⁹ ECan [183.127], [183.126], [183.125]

¹²⁰ ECan [183.126]

¹²¹ ECan [183.126]

¹²² 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

¹²³ Clause 16(2) - shifted to NH-R6 as NH-R6.3.as part of the coastal natural hazards provisions merge

¹²⁴ ECan [183.109]

	envelope by more than 200m ² within a continuous 10-year period.	<ol style="list-style-type: none"> 2. <u>the extent to which the building or structure has a functional need or operational need for its location; and</u> 3. <u>the extent of any positive benefits that will result from the proposal.</u>
2-4 2 Coastal High Natural Character Area Overlay	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
CE-R9 ¹²⁵	Natural hazard mitigation works, including associated¹²⁶ earthworks and incidental vegetation removal¹²⁷; maintenance, replacement and upgrading¹²⁸ This rule does not apply to natural hazard mitigation works only involving the planting of vegetation¹²⁹	
4 Coastal Environment Area Overlay <u>Sea Water Inundation Overlay</u> ¹³⁰	<p>Activity status: Permitted</p> <p>Where:</p> <p><u>PER-1</u> The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; or¹³¹</p> <p><u>PER-12</u> 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; or¹³²</p>	<p><u>Activity status where compliance not achieved with PER-1 PER-5: Restricted Discretionary</u></p> <p><u>Where</u></p> <p><u>RDIS-1</u>¹³⁷ Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council; or¹³⁸ b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7;¹³⁹</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 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;¹⁴⁰ and

¹²⁵ Clause 16(2) – merged with NH-R3.1 and NH-R3.2 as part of natural hazards merge

¹²⁶ Clause 16(2)

¹²⁷ Clause 16(2) to align with NH-R3

¹²⁸ ECan [183.128]

¹²⁹ Clause 16(2)

¹³⁰ ECan [183.128]

¹³¹ Clause 16(2)

¹³² ECan [183.128]

¹³⁷ ECan [183.128]

¹³⁸ ECan [183.128]

¹³⁹ ECan [183.128], PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁴⁰ ECan [183.128]

	<p>PER-1 3 The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</p> <ol style="list-style-type: none"> 1. The natural hazard mitigation works is occur¹³³ within 25m of the existing alignment or location vertically and horizontally of the existing natural hazard mitigation works;¹³⁴ and 2. Does not increase tThe footprint of the existing¹³⁵ natural hazard mitigation works is not increased by more than 25%; and or <p>PER-3 4 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;¹³⁶ or</p> <p>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.</p>	<ol style="list-style-type: none"> 3. any potential adverse effects of from¹⁴¹ 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 9. the extent of any positive benefits that will result from the proposal; and 10. the extent to which the works have a functional need or operational need for its location; and 11. the matters set out in CE-P14.¹⁴² <p><u>Activity status where compliance not achieved with RDIS-1: Discretionary</u></p> <p><u>Activity status where compliance not achieved with PER-1, PER-2, PER-3, or PER-4: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u> <u>Those matters set out for PER-1 PER-5.</u></p>
<p><u>2 Coastal High Natural</u></p>	<p><u>Activity status: Restricted Discretionary</u></p>	<p><u>Activity status where compliance is not achieved: Discretionary</u></p>

¹³³ Clause 16(2)

¹³⁴ Clause 16(2)

¹³⁵ Clause 16(2)

¹³⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2)

¹⁴¹ ECan [183.128]

¹⁴² ECan [183.40]

<p><u>Character Area Overlay</u>¹⁴³</p>	<p><u>Where:</u></p>	
<p><u>Coastal Erosion Overlay</u>¹⁴⁴</p>	<p><u>RDIS-1</u>¹⁴⁵ <u>Any new natural hazard mitigation works are:</u> <u>a. established by or on behalf of the Crown, Regional Council, or the Council; or</u>¹⁴⁶ <u>b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7.</u>¹⁴⁷</p> <p><u>Matters of discretion are restricted to:</u> those matters set out for non-compliance with PER-1.¹⁴⁸</p>	
<p><u>CE-R4410</u></p>	<p><u>Quarrying/Mining / Quarrying</u>¹⁴⁹ <u>Activities</u> outside the beds of lakes and rivers and the coastal marine area and¹⁵⁰ <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>¹⁵¹</p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The activity is a farm quarry and is less than 500m².</u></p> <p><u>Note:</u> 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.¹⁵²</p>	<p><u>Activity status when compliance not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. any adverse impacts on the identified matters contained in CE-P4, CE-P53, CE-P64, CE-P75, CE-P86, CE-P97 and CE-P408; and</u> <u>2. the extent to which the works will result in adverse cumulative effects; and</u> <u>3. the extent to which the activity results in the enhancement of natural character.</u>

¹⁴³ ECan [183.128]

¹⁴⁴ ECan [183.128]

¹⁴⁵ ECan [183.128]

¹⁴⁶ ECan [183.128]

¹⁴⁷ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁴⁸ ECan [183.128]

¹⁴⁹ Road Metals [169.32] and Fulton Hogan [170.32]

¹⁵⁰ ECan [183.142]

¹⁵¹ Road Metals [169.32], Fulton Hogan [170.32] for all these changes

¹⁵² ECan [183.142]

CE-R10¹⁵³ Planting of trees and/or vegetation not listed in CE-R1, CE-R2 or CE-R3		
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-P5 ³ , CE-P6 ⁴ , CE-P7 ⁵ , CE-P8 ⁶ , CE-P10 and CE-P11 ⁹ .	Activity status when compliance not achieved: Not applicable
CE-R11 SUB-RY Subdivision within the Coastal Environment¹⁵⁴		
1 Coastal Environment Area Overlay -	Activity status: Restricted Discretionary Where: <u>RDIS-1</u> <u>The site is not located within the Coastal High Natural Character Area Overlay.</u> - Matters of discretion are restricted to: 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9¹⁵⁵ and CE-P11; and 2. the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects.	Activity status when compliance not achieved: Not applicable <u>Discretionary</u> <u>Note:</u> <u>Where a resource consent is required as a <u>Discretionary</u> activity under RDIS-1,¹⁵⁶ future building platforms must be indicated in the application and will be registered on the Certificate Record of Titles of resulting new allotments.</u>
2 Sea Water Inundation Overlay	Activity status: Restricted Discretionary Matters of discretion are restricted to: 1. the extent to which the proposal results in an increased risk of economic, social or environmental harm;	Activity status when compliance not achieved: Not applicable

¹⁵³ **Schedule 1, Clause 16(2)**

¹⁵⁴ Speirs, B [66.53], [66.45].

¹⁵⁵ Clause 16(2) to address a policy omission

¹⁵⁶ Clause 16(2) for clarity

	<p>2. whether the proposal includes hazard mitigation;</p> <p>3. the extent to which future building or structure has a functional need or operational need for its location; and</p> <p>4. the extent of any positive benefits that will result from the proposal; and</p> <p>5. the extent to which the proposal creates natural hazard risks on adjacent properties; and</p> <p>6. the location of any proposed building that will accommodate a natural hazard sensitive activity.</p>	
<p>3 Coastal High Natural Character Area Overlay</p>	<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>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>4 Coastal Erosion Overlay</p>	<p>Activity status: Non-complying</p>	<p>Activity status when compliance not achieved: Not applicable</p>
<p>CE-R12</p>	<p>Natural hazard mitigation works, including earthworks – New¹⁵⁷ <i>This rule does not apply to natural hazard mitigation works only involving the planting of vegetation</i></p>	
<p>Coastal High Natural Character Area Overlay</p> <p>Coastal Erosion Overlay</p> <p>Sea Water Inundation Overlay</p>	<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>	<p>Activity status when compliance not achieved: Non-complying</p>

¹⁵⁷ ECan [183.128], [183.130]

	<p>1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11; and</p> <p>1. the extent to which the works will result in adverse cumulative effects; and</p> <p>2. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and</p> <p>3. the extent of any positive benefits that will result from the proposal; and</p> <p>4. the extent to which the works have a functional need or operational need for its location.</p>	
CE-R43 1412 ¹⁵⁸	Primary production not otherwise specified listed ¹⁵⁹ 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
Coastal Environment Area Overlay 2. Coastal High Natural Character Area Overlay	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
NH-RXX CE-RXX ¹⁶⁰	Natural Hazard Sensitive Buildings within the PORTZ Port Zone ¹⁶¹	
Flood Assessment Area Overlay	<p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p><u>PER-1</u> The building is built to the minimum finished floor level specified in an existing</p>	<p><u>Activity status where compliance is achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. any increased flood risk for people, property, or public spaces; and</p>

¹⁵⁸ **Schedule 1, Clause 16(2)**

¹⁵⁹ **Schedule 1, cl16(2)**

¹⁶⁰ Clause 16(2) change - deleted as part of the natural hazards merge as there is already a duplicate rule NH-RX

¹⁶¹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

<p>Sea Water Inundation Overlay</p> <p>Coastal Erosion Overlay¹⁶²</p>	<p><u>consent notice that is less than five years old; or</u></p> <p>PER-2 <u>The building activity:</u>¹⁶³</p> <ol style="list-style-type: none"> <u>1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or</u> <u>2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or</u> <u>3. the building has a footprint smaller than 100m²; or</u> <u>4. the building is relocatable.</u> 	<ol style="list-style-type: none"> <u>2. the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> <u>3. any operational need or functional need for the activity to be established in this location; and</u> <u>4. any increased reliance on emergency services; and</u> <u>5. any positive effects of the proposal.</u>
<p>NH-RX CE-RX¹⁶⁴ <u>New buildings, structures and earthworks in the PORTZ Port Zone</u>¹⁶⁵</p>		
<p>Flood Assessment Area Overlay</p> <p>Coastal Erosion Overlay¹⁶⁶</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where</u></p> <p>PER-1 <u>Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.</u>¹⁶⁷</p> <p><u>Note: when considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u></p>	<p><u>Activity status where compliance is achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>1. any adverse effects on the rate of flow and direction of overland flow path(s); and</u> <u>2. any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; and</u> <u>3. any increased flood risk for people, property, or public spaces; and</u> <u>4. the effectiveness and potential adverse effects of any proposed mitigation measures and</u> <u>5. the benefits of or necessity for the proposed building, structure or earthworks.</u>
<p>CE-RZ11 <u>Upgrading of existing, or installation of new solar cells or an array of solar cells</u>^{168, 169}</p>		

¹⁶² 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.

¹⁶³ Clause 16(2)

¹⁶⁴ Clause 16(2) change - deleted as part of the natural hazards merge as there is already a duplicate rule NH-RX

¹⁶⁵ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁶⁶ 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.

¹⁶⁷ ECan [183.38]

¹⁶⁸ **Forest and Bird [156.73]**

¹⁶⁹ **Panel Decision Report, Part 7, Section 5.29.2.**

<p>1 Coastal Environment Area Overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity is located on an existing building; and</p> <p>PER-2 The activity is within an urban zoned area; and</p> <p>PER-2 CE-S1 and CE-S3 are complied with.</p>	<p>Activity status when compliance not achieved with PER-1 or PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. Any adverse impacts on the identified matters contained in CE-P53, CE-P64, CE-P75, CE-P86, and CE-P108.</p> <p>Activity status when compliance not achieved with PER-2: Discretionary</p>
<p>2 Coastal High Natural Character Area Overlay</p>	<p>Activity status: Discretionary</p> <p>Where:</p> <p>DIS-1 The activity is located on a building; and</p> <p>DIS-2 CE-S1 and CE-S3 are complied with.</p>	<p>Activity status when compliance not achieved: Non-complying</p>
<p>CE-RA12 Upgrading an existing wind turbine or installation of a new wind turbine, for electricity generation^{170, 171}</p>		
<p>1 Coastal Environment Area Overlay</p>	<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>1. Any adverse impacts on the identified matters contained in CE-P53, CE-P64, CE-P75, CE-P86, and CE-P108.</p>
<p>2 Coastal High Natural Character Area Overlay</p>	<p>Activity status: Discretionary</p> <p>Where:</p> <p>DIS-1</p>	<p>Activity status when compliance not achieved: Non-complying</p>

¹⁷⁰ Forest and Bird [156.74]

¹⁷¹ Panel Decision Report, Part 7, Section 5.29.2.

CE-S1 and CE-S3 are complied with.

Standards		
CE-S1	Height of buildings and structures	
Coastal Environment Area Overlay	<p>The maximum height of any building or structure, <u>measured from existing ground level prior</u>, 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><u>Note: Height shall be measured from the existing ground level prior to any works commencing.</u>¹⁷²</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-P9⁷, CE-P40⁸ and CE-P41⁹; 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.
CE-S2	Site c Coverage by buildings and structures ¹⁷³	
Coastal Environment Area Overlay	<p>The <u>combined</u>¹⁷⁴ building and structure <u>coverage of a site</u>¹⁷⁵ within the overlay shall not exceed a maximum floor area of:</p> <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); <p>unless</p> <ol style="list-style-type: none"> 3. if the building and structure is to be located within the <u>an urban zoned</u>¹⁷⁶ area, <u>in which case</u>¹⁷⁷ it shall be as per the applicable zone rules and standards. 	<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-P40⁸ and CE-P41⁹; and 2. the extent to which the building or structure will meet a community or public need; and 3. 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	<p>With the exception of the Port Zone, all <u>external cladding and roofing of</u>¹⁷⁸ buildings and structures must be finished in materials with a maximum reflectance value of 30%.</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-P40⁸ and CE-P41⁹; and

¹⁷² ECan [183.4]

¹⁷³ ECan [183.132]

¹⁷⁴ ECan [183.132]

¹⁷⁵ ECan [183.132]

¹⁷⁶ Silver Fern Farms [172.94]

¹⁷⁷ Clause 16(2)

¹⁷⁸ Silver Fern Farms [172.95] and Alliance Group [173.96]

		<ol style="list-style-type: none"> 2. the extent to which the proposed exterior materials and colours respond to and respect the natural character qualities of the surrounding area; <u>and</u> 3. the extent to which the building or structure has a functional need or operational need for its location.
<p>SUB-RX Subdivision within the PORTZ^{179 180}</p>		
<p><u>1</u> <u>Flood Assessment Area Overlay</u></p> <p><u>Sea Water Inundation Overlay</u></p>	<p><u>Activity status: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <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> 5. <u>the extent to which future development will require new or upgraded public natural hazard mitigation works; and</u> 6. <u>any increase in reliance on emergency services.</u> 	<p><u>Activity status where compliance not achieved: Not applicable</u></p>

¹⁷⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁸⁰ Clause 16(2) – this rule is now merged as SUB-RX1A in the subdivision chapter as shown in the Natural Hazards chapter changes