

NATURAL HAZARDS

Introduction

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

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

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

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

This chapter and associated planning map overlays identify a range of natural hazards and the level of risk they pose and applies rules to avoid risk to development and activities within areas that have been identified as high risk (both scale and probability) from natural hazards. A precautionary approach has been taken to areas where it is difficult to map different levels of flood risk and accordingly large areas, particularly of the General Rural Zone, are identified as a Flood Assessment Area Overlay. Therefore, some types of natural hazards may be mapped within the District Plan (e.g. such as earthquake fault awareness areas high flood risk areas),⁴ and others may be identified through either mapping or a certification approach within the Flood Assessment Area Overlay (e.g. such as high hazard areas and⁵ overland flowpaths).

Being located on the coast, the Port of Timaru is subject to sea water inundation and tsunami risk. In recognition of its particular locational requirements interfacing with the sea, separate specific provisions are provided for the Port Zone. No other natural hazard provisions apply unless otherwise specified in the provisions. For the purposes of this chapter, only Objective NH-O46 and Policy NH-P4114 apply in the Port Zone.⁶

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

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

¹ TDC [42.30]

² Hort NZ [254.51]

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

⁴ Kāinga Ora [229.39]

⁵ Clause 16(2)

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

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

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

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

Objectives	
NH-O1	Areas subject to natural hazards
Risk to human life and significant risk to property, from natural hazards is:	
	<ol style="list-style-type: none"> 1. avoided in high hazard areas <u>that are outside of urban zoned areas</u>,¹⁰ and 2. avoided or mitigated in high hazard areas <u>that are within urban zoned areas</u>,¹¹ and 3. avoided or mitigated <u>elsewhere in all other areas</u>¹² to an acceptable level.
NH-O2	Coastal hazards
People, buildings and structures are protected from unacceptable risks arising from coastal hazards, <u>including those exacerbated by climate change</u> . ¹³ ¹⁴	
NH-O23	Regionally Significant Infrastructure
Risk from natural hazards to <u>Regionally Significant Infrastructure</u> is <u>managed by locating located</u> ¹⁵ outside of high hazard areas where practicable.	
NH-O34	Natural hazard mitigation works
Natural hazard mitigation works reduce risks to people and property, with a preference for the use of natural features and buffers <u>where practicable</u> . ¹⁶	
NH-O45	Natural defences features and buffers ¹⁷
<u>Natural features</u> <u>Natural defences and buffers</u> are <u>protected, restored or enhanced retained</u> and used for coastal hazard management, in preference to <u>natural hazard mitigation works</u> <u>hard engineering</u> <u>natural hazard mitigation works</u> , ¹⁸ wherever appropriate. ¹⁹ ²⁰	
NH-O46	Adaptive management at the Port ²¹
Recognise that the <u>Port of Timaru Zone</u> 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.	

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

⁹ Clause 16(2)

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

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

¹² Clause 16(2)

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

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

¹⁵ Transpower [159.60]

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

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

¹⁸ Clause 16(2)

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

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

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

Policies	
NH-P1	Identification of natural hazards and approach to management within Natural Hazard Areas²²
<p>Identify and map areas <u>potentially</u>²³ subject to natural hazards, taking into consideration the effects of climate change, and apply through rules a risk-based approach to the management of subdivision, use and development based on the following:</p> <ol style="list-style-type: none"> 1. the type of natural hazard that applies; and 2. the level and severity of risk to people and property from the natural hazard; and 3. the sensitivity of activities to loss of life or damage to property from a natural hazard; and 4. the ability for communities to recover after a natural hazard event; and 5. <u>for the Māori Purpose Zone, the extent to which managing the risk compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the Zone, and the outcome of any consultation with mana whenua.</u>²⁴ 	
NH-P2	Consideration of tsunami risk
<p>Encourage the consideration of the potential effects of inundation by tsunami when considering the location of activities where evacuation may be difficult, such as new educational <u>facilities</u>, health care <u>facilities</u>, or aged care activities in areas at risk from tsunami events.</p>	
NH-P3	Role of natural features and vegetation in hazard mitigation
<ol style="list-style-type: none"> 1. <u>Outside of the Coastal Environment, protect, maintain and restore where appropriate, natural topographic features and vegetation, including native vegetation²⁵habitat²⁶ that assists with avoiding or mitigating the risk to people and significant risk to property from natural hazards; and</u> 2. <u>Within the Coastal Environment, protect, and maintain restore or enhance natural defences where appropriate, including natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation.</u>²⁸ 	
NH-P4	Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas and overland flowpaths²⁹
<p>Enable subdivision, use and development (excluding <u>Regionally Significant Infrastructure</u>) in areas subject to inundation by a 0.5% AEP flood event provided that:</p> <ol style="list-style-type: none"> 1. it is not likely to suffer significant damage in a flood event; and 2. it will not significantly affect the functioning of the flood plain; and 3. it will not generate the need for new or upgraded public natural hazard mitigation works to mitigate or avoid the natural hazard; and 4. <u>for natural hazard sensitive buildings</u>³⁰ a minimum floor level above the 0.5% AEP design flood level can be achieved; and 5. <u>for major hazard facilities will not be inundated, there is no risk of hazardous substances entering the environment;</u>³¹ significant adverse effects on people and property are avoided; and 6. increased risk on other sites, <u>including through floodwater displacement and diversion</u>³², is avoided as a priority and where this is not practicable, will be appropriately mitigated. 	
NH-P5	Subdivision and Regionally significant Infrastructure³³ in Liquefaction Awareness Areas

²² Clause 16(2)

²³ Clause 10(2)(b) ECan [183.38]

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

²⁵ Panel Decision Report, Part 8, Section 2.19.1.

²⁶ Crossman evidence for OWL [181] paras 4.1 to 4.3

²⁷ Forest and Bird [156.87]

²⁸ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

²⁹ ECan [183.38]

³⁰ ECan [183.33]

³¹ BP Oil et al [196.50], PrimePort [175.29] and Timaru District Holdings [186.15]

³² Clause 16(2)

³³ Transpower [159.61]

Require subdivision and Regionally Significant Infrastructure in Liquefaction Awareness Areas to apply appropriate measures to avoid or, where avoidance is not reasonably practicable due to the functional needs of the activity, mitigate risks to people and property. Require the liquefaction risk in the Liquefaction Awareness Area Overlay to be identified and appropriately remedied or mitigated.³⁴

NH-P6 Subdivision and Regionally Significant Infrastructure³⁵ in Earthquake Fault Awareness Areas

Require subdivision and Regionally Significant Infrastructure³⁶ in the Earthquake Fault (Subdivision)³⁷ Awareness Areas ~~or~~ Overlay to be designed or located in a way that enables activities to avoid or, where avoidance is not reasonably practicable due to the functional need or operational needs³⁸ of the activity, mitigates risks to people and property.

NH-P7 Slope stability and subsidence risk

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

NH-P8 Overland Flowpaths³⁹

Require subdivision, use and development in overland flowpaths to:

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

NH-P98 Natural hazard mitigation works

Natural hazard mitigation works:

1. undertaken by or on behalf of⁴⁰ the Crown, CRC Canterbury Regional Council or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Natural Landscapes (ONLs), Outstanding Natural and Features (ONFs), the Coastal Environment, Visual Amenity Landscapes (VALs), Significant Natural Areas (SNAs), High Naturalness Waterbodies Areas (HNWB), Sites of Significance to Māori (SASM), ~~Historic~~ ~~cultural, and archaeological areas-sites,~~⁴¹ riparian margins and ~~Notable Trees~~ are mitigated; or
2. not undertaken by or on behalf of⁴² the Crown, CRC Canterbury Regional Council or the Council, will only be acceptable where:
 - a. the natural hazard risk cannot otherwise be reasonably avoided; and
 - b. consideration has been given to alternative solutions such as the relocation, removal or abandonment of existing uses, buildings and structures and all alternatives are not economically viable; and
 - c. any adverse effects arising from the construction or operation of the works on the identified values and qualities of ONLs, ONFs, Outstanding Landscapes and Features, the Coastal Environment, VALs Visual Amenity Landscapes, SNAs Significant Natural Areas, HNWB High Naturalness Waterbodies Areas, SASM Sites of Significance to Māori, historic heritage, cultural, and archaeological areas-sites,⁴³ riparian margins and ~~Notable Trees~~ are avoided, remedied, or mitigated in accordance with the objectives and policies provisions⁴⁴ in those ~~Chapters~~; and

³⁴ ECan [183.34]

³⁵ Transpower [159.62]

³⁶ Transpower [159.62]

³⁷ Clause 16(2)

³⁸ Waka Kotahi [143.68]

³⁹ ECan [183.38]

⁴⁰ Clause 16(2)

⁴¹ Clause 10(2)(b) of Heritage NZ [114.3]

⁴² Clause 16(2)

⁴³ Clause 10(2)(b) of Heritage NZ [114.3]

⁴⁴ ECan [183.128] – consequential amendment to align with rule exclusions

d. the construction or operation of the natural hazard mitigation works will avoid or acceptably mitigate not lead to⁴⁵ any increased or new risk from flooding to human life and property.

NH-P9⁴⁶

Hard engineering natural hazard mitigation works⁴⁷ 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; and
2. the construction of hard engineering measures will not increase the risk from coastal hazards on adjacent sites properties that are not protected by the hard engineering measures; and
3. where managed retreat has not been adopted and there is an immediate a demonstrated clear⁴⁸ risk to life or property from the natural hazard; and
4. it minimises avoids⁴⁹ 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-significant⁵⁰ adverse effects are avoided, remedied or mitigated.

NH-P10

High ~~Hazard~~ Areas

Avoid subdivision, use and development (excluding ~~Regionally Significant Infrastructure~~) in ~~mapped~~ or identified high hazard areas, unless:

1. it is a building or structure⁵¹ that is not a natural hazard sensitive building activity⁵² or is unlikely to suffer damage; or
2. it can be demonstrated that the risks of the natural hazard can be mitigated so that:
 - a. in the event of a natural hazard, there is likely to be no loss of life or serious injury or and any built development is not likely to suffer significant property⁵³ damage or loss; and
 - b. it will not require new or upgraded public natural hazard mitigation works to mitigate the natural hazard; and
 - c. it is not likely to exacerbate the potential effects of the natural hazard on adjoining or surrounding land; and
 - d. it does not increase reliance on emergency services in a hazard event; or
3. it is located within an existing urban zoned area and the risks of the natural hazard are avoided or mitigated.⁵⁴

NH-P11

Regionally Significant Infrastructure in ~~Natural Hazard Areas~~⁵⁵

Only allow 1. Outside of coastal hazard areas, Regionally Significant Infrastructure in Natural Hazard Areas where:

- a. can only locate within high hazard areas where it has an operational need or functional need for the location and there are no feasible alternative locations; and
- b. for other all⁵⁶ natural hazard areas:
 - i. it is designed to maintain its integrity and function during and after a natural hazard event, or it is able to be readily re-instated after a natural hazard event; and
 - ii. it is designed and located to ensure that it will not exacerbate the risks or potential adverse effects of the natural hazard on surrounding land;

⁴⁵ Silver Fern Farms [172.27] and Alliance Group [173.24]

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

⁴⁷ Clause 16(2)

⁴⁸ Tosh Prodanov [117.3],

⁴⁹ Silver Fern Farms [172.88]

⁵⁰ Silver Fern Farms [172.88]

⁵¹ Silver Fern Farms [172.28] and Alliance Group [173.25]

⁵² Clause 16(2)

⁵³ Silver Fern Farms [172.28] and Alliance Group [173.25]

⁵⁴ Rangitata Dairies [44.2], Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1] and various submissions from Waipopo Huts Trust and Te Kotare Trust

⁵⁵ Clause 16(2)

⁵⁶ Transpower [159.63] – amendment to correct the wording, as intended in the s42A report (paragraph 7.24.6)

⁵⁷ Transpower [159.63] for all these changes.

2. Within coastal hazard areas, only allow ~~R~~egionally ~~S~~ignificant ~~I~~nfrastructure, including the Port of Timaru,⁵⁸ in areas subject to coastal hazards where:

- a. there is a functional need 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.⁵⁹

NH-P12⁶⁰

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

1. In non-urban zoned⁶¹ areas, avoid subdivision, use and development within the Coastal Erosion Overlay and Sea Water Inundation Overlay where there is a new or increased risk of loss of life, or significant damage to structures or property; and
2. Within existing urban zoned⁶² areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.

NH-P13⁶³

Identifying coastal hazards

Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,⁶⁴ to the management of subdivision, use and development based on the following:

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

NH-P1114⁶⁵

PORTZ Port Zone⁶⁶

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

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

Rules

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

For the purposes of this chapter, activities in the PORTZ Port Zone are only subject to the PORTZ specific rules and NH-R1A2, NH-R3449 and NH-R4A6 NH-RX and NH-RX.⁶⁷ These PORTZ Port Zone

⁵⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]

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

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

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

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

⁶³ Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

⁶⁴ Dir. General Conservation [166.108] and Forest and Bird [156.151]

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

⁶⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁶⁷ Clause 16(2) renumbering as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

~~specific rules do not cover major hazardous facilities and hazardous facilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.~~⁶⁸

~~For the purposes of NH-R34 Natural hazard mitigation works, the rules in the Ecosystems and Indigenous Biodiversity ECO, Natural Character NATC, Natural Features and Landscapes NFL and Sites and Areas of Significance to Māori SASM chapters do not apply.~~⁶⁹

~~The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the CRC Canterbury Regional Council. The rules in this chapter therefore do not apply within the beds of lakes and rivers.~~⁷⁰

NH-R1	Buildings, structures and Earthworks outside the Port Zone⁷¹, excluding land disturbance and for natural hazard mitigation works and its associated land disturbance under NH-R34⁷²	
Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>If the area is subject to flooding in a 0.5% AEP rainfall, NH-S2 is complied with; and⁷⁴</p> <p>PER-2</p> <p>If a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath.</p> <p>PER-1</p> <p>Where a site is located within the Overland Flowpath Assessment Area Overlay, a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath; and⁷⁵</p> <p>PER-2</p> <p>Buildings, structures and earthworks will not create or increase the diversion or displacement of floodwater worse flooding on another site property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to: The relevant matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse effects on the rate of flow and direction of overland flowpath(s); and any adverse effects on property from blockage of or disturbance to the overland flow path(s); and⁷⁸ any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater;⁷⁹ and the effectiveness and potential adverse effects of any proposed mitigation measures.⁸⁰
High Hazard Area Overlay ⁷³		

⁶⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁶⁹ ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

⁷⁰ OWL [181.48] and [181.54]

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

⁷² ECan [183.38]

⁷³ Kāinga Ora [229.39]

⁷⁴ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38]

⁷⁵ ECan [183.38] and clause 16(2)

⁷⁸ ECan [183.27] – combining matter of discretion 2 and 3.

⁷⁹ ECan [183.38]

⁸⁰ ECan [183.38]

	<p><u>0.5% AEP event, except that this shall not apply to buildings, structures or earthworks authorised by a building consent.⁷⁶</u></p> <p>Notes:</p> <ol style="list-style-type: none"> <u>1. A Flood Risk Assessment Certificate issued in accordance with NH-S1 will identify if the site is subject to flooding in events up to and including a 0.5% AEP flood event.</u> <u>2. When considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u> <u>3. This rule applies in addition to all the remaining chapter rules.⁷⁷</u> 	
<p>NH-RX NH-R1A2</p> <p>Flood Assessment Area Overlay</p> <p>Sea Water Inundation Overlay</p> <p>Coastal Erosion Overlay⁸²</p>	<p>New buildings, structures and earthworks in the PORTZ Port Zone⁸¹</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p><u>Buildings, structures and earthworks will not create or increase the diversion or displacement of floodwater worsen flooding on another site property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event, except that this shall not apply to buildings, structures or earthworks authorised by a building consent.⁸³</u></p> <p>Note:</p> <p><u>1. A Flood Assessment Certificate issued in accordance with NH-S1 will identify if the site is subject to flooding in events up to and including a 0.5% AEP flood event.⁸⁴</u></p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>any adverse effects on the rate of flow and direction of overland flowpath(s); and</u> <u>any adverse effects on property from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater; and</u> <u>any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater; and⁸⁵</u> <u>the effectiveness and potential adverse effects of any proposed mitigation measures; and</u> <u>the benefits of or necessity for the proposed building, structure or earthworks.</u>

⁷⁶ ECan [183.38]

⁷⁷ Clause 16(2)

⁸¹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

⁸² ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80. Clause 16(2) amendment to include NH-RX renumbered as NH-R1A, as part of merging the natural hazards provisions into the Natural Hazards chapter

⁸³ ECan [183.38]

⁸⁴ Clause 16(2) - to include the Rule Note from the equivalent NH-R1

⁸⁵ ECan [183.27] – combining matter of discretion 2 and 3

	<p><u>2. When considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.</u></p>	
NH-R23⁸⁶	Land disturbance	
Coastal Erosion Overlay	Activity Status: Permitted	Activity status when compliance not achieved with: Not applicable
Sea Water Inundation Overlay		
NH-R2	Fences⁸⁷	
Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 At least 70% of the surface area of the fence is permeable above ground; or</p> <p>PER-2 A Flood Risk Assessment⁸⁸ Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath.</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. the type of fencing and materials proposed and the potential to obstruct water flow; and 2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and 3. any increased flood risk for people, property, or public spaces; and 4. the effectiveness and potential adverse effects of any proposed mitigation measures.
NH-R34	<p>Natural hazard mitigation works – maintenance, replacement and upgrading including associated earthworks and incidental vegetation removal⁸⁹</p> <p>Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation⁹⁰</p>	
1 Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation;⁹⁵ or</p>	<p>Activity status where compliance not achieved with PER-1¹⁰³, PER-2, PER-3 or PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and
High Hazard Area Overlay⁹¹		

⁸⁶ Clause 16(2) - as part of merging the natural hazards and coastal hazards provisions

⁸⁷ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38] and Joseph Rooney [177.15], Peter Bonifacio [36.15], Hort NZ [245.55] and ECan [183.39]

⁸⁸ ECan [183.26]

⁸⁹ ECan [183.40]

⁹⁰ Clause 16(2)

⁹¹ Kāinga Ora [229.39]

⁹⁵ ECan [183.40]

¹⁰³ ECan [183.40]

<p>Coastal Environment Area Overlay⁹²</p> <p>Sea Water Inundation Overlay^{93 94}</p>	<p>PER-42 <u>The activity is undertaken by or on behalf of the Crown, CRC Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or CRC Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of river control schemes; and or⁹⁶</u></p> <p>PER-4-3 <u>The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:</u></p> <ol style="list-style-type: none"> 1. <u>The natural hazard mitigation works is occur⁹⁷ within 25m of the existing alignment or location vertically and horizontally of existing natural hazard mitigation works;⁹⁸ and</u> 2. <u>do not increase the footprint of the existing⁹⁹ natural hazard mitigation works is not increased by more than 25%; or</u> <p>PER-3 4 <u>The activity is undertaken by or on behalf of the Port of Timaru Crown, Canterbury Regional Council, or the Council, or and is limited to the maintenance of existing natural hazard mitigation works within 310m of PREC712 - the Port Operational Area Precinct;¹⁰⁰ and or</u></p> <p>PER-4 <u>If the site is subject to flooding in a 0.5% AEP rainfall event, NH-S2 is complied with.¹⁰¹</u></p> <p>PER-5 <u>The activity is new natural hazard mitigation works undertaken by or on</u></p>	<ol style="list-style-type: none"> 2. the extent of any adverse social, cultural and environmental effects, including <u>from indigenous vegetation clearance, vegetation planting, and earthworks</u> on any sensitive environments, <u>including SNAs significant natural areas, natural character areas, riparian margins, SASM sites and areas of significance to Māori and within any ONF or ONL overlay;</u>¹⁰⁴ and 3. <u>any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks;</u> and¹⁰⁵ 4. any increased flood risk for people, property, <u>infrastructure¹⁰⁶ or public spaces, including from blockage of or disturbance to overland flowpath(s);</u>¹⁰⁷ and 4. the extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; and 5. any positive effects of the proposal on the community; and 6. the matters set out in NH-P8.¹⁰⁸ <p>Activity status where compliance not achieved with PER-4 PER-4 PER-5: Restricted Discretionary¹⁰⁹</p> <p>Where:</p> <p>RDIS-1 <u>Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, CRC Regional Council, or the Council.</u>¹¹⁰</p>
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⁹² Clause 16(2) – from CE-R9 - as part of merging the natural hazards and coastal provisions

⁹³ ECan [183.128]

⁹⁴ Clause 16(2) – from CE-R9 - as part of merging the natural hazards and coastal provisions

⁹⁵ ECan [183.40]

⁹⁶ Clause 16(2)

⁹⁷ Clause 16(2)

⁹⁸ Clause 16(2)

⁹⁹ Clause 16(2)

¹⁰⁰ PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2). See also the evidence of Mr Walsh dated 9 April, paragraph 44

¹⁰¹ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26]

¹⁰² ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

¹⁰³ ECan [183.27] – combining matter of discretion 3 and 4

¹⁰⁴ Waka Kotahi [143.71]

¹⁰⁵ ECan [183.27] – combining matter of discretion 3 and 4

¹⁰⁶ ECan [183.40]

¹⁰⁷ ECan [183.40]

¹⁰⁸ ECan [183.128]

	<p>behalf of the Crown, the <u>CRC Regional Council</u> 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.¹⁰²</p>	<p>b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.¹¹¹</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> those matters set out for non-compliance with NH-R34.1, PER-1, PER-2, or PER-3 or PER-4. <p>Activity status where compliance not achieved with RDIS-1: Discretionary¹¹²</p> <p>Matters of discretion are restricted to: the relevant matters of discretion of any infringed standard.¹¹³</p>
<p><u>2</u> Coastal High Natural Character Area Overlay¹¹⁴</p> <p>Coastal Erosion Overlay¹¹⁵</p>	<p>Activity status: Restricted Discretionary¹¹⁶</p> <p>Where:</p> <p>RDIS-1¹¹⁷</p> <p>Any new natural hazard mitigation works are:</p> <ol style="list-style-type: none"> established by or on behalf of the Crown, <u>CRC Regional Council</u>, or the Council; or¹¹⁸ established by or on behalf of the Port of Timaru and are located within 310m of PREC712 - the Port Operational Area Precinct.¹¹⁹ <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> those matters set out for non-compliance with NH-R34.1, PER-1, PER-2, or PER-3 or PER-4.¹²⁰ 	<p>Activity status where compliance is not achieved: Discretionary</p>
<p>NH-R45</p>	<p>Natural hazard sensitive buildings outside the Port Zone activities¹²¹ other than Regionally Significant Infrastructure¹²² or structures¹²³ and additions to such activities or structures with a ground floor area of 30m² or more^{124 125}</p>	

¹⁰² ECan [183.40] and [183.41]

¹¹¹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹¹² ECan [183.40]

¹¹³ ECan [183.40]

¹¹⁴ ECan [183.128]

¹¹⁵ ECan [183.128]

¹¹⁶ Clause 16(2) – merge from CE-R9.2 as part of the natural hazards and coastal hazards provision merge

¹¹⁷ ECan [183.128]

¹¹⁸ ECan [183.128]

¹¹⁹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹²⁰ ECan [183.128]

¹²¹ Clause 16(2)

¹²² This inclusion is not needed as RSI is excluded from the definition of Natural Hazard Sensitive Buildings.

¹²³ Road Metals [169.15] and Fulton Hogan [170.16] Dairy Holdings [89.6]

¹²⁴ Clause 10(2)(b) amendment as the 30m² threshold is proposed to be included in the definition of “natural hazard sensitive buildings”.

¹²⁵ ECan [183.38] for all changes, except where separately identified

<p>1 Flood Assessment Area Overlay within Urban Zoned Areas¹²⁶</p>	<p>Note: if the new building, structure or extension on the ground floor is less than 30m², see NH-R7.¹²⁷</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The natural hazard sensitive building complies with¹²⁸ 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 A Flood Risk Assessment¹²⁹ Certificate for the natural hazard sensitive¹³⁰ activity has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate.¹³¹; and</p> <p>PER-3 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flowpath; and¹³²</p> <p>PER-4 The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is identified as a High Hazard Area; and¹³³</p> <p>PER-5 The Flood Risk Certificate issued under PER-2 states either:</p> <ol style="list-style-type: none"> 1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or 2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.¹³⁴ 	<p>Activity status where compliance not achieved with PER-1 or PER-2 or PER-4: Non-Complying Restricted Discretionary¹³⁵</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and¹³⁶ 2. 1. any increased flood risk for people, property, or public spaces; and 2. the effectiveness and potential adverse effects of any proposed mitigation measures; and 3. any operational need or functional need for the activity to be established in this location; and 4. the extent to which it will require new or upgraded public natural hazard mitigation works; and 5. the extent of any additional reliance on emergency services; and 6. any positive effects of the proposal; and 7. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.¹³⁷ <p>Activity status where compliance not achieved with PER-5: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the nature, design and intended use of the proposed building or structure; and 2. any increased flood risk for people, property, or public spaces; and
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¹²⁶ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

¹²⁷ ECan [183.38], [183.42]

¹²⁸ Clause 16(2)

¹²⁹ ECan [183.26]

¹³⁰ Clause 16(2)

¹³¹ ECan [183.42]

¹³² ECan [183.42]

¹³³ Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].

¹³⁴ ECan [183.38]

¹³⁵ Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

¹³⁶ ECan [183.38] for deleting references to overland flowpaths (which are now in NH-R1)

¹³⁷ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

		<ol style="list-style-type: none"> 3. proposals to mitigate any risk created by non-compliance with the minimum floor levels, including risk to the health and safety of occupants; and 4. the potential for the activity to exacerbate natural hazard risk, including to any other sites; and 5. any increased reliance on emergency services;¹³⁸
<p><u>2</u> <u>Flood</u> <u>Assessment</u> <u>Area Overlay</u> <u>outside of</u> <u>Urban</u> <u>Zoned</u> <u>Areas</u>¹³⁹</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The natural hazard sensitive building complies with the minimum finished floor level specified in an existing consent notice that is less than five years old; or</u></p> <p><u>PER-2</u> <u>A Flood Assessment Certificate for the natural hazard sensitive building has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate; and</u></p> <p><u>PER-3</u> <u>The Flood Risk Assessment¹⁴⁰ Certificate issued under PER-2 states that the building is not located on land that is identified as a high hazard area.</u></p>	<p><u>Activity status where compliance not achieved with PER-1 or PER-2:</u> <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks;¹⁴¹ and 2. <u>the effectiveness and potential adverse effects of any proposed mitigation measures;</u> and 3. <u>any operational need or functional need for the activity to be established in this location;</u> and 4. <u>the extent to which it will require new or upgraded public natural hazard mitigation works;</u> and 5. <u>the extent of any additional reliance on emergency services;</u> and 6. <u>any positive effects of the proposal;</u> and 7. <u>for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the Zone, and the views of mana whenua, if provided.</u>¹⁴² <p><u>Activity status where compliance not achieved with PER-3: Non-complying</u></p>

¹³⁸ ECan [183.38]

¹³⁹ Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]

¹⁴⁰ Clause 16(2)

¹⁴¹ ECan [183.38] for deleting references to overland flowpaths (which is now in NH-R1)

¹⁴² Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<p>3 Sea Water Inundation Overlay within urban zoned¹⁴³ areas</p>	<p>Activity status: Permitted Where: PER-4 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, or¹⁴⁴ PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity, or¹⁴⁵ PER-3 1 The building or extension natural hazard sensitive building¹⁴⁶ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment¹⁴⁷ 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.¹⁴⁸ </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 <u>flood</u> risk to people, <u>and</u> property <u>and</u> public spaces;¹⁴⁹ <u>and</u> 2. whether the extent to which¹⁵⁰ the building includes natural hazard mitigation such as raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; <u>and</u> 3. the extent to which the building or structure has a functional need or operational need for its location; <u>and</u> 4. the extent of any positive benefits that will result from the proposal; <u>and</u> 5. the extent to which the proposal creates natural hazard risks on adjacent properties; <u>and</u>¹⁵¹ 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; <u>and</u> 7. the extent to which the proposal requires any increased reliance on emergency services; <u>and</u> 8. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the Zone, and the views of mana whenua, if provided.¹⁵²
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¹⁴³ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

¹⁴⁴ Simo Enterprises [148.30] and Fenlea Farms [171.23]

¹⁴⁵ Fenlea Farms [171.23]

¹⁴⁶ Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]

¹⁴⁷ ECan [183.26]

¹⁴⁸ ECan [183.125]

¹⁴⁹ ECan [183.27]

¹⁵⁰ Clause 16(2)

¹⁵¹ ECan [183.27]

¹⁵² Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

<p>4 Sea Water Inundation Overlay outside of urban zoned¹⁵³ areas</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-4 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, or¹⁵⁴</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity, or¹⁵⁵</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 Assessment¹⁵⁶ Certificate issued in accordance with NH-S1; and</p> <p>PER-2 The Flood Assessment Certificate issued under PER-12 states that the natural hazard sensitive building is not located on land that is identified as a high hazard area.¹⁵⁷</p>	<p>Activity status when compliance not achieved <u>with PER-1</u>: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>the extent to which the proposal results in an increased risk to people, property and public spaces; and</u> <u>the extent to which the building includes natural hazard mitigation such as raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; and</u> <u>the extent to which the building or structure has a functional need or operational need for its location; and</u> <u>the extent of any positive benefits that will result from the proposal; and</u> <u>the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and</u> <u>the extent to which the proposal requires any increased reliance on emergency services.</u> <p>Activity status when compliance not achieved <u>with PER-2</u>: Non-complying</p>
<p>5 Coastal Erosion Overlay</p>	<p>Activity status: Restricted Discretionary</p> <p><u>Except that this rule shall not apply to buildings associated with TMTA Temporary Military Training Activities that are in place for 31 consecutive days or less, excluding set-up and pack-out activities.</u>¹⁵⁸</p> <p>Where:</p> <p>RDIS-1 The activity is an addition or extension¹⁵⁹ to an existing building or structure only; and</p> <p>RDIS-2</p>	<p>Activity status when no compliance not achieved: Non-complying</p>

¹⁵³ ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]

¹⁵⁴ Simo Enterprises [148.30] and Fenlea Farms [171.23]

¹⁵⁵ Fenlea Farms [171.23]

¹⁵⁶ ECan [183.26]

¹⁵⁷ ECan [183.125]

¹⁵⁸ The New Zealand Defence Force [151.15]

¹⁵⁹ Clause 16(2)

	<p>The <u>addition or</u> extension has a maximum floor area of <u>30</u>¹⁶⁰<u>25m²</u> established in any continuous 10-year period from <u>22 September 2022</u> <u>[insert date Plan becomes operative]</u>¹⁶¹ <u>or</u>¹⁶²</p> <p>RDIS-3</p> <p>The extension is not to accommodate a natural hazard sensitive activity.¹⁶²</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, <u>including creating natural hazard risks on adjacent properties</u>¹⁶³ <u>and</u> 2. whether the building includes hazard mitigation; <u>and</u> 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 properties¹⁶⁴ <u>and</u> 5. the extent of any adverse effects on the amenity values of the coastal environment; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; <u>and</u> 7. the risk to the building or structure taking into account: <ol style="list-style-type: none"> a. The nature of the building, including its materials and ability to be relocated <u>and</u> b. The anticipated lifespan of the building, structure or activity <u>and</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 period¹⁶⁵ 	
2 High Hazard Area Overlay	Activity status: Non-complying ¹⁶⁶ -	Activity status where compliance not achieved: Not applicable

¹⁶⁰ ECan [183.125]¹⁶¹ ECan [183.125]¹⁶² Clause 16(2) (this is not needed as the amended activity only applies to Natural Hazard Sensitive Buildings)¹⁶³ ECan [183.27]¹⁶⁴ ECan [183.27]¹⁶⁵ ECan [183.109]¹⁶⁶ Kāinga Ora [229.39]

<p>Note: if the new building or extension on the ground floor is less than 30m², see NH-R7.</p>		
NH-RX NH-R4A6 ¹⁶⁷	<p>Natural hazard sensitive buildings within the PORTZ Port Zone ¹⁶⁸</p>	
Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <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:¹⁷¹</p> <ol style="list-style-type: none"> 1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or 2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or 3. the building has a footprint smaller than 100m²; or 4. is relocatable. 	<p>Activity status where compliance is achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any increased flood risk for people, property, or public spaces; and 2. the effectiveness and potential adverse effects of any proposed mitigation measures; and 3. any operational need or functional need for the activity to be established in this location; and 4. any increased reliance on emergency services; and 5. any positive effects of the proposal.
NH-R57	<p>Regionally Significant Infrastructure - maintenance, repair,¹⁷² replacement and upgrading</p>	
1 Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The infrastructure:</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. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and 2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and

¹⁶⁷ Clause 16(2) amendment to renumber NH-RX as NH-R1A, as part of merging the coastal natural hazards provisions into the Natural Hazards chapter

¹⁶⁸ PrimePort [175 - various] and Timaru District Holdings [186 - various]

¹⁶⁹ Kāinga Ora [229.39]

¹⁷⁰ ECan [183.133] – consequential addition given the additional Coastal Erosion Overlay identified at the Port, as identified in the evidence of Mr Walsh dated 9 April, at paragraph 80. Inclusion in NH-RX due to natural hazards merge

¹⁷¹ Clause 16(2)

¹⁷² Transpower [159.64]

High Hazard Area Overlay ¹⁷³ Earthquake Fault (Infrastructure or Facilities) Awareness Area Overlay	<p>1. is underground infrastructure only;¹⁷⁴ or</p> <p>2. is within 520m¹⁷⁵ of the existing alignment or location; and</p> <p>PER-2 The above ground footprint of <u>any building or structure the infrastructure</u>¹⁷⁶ is not increased by more than 10%.</p>	<p>downstream flood risks¹⁷⁷ and displacement of floodwater¹⁷⁸; and</p> <ol style="list-style-type: none"> 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. alternative locations for the Regionally Significant infrastructure; and 5. any positive effects of locating the Regionally Significant infrastructure at this location; and 6. the ability for the Regionally Significant infrastructure to be efficiently recovered after a hazard event; and 7. the operational need or functional need for the activity to be established in this location.
2 Coastal Erosion Overlay Sea Water Inundation Overlay	<p>Activity status: Permitted¹⁷⁹</p> <p>Where:</p> <p>PER-1 A new building or <u>building extension is located outside of the Coastal Erosion Overlay and</u>¹⁸⁰ has a <u>collective maximum additional</u>¹⁸¹ ground floor area per site of 200m² in any continuous 10-year period from 22 September 2022 [insert plan operative date],¹⁸² 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],¹⁸³ 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>¹⁸⁴; 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> c. <u>the level of certainty of the projected future shoreline,</u>

¹⁷³ Kāinga Ora [229.39]¹⁷⁴ BP et al [196.54]¹⁷⁵ PrimePort [175.30]¹⁷⁶ Transpower [159.64]¹⁷⁷ ECan [183.38] for deleting references to overland flowpaths (which are now in NH-R1)¹⁷⁸ ECan [183.43], [183.27]¹⁷⁹ Clause 16(2) – shifted from CE-R7.1 as part of the coastal natural hazards merge into the Natural Hazards chapter¹⁸⁰ ECan [183.126]¹⁸¹ Clause 16(2)¹⁸² ECan [183.126]¹⁸³ ECan [183.126]¹⁸⁴ Clause 16(2)

	<p>The building or extension is located outside of the Coastal Erosion Overlay and¹⁸⁵ has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment¹⁸⁶ 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.¹⁸⁷</p>	<p>including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.¹⁸⁸</p>
NH-R68	<p>Regionally Significant Infrastructure — New</p> <p>NH-R68.1 does not apply if:</p> <ol style="list-style-type: none"> 1. the infrastructure is below ground; or 2. above ground infrastructure, where any structure¹⁸⁹ is less than 10m² and is not located within a high hazard area as determined under NH-S1; or 3. the structure is located within a road corridor.¹⁹⁰ <p>NH-R68.4 shall not apply to buildings and infrastructure, where any structure is¹⁹¹ less than 10m² in area.</p>	
1 Flood Assessment Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-0</p> <ol style="list-style-type: none"> 1. The infrastructure is below ground; or 2. Above ground infrastructure, where any structure¹⁹² is less than 10m² and is not located within a high hazard area as determined under NH-S1; or 3. The structure is located within a road corridor; or¹⁹³ <p>PER-1 A Flood Risk Assessment¹⁹⁴ Certificate for the activity has been issued in accordance with NH-S1; and</p> <p>PER-2</p>	<p>Activity status where compliance not achieved with PER-2, or PER-3: See NH-R6.2 Restricted Discretionary</p> <p>Activity status where compliance not achieved with PER-3: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The activity is located on land that is not within a High Hazard Area as stated in a Flood Risk Certificate issued under PER-4.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the operational need or functional need for the activity to be established in this location; and

¹⁸⁵ ECan [183.126]¹⁸⁶ ECan [183.26]¹⁸⁷ ECan [183.126], [183.125]¹⁸⁸ ECan [183.109], [183.126]¹⁸⁹ Transpower [159.65]¹⁹⁰ Clause 16(2) shifted into NH-R6.1 as PER-0¹⁹¹ Transpower [159.65]¹⁹² Transpower [159.65]¹⁹³ Clause 16(2) shifted from the heading into NH-R6.1¹⁹⁴ ECan [183.26]

	<p>The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flowpath; and¹⁹⁵</p> <p>PER-3</p> <p>The Flood Risk Assessment¹⁹⁶ Certificate issued under PER-1 states that:</p> <ol style="list-style-type: none"> the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall flood¹⁹⁷ event; or any building located on land that is subject to flooding in a 0.5% AEP event complies with the minimum finished floor level requirement for the site;¹⁹⁸ and <p>PER-3</p> <p>The activity is not located within a high hazard area identified by a Flood Assessment Certificate issued in accordance with NH-S1.</p>	<ol style="list-style-type: none"> any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and the effectiveness and potential adverse effects of any proposed mitigation measures; and any increased flood risk for people, property, or public spaces; and the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event or maintain its integrity and function during and after a natural hazard event;¹⁹⁹ and the extent to which it will require new or upgraded public natural hazard mitigation works; and the extent of any additional reliance on emergency services; and the extent to which there are²⁰⁰ alternative locations for the Regionally Significant Infrastructure; and any positive effects of locating the Regionally Significant Infrastructure at this location.
		<p>Activity status where compliance not achieved with RDIS-1: See NH-R6.3</p> <p>Activity status where compliance not achieved with PER-1: Non-complying</p>
<p>2 Overland flowpaths identified in a Flood Risk Certificate issued in accordance with NH-S1²⁰¹</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The infrastructure is below ground; or</p> <p>PER-2</p> <p>Above-ground infrastructure is less than 10m²; or</p> <p>PER-3</p> <p>The infrastructure is located within a road corridor.</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"> any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and the effectiveness and potential adverse effects of any proposed mitigation measures; and alternative locations for the Regionally Significant Infrastructure; and

¹⁹⁵ ECan [183.42], OWL [181.56]

¹⁹⁶ ECan [183.26]

¹⁹⁷ ECan [183.25]

¹⁹⁸ OWL [181.56] and TDC [42.32]

¹⁹⁹ OWL [181.56]

²⁰⁰ Clause 16(2)

²⁰¹ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26] and ECan [183.38]

		<p>5. any positive effects of locating the Regionally Significant Infrastructure at this location; and</p> <p>6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and</p> <p>7. the extent to which it will require new or upgraded public natural hazard mitigation works; and</p> <p>8. the extent of any additional reliance on emergency services; and</p> <p>9. the operational need or functional need for the activity to be established in this location.</p>
<p>2 Coastal Erosion Overlay²⁰²</p> <p>Sea Water Inundation Overlay</p>	<p>Activity status: Permitted²⁰³</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],²⁰⁴ or</p> <p>PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive <u>building activity</u>²⁰⁵; 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 Assessment²⁰⁶ 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.²⁰⁷</p>	<p>Activity status when compliance not achieved: Discretionary</p>

²⁰² ECan [183.126]

²⁰³ Clause 16(2) – shifted from CE-R8.1 as part of the natural hazards merge

²⁰⁴ ECan [183.127]

²⁰⁵ Clause 16(2)

²⁰⁶ ECan [183.26]

²⁰⁷ ECan [183.127], [183.126], [183.125]

<p>3 Coastal Erosion Overlay²⁰⁸</p>	<p>Activity status: Permitted²⁰⁹</p> <p>Where:</p> <p>Except that this shall not apply to:</p> <p>1. Community land drainage infrastructure; 2. Established community-scale irrigation and stockwater infrastructure; or 3. Any building or structure that has a footprint less than 30m².</p> <p>PER-1 The work, building or structure is for:</p> <p>1. Community land drainage infrastructure; or 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>Activity status when compliance not achieved: Not applicable Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <p>1. Whether there is an operational need or functional need for the location; and 2. 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; and b. The anticipated lifespan of the building, structure or activity; and 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.²¹⁰</p>
<p>3 High Hazard Area Overlay²¹¹ - High Hazard Area identified in a Flood Risk Certificate issued in accordance with NH-S1</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the operational or functional need for the activity to be established in this location; and any effects arising from locating the regionally significant infrastructure in this location; and the effectiveness and potential adverse effects of any proposed mitigation measures; and any increased flood risk for people, property, or public spaces; and the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and alternative locations for the Regionally Significant Infrastructure; and the extent to which it will require new or upgraded public natural hazard mitigation works; and the extent of any additional reliance on emergency services; and any positive effects of locating the Regionally Significant Infrastructure at this location. 	<p>Activity status where compliance not achieved: Not applicable</p>

²⁰⁸ ECan [183.126]

²⁰⁹ Clause 16(2) – shifted from CE-R8.2 as part of the natural hazards merge

²¹⁰ ECan [183.109]

²¹¹ ECan [183.44]

4 Earthquake Fault (Infrastructure or Facilities) Awareness Areas	Activity status: Restricted Discretionary Where: RDIS-1 The activity is sited at least 20m metres away from the zone of deformation. Matters of discretion are restricted to: <ol style="list-style-type: none"> whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. Note: <i>Any supporting technical report is also to be supplied to the <u>CRC Canterbury Regional Council</u>.</i>	Activity status where compliance not achieved: Discretionary
NH-R7	Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m² (excluding Regionally Significant Infrastructure) ²¹²	
Flood Assessment Area Overlay	Activity status: Permitted Where:	Activity status where compliance is achieved: Restricted Discretionary
High Hazard Overlay ²¹³	PER-1 The building or structure or addition is below ground; or PER-2 The new building or structure or addition has a ground floor area of less than 10m ² ; or PER-3 The new building or structure or addition is located within a road corridor; or PER-4 A Flood Risk Certificate for the site has been issued in accordance with NH-S1 and the certificate states that the activity is not located on land that is within an overland flowpath.	Matters of discretion are restricted to: <ol style="list-style-type: none"> any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and any increased flood risk for people, property, or public spaces; and the effectiveness and potential adverse effects of any proposed mitigation measures; and any operational need or functional need for the activity to be established in this location; and any increased reliance on emergency services; and any positive effects of the proposal.
NH-R8 SUB-RX	Subdivision within natural hazard overlays ²¹⁴	
4	Activity status: Restricted Discretionary	Activity status where compliance not achieved with RDIS-2: Not applicable if

²¹² ECan [183.38], ECan [183.38]²¹³ Kāinga Ora [229.39]²¹⁴ Speirs, B [66.45]

<p>Flood Assessment Area Overlay outside the Port Zone²¹⁵</p>	<p>Where:</p> <p>RDIS-1 A Flood Risk Assessment Certificate for the subdivision is issued in accordance with NH S1; and</p> <p>RDIS-2 The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1. <u>A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH S1.</u>²¹⁶</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flowpath(s); and 2. the provision for any overland flowpaths to remain or the provision of secondary flowpaths; and 3. any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and 4. any increased flood risk for people, property, or public spaces; and 5. the effectiveness and potential adverse effects of any proposed mitigation measures; and 6. the extent to which it will require new or upgraded public natural hazard mitigation works; and 7. any increase in reliance on emergency services; and 8. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the zone, and the views of mana whenua, if provided.²¹⁷ 	<p>located within an urban zoned area Restricted Discretionary</p> <p>Where:</p> <p>RDIS-3 The subdivision is within an urban zoned area.²¹⁸</p> <p>non-complying if located outside of an urban zoned area</p> <p>Activity status when compliance not achieved with RDIS-1 or RDIS-3: Non-complying</p>
<p>1A²¹⁹ Flood Assessment</p>	<p>Activity status: Restricted Discretionary</p>	<p>Activity status when compliance not achieved: Not applicable</p>

²¹⁵ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

²¹⁶ ECan [183.47]

²¹⁷ Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

²¹⁸ ECan [183.47]

²¹⁹ Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

<u>Area Overlay within the Port Zone</u>	<u>Matters of discretion are restricted to:</u> 1. the design and layout of the subdivision, in relation to natural hazards; and 2. any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and 3. any increased flood risk for people, property, or public spaces; and 4. the effectiveness and potential adverse effects of any proposed mitigation measures; and 5. the extent to which future development will require new or upgraded public natural hazard mitigation works; and 6. any increase in reliance on emergency services; and 7. the matters set out in NH-P11 and CE-P15. ²²¹	
<u>2 Liquefaction Awareness Areas Overlay</u>	Activity status: Restricted Discretionary <u>Matters of discretion are restricted to:</u> 1. the appropriateness of the site for development; and 2. the liquefaction category that applies to the site and the level of risk to property and Regionally Significant Infrastructure; and 3. whether the appropriate geotechnical data has been uploaded to the New Zealand Geotechnical Database; and 4. the appropriateness of the techniques proposed for remediation and mitigation of the effects of any liquefaction hazard identified i.e. ground strengthening and if these are supported by a suitably qualified and experienced professional; and 5. the extent to which the siting and layout of the proposal is appropriate.	Activity status where compliance not achieved: Not applicable
<u>3 Earthquake Fault (Subdivision) Awareness Areas Overlay</u>	Activity status: Restricted Discretionary Where: RDIS-1 The subdivision design ensures that any future building or structure will be located	Activity status where compliance not achieved: Discretionary

²²⁰ 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.

²²¹ PrimePort [175 - various] and Timaru District Holdings [186 - various]

	<p>at least 20m metres away from any detailed area of fault or fold deformation.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the surface fault rupture hazard has been adequately assessed by a suitably qualified and experienced professional; and 2. the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. <p>Note: <i>The investigation report is also to be supplied to <u>CRC Canterbury Regional Council</u>.</i></p>	
<p>4 Coastal Erosion Overlay outside the Port Zone²²²</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay.</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; and 2. whether the proposal includes hazard mitigation; and 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the location of any proposed building that will accommodate a natural hazard sensitive building, including the level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.²²³ 	<p>Activity status when compliance not achieved: Non-complying</p>
<p>4 High Hazard Area Overlay²²⁴</p>	<p>Activity status: Non-complying</p>	<p>Activity status where compliance not achieved: Not applicable</p>

²²² Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

²²³ ECan [183.109]

²²⁴ Kāinga Ora [229.39]

NH-R9	Natural hazard mitigation works, including associated earthworks — New ²²⁵	
Flood Assessment Area Overlay	<p>Note: this rule applies to new natural hazard mitigation works, as opposed to maintenance, replacement and upgrading covered under NH-R3.</p>	Activity status where compliance not achieved: Discretionary
High Hazard Area Overlay	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The works are undertaken by or on behalf of the Crown, Regional Council or the Council.</p> <p>RDIS-2 The works are undertaken by or on behalf of the Port of Timaru and are located within 250m of PREC7.²²⁶</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The need for the natural hazard mitigation works and likely effectiveness of those works; 2. The extent of any adverse social, cultural and environmental effects, including on any sensitive environments; 3. The extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those; 4. Any positive effects of the proposal on the community; 5. Any increased flood risk for people, property, or public spaces. 	

Standards		
NH-S1	Flood Risk Assessment ²²⁷ Certificate	
Flood Assessment Areas Overlay	1. A Flood Risk Assessment ²²⁹ Certificate is issued by the Council (that is valid for three years from the date of issue) which specifies:	Matters of discretion are restricted to: Not applicable
Or Sea Water Inundation Overlay if directed via the CE Chapter²²⁸	<ol style="list-style-type: none"> a. If the site is within a high hazard area; and the flood event risk level for specific land, being: <ol style="list-style-type: none"> i. land not subject to flooding in a 0.5% AEP flood event, or 	

²²⁵ ECan [183.40]²²⁶ PrimePort [175 - various] and Timaru District Holdings [186 - various]²²⁷ ECan [183.26]²²⁸ Clause 16(2)²²⁹ ECan [183.26]

ii. land subject to flooding in a 0.5% AEP flood event, or

iii. land within a high hazard area;

iv. or for sea water inundation, land subject to flooding in a 1% AEP storm surge event, coupled with sea level rise based on an Representative Concentration Pathway 8.5 climate change scenario; and

b. where the site is not within a high hazard area, or where the site is within an urban zoned area, where 1(a)(ii) above identifies that the specific land is subject to flooding in a 0.5% AEP rainfall flood²³⁰ event, the a minimum finished floor level for any new building or structure (or part thereof) on the specific land to provide at least that is 250300mm²³¹ freeboard above the flood level in a 0.5% AEP flood level event; and

c. if located within the Overland Flowpath Assessment Area Overlay,²³² whether the specific land is located within an overland flowpath; and

d. as required by NH-R68, if the site is located on land that is subject to flooding in a 0.5% AEP flood event.

2. The AEP flood event risk level, minimum floor levels, stopbank risk²³³ and overland flowpath locations are to above will be determined by reference to:

- The most up to date models, maps and data held by Timaru District Council and Canterbury Regional Council; and
- Any information held by, or provided to, Timaru District Council or CRC Canterbury Regional Council that relates to flood risk for the specific land; and

²³⁰ ECan [183.25]

²³¹ ECan [183.50]

²³² ECan [183.38] and clause 16(2)

²³³ ECan [183.50]

	<p>c. <u>Will account for the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal).</u>²³⁴</p> <p>Note:</p> <ol style="list-style-type: none"> 1. <u>A minimum finished floor level will not be provided in the certificate²³⁵ for sites located within a High Hazard Area outside of urban zoned areas.</u>²³⁶ Rather, these will need to be determined through a resource consent process. 2. <u>An application form and guidance on how to obtain a Flood Hazard Assessment Certificate are available on the District Council's website.</u>²³⁸ 	
NH-S2	Volume of earthworks ²³⁹	
1 Flood Assessment Areas Overlay	<p>The earthworks do not exceed:</p> <ol style="list-style-type: none"> 1. 2,000m² in area in any calendar year in a Rural zone; and 2. 250m² in area in any calendar year in any other zone. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.
2 High Hazard Area Overlay High Hazard Area identified in a Flood Risk Assessment Certificate issued in accordance with NH-S1	<p>The earthworks do not exceed 250m² in area in any calendar year.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. any adverse effects on the functioning of the flood plain; and 2. any increased flood risk for people, property, or public spaces; and 3. the extent to which it could result in surface water ponding in the event of flooding.

²³⁴ ECan [183.50], see also the evidence of Mr Griffiths dated 9 April, paragraphs 20 to 22

²³⁵ Clause 16(2)

²³⁶ Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]

²³⁷ Clause 16(2)

²³⁸ Harvey Norman [192.12]

²³⁹ Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38] and Joseph Rooney [177.15]

²⁴⁰ ECan [183.26]