STRATEGIC DIRECTION

Introduction

This section sets out the overarching directions for the sustainable management of growth, land use and development of the ~~Timaru~~ District. The section is arranged in two chapters: Strategic Directions and Urban Form and Development. The Strategic Directions:

- are strategically important for achieving integrated management and for ensuring the RMA's purpose is achieved;
- give effect to relevant higher order documents such as NPSs ~~national policy statements~~ and the CRPS ~~Canterbury Regional Policy Statement~~; and
- provide a basis for how decisions relating to resource use will be made in the District over the life of the District Plan.

Focusing as it does on high level strategic directions, this section leaves the articulation of activity-specific and location-specific objectives and policies to the subsequent chapters of this District Plan.

These provisions have been informed by the GMS ~~Timaru District 2045 Growth Management Strategy~~ which addresses growth and development in the ~~d~~District and sets out a spatial framework for its management. They support achieving a ~~d~~District that has a sustainable lifestyle, a thriving and innovative economy and a strong identity.

Interpretation

For plan development, including plan changes, the objectives in the Strategic Directions and Urban Form and Development chapters provide direction for the development of the more detailed provisions contained elsewhere in the District Plan in relation to strategic issues. For plan implementation (including the determination of resource consent applications and the consideration of notices of requirement for designations)[1]:

1. the strategic objectives provide high level direction on what the related objectives and policies in other chapters of the District Plan are seeking to achieve in relation to the strategic issues. The topic and geographic-specific chapters provide the detailed guidance; and
2. the relevant objectives and policies of the District ~~p~~Plan (including strategic objectives in these chapters) are to be considered together. No fixed hierarchy exists between the strategic objectives or between the strategic objectives and the objectives and policies in other chapters of the District Plan.[2]

The Strategic Directions and Urban Form and Development ~~C~~chapters include some terms that are not defined (for example 'unacceptable' in SD-O4(ii)). This is purposeful, as the interpretive guidance for these terms is provided by the topic specific chapters (for example the Natural Hazards Chapter). [3]

[1] Transpower [159.25]
[2] Transpower [159.25]
[3] Te Rūnanga o Ngāi Tahu [185.19]

Objectives	
SD-O1	**Residential ~~A~~areas and residential ~~A~~activities**

1. There is sufficient residential development capacity in existing and proposed urban areas to meet demand and household choice, provided through:
   a. ~~the use of~~ [4] existing zoned greenfield areas; and
   b. a range of densities in existing urban areas; ~~and~~ [5]and
   c. higher residential densities in close proximity to the Timaru and Geraldine town centres, and Highfield Village Mall; and
   d. the new ~~F~~future ~~D~~development ~~A~~areas identified for the General Residential Zone~~.~~; and
   e. the Maori Purpose Zone.[6]
2. L~~l~~imited rural lifestyle development opportunities are provided where they:
   a. concentrate and are attached to existing urban areas; and
   b. achieve a coordinated pattern of development; and
   c. ~~avoid significant reverse sensitivity effects on existing and permitted rural activities~~ do not limit or preclude the operation or establishment of rural production activities; [7] and
   d. recognises~~s~~[8] the productive capabilities of the soils and location;[9] and
   e. are capable of efficiently connecting to ~~reticulated~~[10] sewer and water infrastructure; ~~and~~ and
3. L~~l~~imited residential opportunities are maintained in existing rural settlements, subject to adequate servicing~~.~~; and
4. T~~t~~he location of new residential areas and activities avoids creating significant conflict with incompatible zones and activities.[11]

[4] RMA Schedule 1, Clause 16(2)
[5] RMA Schedule 1, Clause 16(2)
[6] TRONT [185.17]
[7] Fonterra [165.25]
[8] RMA Schedule 1, Clause 16(2)
[9] Federated Farmers [182.28]
[10] Clause structure reordered under RMA Schedule 1, Clause 16(2)
[11] Silver Fern Farms [172.12] and Alliance Group [173.11]

SD-O2	The ~~N~~natural and ~~H~~historic ~~E~~environment

The District's natural and historic environment is managed so that:

1. the health and wellbeing of the community are recognised as being linked to the natural environment; and
2. an integrated management approach is adopted that recognises that all parts of the environment are interdependent (Ki uta ki tai)[12]; and
3. the natural character of the coastal environment, wetlands and waterbodies is preserved and protected from inappropriate subdivision, use, and development; and
4. important landscapes and features and their values[13] are protected from inappropriate subdivision, use, and development; and
5. outside of the National Grid,[14] indigenous biodiversity is maintained and enhanced and restored where necessary so that there is at least no overall loss;[15] and
6. significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values recognised, protected ~~and where appropriate,~~ enhanced, and where ecological integrity is degraded outside of the National Grid[16], restored;[17] and

~~6~~ 7 the life-supporting capacity of ecosystems and resources is safeguarded for future generations; and

~~7~~ 8 the important contribution of historic heritage to the District's character and identity is recognised, and ~~significant~~ historic heritage and its values are protected from inappropriate subdivision, use, and development.[18]

SD-O3	Climate ~~C~~change

The effects of climate change are recognised and an integrated management approach is adopted, including through:

1. taking climate change into account in natural hazards management; and
2. enabling the community and activities[19] to adapt to climate change; and
3. encouraging efficiency in urban form and settlement patterns and encouraging activities which reduce or mitigate[20] carbon emissions[21];~~.~~ and
4. manage indigenous biodiversity to promote resilience to the effects of climate change;[22] and
5. recognising the important role renewable electricity plays in achieving New Zealand's net carbon zero target by providing for renewable electricity generation, electricity transmission and electricity distribution.[23]

SD-O4	Natural ~~H~~hazards

Natural hazards risks are addressed so that:

1. areas subject to natural hazards and risk are identified; and
2. development is avoided in areas where the risks of natural hazards to people, property and infrastructure are assessed as being unacceptable; and
3. for other areas, natural hazards risks are appropriately mitigated.

[12] TRONT [185.18]
[13] TRONT [185.18]
[14] Transpower [159.26]
[15] Dir. General Conservation [166.18]
[16] Transpower [159.26]
[17] Dir. General Conservation [166.18]
[18] Fonterra [165.26]
[19] Hort NZ [245.38]
[20] Port Blakely [94.2]
[21] Port Blakely [94.2]
[22] Forest & Bird [156.39]
[23] Transpower [159.27]

SD-O5	Mana ~~W~~whenua
The mana whenua status of Kāti Huirapa is recognised and their historic and contemporary relationship with the District's land, water~~-~~bodies and wetlands, coastal environment, and indigenous species is recognised and provided for by ensuring: 1. mahika kai resources and habitats of indigenous species are sustained and opportunities for their enhancement or restoration are encouraged; and 2. the health of water~~-~~body and wetland environments is protected from adverse effects of land use and development; and 3. the values of identified sites and areas of significance to Kāti Huirapa are recognised and protected; and 4. ~~where appropriate,~~[24] Kāti Huirapa retains~~,~~ and where it can be undertaken safely ~~appropriate~~[25] is able to enhance access to their ~~sites and areas of significance~~ ~~(~~SASM~~)~~; and 5. Māori ~~reserve~~ land~~s are~~ is able to be used by Kāti Huirapa for their intended purposes;[26] and 6. where it can be undertaken safely,[27] Kāti Huirapa are able to carry out customary and cultural activities[28] in accordance with ~~tikanga~~ tikaka;[29] and 7. Kāti Huirapa are actively involved in decision making that affects their values and interests in these matters and are able to exercise their kaitiakitaka responsibilities~~.~~; and 8. Kāti Huirapa's culture and identity is recognised in the design of ~~F~~future ~~D~~development ~~A~~areas.[30]	
SD-O6	**Business ~~A~~areas and ~~A~~activities**
Business and economic prosperity in the District is enabled in appropriate locations, including by: 1. providing at least[31] sufficient and appropriately located land ~~for~~ to meet the operational requirements of a range of existing and new business activities to cater for projected growth;[32] and 2. providing opportunities for a range of business activities and other compatible activities[33] to establish and prosper, provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre Zone and Town Centre ~~z~~Zone~~s, or the industrial zones~~.[34] [35] [36]; and 3. the use and development of commercial and mixed use zones and industrial zones is not compromised by the establishment of sensitive activities.[37]	
SD-O7	**Centres**
The District's city and town centres: 1. are maintained and enhanced as vibrant, attractive community focal points, providing a high level of amenity and opportunities for social interaction; and 2. are the primary focus for retail activities, office and other commercial activities and community activities~~y~~;[38] and 3. provide for the highest density of business, residential and visitor accommodation, and for intensification opportunities.	

[24] OWL [181.22]
[25] OWL [181.22] | TRONT [185.20]
[26] TRONT [185.20]
[27] OWL [181.22]
[28] TRONT [185.20]
[29] TRONT [185.20]
[30] TRONT [185.20]
[31] White Water [248.2]
[32] Fonterra [165.30]
[33] Dept. Corrections [239.7]
[34] Synlait [163.2]
[35] Fonterra [165.30]
[36] Silver Fern Farms [172.15] and Alliance Group [173.13]
[37] Fonterra [165.30]
[38] Dept. Corrections [239.8]

SD-O8	Infrastructure

Across the District:

1. improved accessibility and multimodal connectivity is provided through a safe and efficient transportation network that is able to adapt to technological changes; and
2. the provision of new network infrastructure is integrated and co-ordinated with the nature, timing and sequencing of both new development and the growth or change[39] of existing development;[40] and
3. drinking water supplies are protected from the adverse effects of subdivision, use and development; and
4. the benefits of regionally significant infrastructure and lifeline utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects, including reverse sensitivity effects, appropriately.[41] [42]

SD-O9	Rural ~~A~~areas

A range of primarily productive activities are enabled in the rural environment to ~~enable~~ prioritise[43] the ongoing use of land for primary production for present and future generations, while:

1. protecting ~~versatile soils~~ highly productive land[44] for productive uses; and
2. managing the adverse effects of intensive primary production[45] [46] activities on existing[47] sensitive activities; and
3. managing the adverse effects, including reverse sensitivity effects,[48] [49] of new sensitive activities so that these do not limit or preclude the operation or establishment of rural production activities; ~~on primary production;~~[50] and
4. avoiding activities that have no functional need/operational need to locate in the rural area; and
5. identifying and maintaining the character, qualities and amenity values of rural areas, including their natural environment values;[51] and
6. ensuring Future Development Area O~~o~~verlay remains available for future urban or rural lifestyle development.

SD-O10	Community and ~~O~~open ~~S~~space

A range of recreational, social and community facilities and open spaces that meet the long-term needs of the community are enabled, including:

1. where appropriate,[52] the provision of public access to and along the coastal marine area (CMA) and margins of identified rivers; and
2. the provision of a network of facilities and open spaces to support densification and new growth areas, including co-location.

[39] Fonterra [165.31]
[40] Fonterra [165.31]
[41] Enviro NZ [162.5]
[42] KiwiRail [187.16]
[43] NZ Frost Fans [255.2]
[44] Hort NZ [245.40]
[45] Helicopters Sth Cant., [53.12] and the NZAAA [132.12]
[46] Hort NZ [245.40]
[47] Silver Fern Farms [172.16] and Alliance Group [173.14]
[48] Helicopters Sth Cant., [53.12] and NZAAA [132.12]
[49] Ballance [86.4]
[50] Fonterra [165.32]
[51] Forest & Bird [156.45]
[52] PrimePort [175.16]

URBAN FORM AND DEVELOPMENT

Objective	
UFD-O1	**Settlement ~~P~~patterns**

A consolidated and integrated settlement pattern that:

1. efficiently accommodates future growth and capacity for commercial activities, industrial activities, community activities, educational[1] activities and residential activities, primarily within the urban areas of the Timaru township, future development areas [2]and the existing townships of Temuka, Geraldine, and Pleasant Point; and
2. is integrated and coordinated with, and ensures the efficient use of infrastructure;[3] and
3. ~~reduces~~ minimises[4] [5] adverse effects on the environment, including energy consumption, carbon emissions and water use; and
4. protects drinking water supplies from the adverse effects of subdivision, use and development; and
5. is well designed, of ~~a~~ good quality, ~~recognises existing character and amenity~~ provides housing and business choice, is consistent with the character and amenity anticipated by the District P~~p~~lan[6] and is ~~attractive and~~ functional ~~to~~ for residents, business and visitors; and
6. avoids ~~significant~~ inappropriate adverse effects on[7] areas with important natural, cultural and character values; and
7. minimises the loss of ~~versatile soils~~ highly productive land;[8] [9] and
8. ~~where appropriate,~~ enables papakāika, to occur on Māori land ~~on ancestral lands~~;[10] and
9. avoids locating new growth in areas where the impacts from natural hazards are unacceptable or which would require additional significant[11] natural hazard mitigation works; ~~and~~ and
10. controls the location of activities, primarily by zoning, to ~~minimise~~ manage[12] conflicts between incompatible activities, including reverse sensitivity effects[13] and avoid these where there may be significant adverse effects~~.~~; and
11. improves accessibility and connectivity for people through services and transport, including walking and cycling routes;[14] and
12. avoids unanticipated urban development outside of the Future Development Area Overlay or out of sequence development, unless it provides significant development capacity and contributes to a well-functioning urban environment;[15] and
13. manages adverse effects of urban development on the stormwater network.[16]

[1] MoE [106.7]
[2] White Water [248.3]
[3] TDC [42.13]
[4] Kāinga Ora [229.13]
[5] Forest and Bird [156.47]
[6] Waka Kotahi [143.19]
[7] Silver Fern Farms [172.17] and Alliance Group [173.15]
[8] ECan [183.20]
[9] Speirs, B [66.17] and Hort NZ [245.41]
[10] Te Tumu Paeroa, [240.5]
[11] Silver Fern Farms [172.17] and Alliance Group [173.15]
[12] Transpower [159.30]
[13] Fonterra [165.33]
[14] Te Rūnanga o Ngāi Tahu [185.23]
[15] ECan [183.19]
[16] Te Rūnanga o Ngāi Tahu [185.23]

Energy and Infrastructure

Introduction

The Energy and Infrastructure ~~and Energy~~ Chapter contains district-wide provisions that cover ~~R~~regionally ~~S~~significant ~~i~~infrastructure, ~~L~~lifeline ~~U~~utilities[1] and other infrastructure. It also contains provisions applying to amateur radio and to protect the operation of Richard Pearse (Timaru) Airport ~~(Timaru Airport)~~. Transport-related infrastructure is also covered by ~~contained in~~[2] the Transport Chapter. Provisions relating to ~~the~~ ~~P~~port activities at the Port of Timaru are also covered by ~~contained in~~[3] the Port Zone Chapter.

Regionally ~~S~~significant ~~i~~infrastructure, ~~L~~lifeline ~~U~~utilities [4] and other infrastructure have important functions and enable people and communities to provide for their social, economic and cultural wellbeing. The positive effects of ~~R~~regionally ~~S~~significant ~~i~~infrastructure, ~~L~~lifeline ~~U~~utilities [5] and other infrastructure may be realised locally, regionally or nationally. However, they can also have adverse effects, especially on sensitive environments.

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

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

Give effect to the following national documents:

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

Are consistent with:

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

Notwithstanding any other rules in the District Plan:

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

In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. Except in relation to the Port of Timaru operations,[6] ~~T~~the objectives and policies in this chapter take precedence over the objectives and policies in any ~~Z~~zone ~~C~~chapter of Part 3 – Area-Specific Matters as specified in EI-O2, EI-P2 and EI-PX.[7] In managing the effects of ~~R~~regionally ~~S~~significant ~~i~~infrastructure and other infrastructure, the provisions in Part 2 – District-Wide Matters also apply. The application of the rules in relation to other chapters is set out in the Rules section.[8]

[1] TDC [42.15] and Radio NZ [152.27]
[2] Waka Kotahi [143.20]
[3] A consequential amendment following Waka Kotahi [143.20]
[4] TDC [42.15] and Radio NZ [152.27]
[5] TDC [42.15] and Radio NZ [152.27]
[6] Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 25
[7] Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]
[8] Forest and Bird [156.49, 156.50,156.51]

Because of the broad and overlapping definitions of infrastructure, regionally significant infrastructure and lifeline utilities, the objectives and policies apply these general terms, whereas the rules apply more specific definitions such as network utilities and reference specific subtypes of infrastructure as required.[9]

Objective	
EI-O1	**Regionally ~~S~~significant ~~I~~infrastructure and ~~L~~lifeline ~~U~~utilities**[10]
~~R~~regionally ~~S~~significant ~~I~~infrastructure and ~~L~~lifeline ~~U~~utilities[11] are ~~E~~effective, resilient, efficient and safe ~~Regionally Significant Infrastructure and Lifeline Utilities that~~ and:[12] 1. provide~~s~~ essential and secure services, including in emergencies; and 2. facilitate~~s~~ local, regional, national or international connectivity; and 3. contribute~~s~~ to the economy, support emissions reduction[13] where practicable[14] and support~~s~~ a high standard of living; and 4. ~~is~~ are aligned and integrates with the timing and location of urban development; and 5. enable~~s~~[15] people and communities to provide for their health, safety and wellbeing.	
EI-O2	**Adverse effects of infrastructure, including [16] ~~R~~regionally ~~S~~significant ~~I~~infrastructure and ~~L~~lifeline ~~U~~utilities**[17][18]
The adverse effects of infrastructure, including ~~R~~regionally ~~S~~significant ~~I~~infrastructure, and ~~L~~lifeline ~~U~~utilities and other infrastructure[19]: 1. are avoided in ~~sensitive environments~~ the areas identified in EI-P2.1.a[20] unless there is a functional need[21] or operational need for the infrastructure to be in that location and no practicable alternative locations are available,[22] in which case they must be ~~remedied or mitigated~~ managed by applying the effects management hierarchy set out in EI-P2 ;[23] and 2. in other areas, are avoided, remedied or mitigated ~~to achieve~~ having regard to the relevant objectives for the underlying zone ~~in other areas~~.;[24] and 3. in the case of the National Grid, are managed appropriately in the context of: a. the characteristics and values of the receiving environment; and b. the nature of the National Grid, including its functional needs and operational needs.[25]	
~~**EI-O3**~~	~~**Adverse effects of other infrastructure**~~[26]
~~The adverse effects of other infrastructure:~~ ~~1. are avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within; and~~ ~~2. are avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas.~~	

[9] Kāinga Ora [229.14], TDC [42.14] and Opuha Water [181.33], [181.43], [181.44]
[10] The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]
[11] The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]
[12] Waka Kotahi [143.21]
[13] Forest and Bird [156.52]
[14] Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 29.
[15] Opuha Water [181.25] for all the singular to plural changes
[16] Clause 16(2). See also the evidence of Ms Francis for ECan [183] for Hearing E, dated 23 January 2025 at paragraph 69
[17] The Telcos [176.36, 208.36, 209.36, 210.36] and TDC [42.17]
[18] Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]
[19] Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]. Clause 16(2). See also the evidence of Ms Francis for ECan [183] for Hearing E, dated 23 January 2025 at paragraph 69
[20] Opuha Water [181.26]
[21] Clause 16(2)
[22] Dir. General Conservation [166.20] and Radio NZ [152.29]
[23] Dir. General Conservation [166.20] and Opuha Water [181.26] and TDC [42.17]
[24] The Telcos [176.36, 208.36, 209.36, 210.36]
[25] Transpower [159.33] and the evidence of Ms McLeod for Transpower for Hearing E, dated 23 January 2025, paragraph 29
[26] Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

EI-O4	Adverse effects on ~~R~~regionally ~~S~~significant ~~i~~infrastructure and ~~L~~lifeline ~~U~~utilities
The efficient operation, maintenance, repair, upgrading or development of ~~R~~regionally ~~S~~significant ~~i~~infrastructure and lifeline utilities are not constrained or compromised by ~~the adverse effects of subdivision, use and development, including~~ incompatible activities and[27] reverse sensitivity effects.	
EI-O5	**Amateur radio configurations**
Amateur radio configurations are able to be efficiently established with no to[28] minimal adverse effects on the surrounding environment.	

Policies

EI-P1	Recognising the benefits of ~~R~~regionally ~~S~~significant ~~i~~infrastructure and ~~L~~lifeline ~~U~~utilities

Recognise the benefits of ~~R~~regionally ~~S~~significant ~~i~~infrastructure and ~~L~~lifeline ~~U~~utilities by:

1. ~~enabling~~ providing for their operation, maintenance, repair, removal[29], upgrade, and development in appropriate locations;[30] and
2. ~~enabling their removal during an emergency; and~~[31]
3. recognising their functional needs or operational needs; and
4. ~~encouraging~~ supporting the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and ~~L~~lifeline ~~U~~utilities are integrated, efficient and aligned; and
5. ~~enabling~~ providing for the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and
6. ~~allowing~~ providing for large scale renewable generation ~~and non-renewable generation~~ activities where the adverse effects can be minimised or able to be remediated; and
7. supporting ~~R~~regionally ~~S~~significant ~~i~~infrastructure in adopting new technologies that:
   a. improve access to, and efficient use of, networks and services; and
   b. allow for the re-use of redundant services and structures and construction materials[32]; and
   c. increase resilience, safety or reliability of networks and services; and
   d. result in environmental benefits and enhancements; or
   e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.

EI-P2	Managing adverse effects of ~~R~~regionally ~~S~~significant ~~i~~infrastructure and ~~L~~lifeline ~~U~~utilities[33] and other infrastructure

1. Except as provided for by Policy EI-PX,[34] ~~P~~provide for ~~R~~regionally ~~S~~significant ~~i~~infrastructure, ~~L~~lifeline ~~U~~utilities[35] and other infrastructure where any adverse effects are appropriately managed by:

   a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes (ONLs), and Outstanding Natural Features ~~(~~ONFs), Visual Amenity Landscapes (VALs), the ~~C~~coastal ~~E~~environment outside of urban zoned areas,[36] Significant Natural Areas (SNAs), ~~High Naturalness Waterbodies Areas~~ HNWB, ~~Sites and areas~~[37] ~~of~~

[27] Kāinga Ora [229.18]
[28] Forest and Bird [156.56]
[29] TDC [42.18] and Opuha Water [181.28]
[30] Forest and Bird [156.57]
[31] TDC [42.18] and Opuha Water [181.28]
[32] Forest and Bird [156.57] for all the changes after the deletion of clause 2, except where specified.
[33] The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]
[34] Transpower [159.36]
[35] The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]
[36] PrimePort [175.20]
[37] Clause 16(2)

~~Significance to Māori~~ SASM, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas[38] and notable trees in accordance with the relevant Part 2 – District-Wide provisions applying to those areas; and

b. ~~controlling~~ managing[39] the height, bulk and location of ~~Regionally Significant Infrastructure and other~~ all infrastructure, ~~consistent with~~ taking into account[40] the role, function, character and identified qualities of the underlying zone; and

c. requiring compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity[41]; and

d. requiring the undergrounding of network utiliti~~es~~y lines[42] in new areas of urban development; and

e. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and

~~f. allow new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities in sensitive environments where the adverse effects can be minimised; and~~[43]

g. requiring other infrastructure to adopt sensitive design to integrate within the site~~,~~ and existing built form and/or landform, and to ~~maintain~~ take into account[44] the character and qualities of the surrounding area;

while:

2. ~~r~~Recognising the functional need[45] or operational need of ~~R~~regionally ~~S~~significant ~~i~~infrastructure, ~~L~~lifeline ~~U~~utilities [46] and other infrastructure activities, and having regard to:

a. the extent to which adverse effects have been addressed through site, route or method selection; and

b. the need to quickly repair and restore disrupted services; and

c. the impact of not operating, repairing, maintaining, replacing,[47] upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and

d. the time, duration or frequency of adverse effects; and

e. their location, including:

i. the complexity and connectedness of the networks and services;

ii. the potential for co-location and shared use of infrastructure corridors; ~~and~~

iii. the extent to which there are feasible alternative sites, routes or methods available;[48] and

f. for renewable energy generation, the need to locate where the natural resources occur.; and

3. ~~w~~Where due to functional needs or operational needs, regionally significant infrastructure ~~RSI~~ and other infrastructure must be located in the environments identified in EI-P2.1.a, and trigger a resource consent for those environments under the ~~D~~district-Wide provisions,[49] apply the following effects management hierarchy:

a. adverse effects are avoided where practicable; and

b. where adverse effects cannot be avoided, they are minimised where practicable; and

c. where adverse effects cannot be minimised, they are remedied where practicable; and

[38] S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233, responding to a submission from Dir. General of Conservation [166.11]
[39] Radio NZ [152.32]
[40] The Telcos [176.40, 208.40, 209.40, 210.40]
[41] Kāinga Ora [229.20]
[42] The Telcos [176.40, 208.40, 209.40, 210.40]
[43] Opuha Water [181.29]
[44] The Telcos [176.40, 208.40, 209.40, 210.40]
[45] Clause 16(2)
[46] The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]
[47] Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]
[48] Opuha Water [181.29] and TDC [42.19]
[49] Clause 16(2)

d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and
e. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and
f. if compensation is not appropriate, consider whether the activity itself ~~must~~ should be avoided in the environments identified in EI-P2.1.a.[50]

EI-P3	**Adverse effects on ~~R~~regionally ~~S~~significant ~~I~~infrastructure and ~~L~~lifeline ~~U~~utilities**[51]

1. Ensure new or modified[52] incompatible activities are appropriately located or designed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any ~~R~~regionally ~~S~~significant ~~I~~infrastructure and lifeline utilities; and
2. Recognise and provide for the safe and efficient operation, maintenance, repair,[53] upgrading, removal and development of the National Grid by:
   a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding incompatible activities ~~subdivision, use and development~~ that ~~may~~ would[54] compromise the operation, maintenance, repair, upgrading, ~~renewal~~ replacement,[55] or development of the National Grid; and
   b. providing security of supply and/or maintaining the integrity of National Grid assets; and
   c. maintaining ongoing access to conductors and support structures for maintenance and upgrading works; and
   d. minimising exposure to health and safety risks from the National Grid; and
   e. managing activities, as far as reasonably practicable, to avoid the potential for reverse sensitivity effects on the National Grid.

EI-P4	**Amateur radio configurations**

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

EI-PX	**Managing adverse effects of the National Grid**[56]

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

1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets; and

2. providing for new, or upgrades that are more than minor to, the National Grid; while
   a. ~~I~~in urban environments, minimising adverse effect on urban amenity and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities; and

[50] Dir. General Conservation [166.22]
[51] TDC [42.20]
[52] BP Oil, et al [196.24]
[53] Clause 16(2)
[54] Kāinga Ora [229.21]. See also the evidence of Ms McLeod for Transpower [159] Hearing H., dated 23 January 2025, at paragraph 45
[55] Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]
[56] Transpower [159.36]

b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required [57] to protect the special values and characteristics of those areas; and
c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following~~:~~:
i. SNAs ~~significant natural areas~~ listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
ii. ONFs and ONLs ~~outstanding natural features and landscapes~~ listed in SCHED8 and SCHED9; and
iii. HNWB ~~High Naturalness Waterbodies Areas~~; and
iv. areas of high or outstanding natural character; and
v. historic heritage items ~~sites~~ and historic heritage areas listed in SCHED3-4; and
vii. SASM ~~sites and areas of significance to Kāti Huirapa~~ listed in SCHED6; and
viii. VALs ~~visual amenity landscapes~~ listed in SCHED10; and
ix. Long-Tailed ~~b~~Bat ~~p~~Protection ~~a~~Areas listed in SCHEDXX; and

3. where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:
a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedying or mitigating adverse effects; and
b. the extent to which significant adverse effects are avoided; and
c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection; and
d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade; and
e. the extent to which adverse effects on urban amenity have been minimised; and

4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3); and

5. prevailing clause 2(c) over SASM-P5, SASM-P6, SASM-P7 and SASM-8 in the event of conflict; and

6. prevailing clause 2(c) over NATC-P4 and NATC-P6 in the event of conflict; and

7. using substantial upgrades of transmission infrastructure as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

Rules

Note: *Activities not listed in the rules of this chapter are classified as a permitted under this chapter but may still require resource consent under other chapters.*[58]

With the exception of the rules in the Port Zone ~~PORTZ~~ applying to ~~P~~port activities[59] *~~P~~rules in Sections A - Section F of this chapter take precedence over rules in any ~~Z~~zone ~~C~~chapters of Part 3 — Area-Specific Matters - Zone Chapters and the ~~Z~~zone ~~C~~chapter rules do not apply.*[60] ~~*Unless otherwise specified in this chapter, t*~~*The provisions of the Development Area Chapter, Designation Chapter and Chapters in Part 2 - District-~~~~w~~~~Wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.*[61]

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

[57] Evidence of Ms McLeod for Transpower [159.36] for Hearing E, dated 23 January 2025, paragraph 59
[58] Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]
[59] Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 27.
[60] Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]
[61] Forest and Bird [156.50]

Large infrastructure may have multiple components covered by more than one section of these rules.[62]

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

Section A - Rules for Energy and Infrastructure Activities (not otherwise listed in ~~other Sections of~~ this chapter)		
EI-R1	**Operation, ~~M~~maintenance[63] and repair, or removal of infrastructure not otherwise ~~addressed by another rule~~ listed in this chapter**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** EI-S1 is complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
~~EI-R2~~	**~~Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter~~** [64]	
~~All Zones~~	**~~Activity status: Permitted~~** **~~Where~~** **~~PER-1~~** ~~EI-S2 is complied with.~~	**~~Activity status when compliance not achieved: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. the matters of discretion of any infringed standard.~~
EI-R3	**New and upgrading existing[65] underground infrastructure (including customer connections) not otherwise listed ~~addressed by another rule~~ in this chapter**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Not applicable**

EI-R4	**Upgrading ~~of~~[66] above ground network utilities not otherwise listed ~~addressed by another rule~~ in this chapter**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** EI-S1 and EI-S2 are complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R5	**Vehicle access tracks for network utilities, including ancillary access tracks**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The access track is unsealed; and **PER-2**	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the purpose, necessity and location of the vehicle access track; and

[62] Opuha Water [181.32]
[63] KiwiRail [187.24] and Radio NZ [152.34]
[64] Transpower [159.40]
[65] Transpower [159.40]
[66] Clause 16(2)

	The access track, including unformed paper roads, is not classified as a road under the District Plan; and **PER-3** The access track is 6m or less in width.	2. the impact on the character and qualities of the surrounding area.
EI-R6	**Above ground customer connections**	
1. **Residential ~~Z~~zones** **Commercial and ~~M~~mixed ~~U~~use ~~Z~~zones** **Open ~~S~~space and ~~R~~recreation ~~Z~~zones**	**Activity status: Permitted** **Where:** **PER-1** The connection does not require a new tower; and **PER-2** The connection does not exceed three additional poles; and **PER-3** EI-S1 is complied with.	**Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the purpose, necessity and location of the above ground customer connection; and 2. the extent to which the design integrates the activity within the site, existing built form and/or landform in a way that assists to maintain the character and qualities of the surrounding area; and 3. the extent to which landscaping and/or recessive colours and finishing mitigates any adverse effects.
		Activity status when compliance not achieved with PER-3: Restricted Discretionary **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
2. **Rural ~~Z~~zones** **General Industrial Zone** **Port Zone** **Māori Purpose Zone**	**Activity status: Permitted** **Where:** **PER-1** EI-S1 is complied with.	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R7	**Temporary network utilities, including generators**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1**	**Activity status when compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary** **Matters of discretion are restricted to:**

	The temporary network utility operates for a maximum of up to 12 consecutive months; and **PER-2** Any temporary network utilities, and associated buildings and structures, are removed from the site within two months of completion of the associated works; and **PER-3** Any electricity generator, excluding those covered under EI-R21: 1. is transportable; and 2. operates for a maximum of up to 12 consecutive months in any two year period; and 3. is removed from the site within one month of when it ceases to be used; and **PER-4** EI-S1 is complied with. **Note:** *Where relevant, the area must be reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors.*	1. the functional needs ~~and~~ or[67] operational needs of, and benefits from, the temporary network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the temporary network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area. **Activity status when compliance not achieved with PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R8	**Substations (including switching stations) and energy storage batteries not enclosed within a building**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The maximum building and structure height for a network utility structures is: 1. as set out in EI-S1 for those structures covered under EI-S1; and for other structures and buildings:;[68] ~~2.~~ ~~i.~~ a. 2.5m ~~metres~~; or ~~3.~~ ~~ii.~~ b. in the General Rural Zone, Rural Lifestyle Zone or General Industrial Zone, the maximum building and structure height for network utility structures is the maximum building height for the underlying zone; and **PER-2**	**Activity status when compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[71] operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.

[67] Waka Kotahi [143.31]
[68] Clause 16(2)
[71] Waka Kotahi [143.31]

	The maximum area of the substation, or energy storage batteries is: 1. 420m² in ~~R~~residential ~~Z~~zones; or 2. 630m² in all other zones; and[69] **PER-3** The substation, or energy storage batteries are set~~-~~back at least 2m ~~metres~~ from any ~~R~~residential ~~Z~~zone site boundary.~~; and~~ ~~**PER-4**~~ ~~EI-S1 is complied with.~~ **Note:** *Height shall be measured from the existing ground level prior to any works commencing.*[70]	**Activity status when compliance not achieved with PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R9	**New network utilities within existing fully enclosed buildings**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Not applicable**
EI-R10	**Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The activity complies with the height, setback, and height in relation to boundary standards of the underlying ~~for the~~ zone.	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R11	**New overhead lines and associated support structures that convey electricity excluding customer connections**	
General Rural Zone **General Industrial Zone** **Port Zone**	**Activity status: Permitted** **Where:** **PER-1** EI-S1 is complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
All zones other than the General Rural Zone~~,~~ General Industrial	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[72] operational needs of, and benefits from, the network utility, including the potential impact on the levels of	**Activity status when compliance not achieved: Not applicable**

[69] Millward Finlay Lobb [60.9] and the tabled evidence of Ms McMullan for Hearing E, dated 30 January 2025
[70] ECan [183.4]
[72] Waka Kotahi [143.31]

Zone and Port Zone	service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.	
EI-RX	**Network utilities emitting electric and magnetic fields[73]**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** Any activity that generates electric or magnetic fields does not exceed: 1. the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz - 100kHz) (Health physics, 2010, 99(6); 818-836); and 2. recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).	**Activity status when compliance not achieved: Non-complying**
EI-R12	**New electricity generation from a non-renewable source not otherwise ~~addressed~~ listed in this chapter**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when compliance not achieved: Not applicable**

Renumber all rules to take account of EI-RX

Rules Section B - Rules for Telecommunication and Radiocommunication Activities		
EI-R13	**New overhead telecommunications lines and associated support structures excluding customer connections**	
1. General Rural Zone **General Industrial Zone** **Port Zone**	**Activity status: Permitted** **Where:** **PER-1** EI-S1 is complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
2. All ~~Z~~zones, other than	**Activity status: Restricted Discretionary**	**Activity status when compliance not achieved: Not applicable**

[73] Transpower [159.48]

the General Rural Zone, General Industrial Zone, and Port Zone	**Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[74] operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.	
EI-R14	**Telecommunications kiosk**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The telecommunication kiosk does not exceed: 1. a height for network utility structures of 3.5m ~~metres~~; and 2. a total area of 1.5m^2; and **PER-2** If not located within a road reserve, the telecommunication kiosk is setback no less than 2m from all side and rear ~~site~~ boundaries, and set-back from a road boundary in accordance with the underlying ~~applicable~~ zone setback requirements;[75] and **PER-3** Any attached small cell unit or antenna is no greater than 1m in height for network utility structures and does not have a horizontal dimension greater than the horizontal dimensions of the telecommunication kiosk. **Note:** *Height shall be measured from the existing ground level prior to any works commencing.*[76]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[77] operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effect on public health and/or safety.
EI-R15	**Telecommunications or radiocommunication activities (not otherwise listed in rules EI-R15 to EI-R22 and not regulated by the NESTF)**	

[74] Waka Kotahi [143.31]
[75] Telcos [176.52, 208.52, 209.52, 210.52] and the evidence of Mr Anderson for the Telcos, dated 23 January 2025 at paragraphs 38 to 44
[76] ECan [183.4]
[77] Waka Kotahi [143.31]

All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** All telecommunications poles and antenna (except those located on the road reserve) do not project above a 45° height in relation to boundary recession plane that is measured from any point 3m above the site boundary when the adjoining residential zone property ~~is zoned Residential~~ (but not a road boundary); and **PER-2** A panel antenna: 1. does not exceed a width of 0.~~7~~9m ~~metres~~; [78] and 2. when in a road reserve, fits within an envelope of 3.5m ~~metres~~ in length and 0.~~7~~9m ~~metres~~ in width;[79] and **PER-3** A dish antenna does not exceed a diameter of 1.2m ~~metres~~; and **PER-4** Omni directional 'whip' or dipole antenna do not exceed: 1. 1.6m ~~metres~~ in vertical length; and 2. 60mm in diameter; and 3. 1.5m ~~metres~~ in horizontal length; and **PER-5** A headframe does not exceed: 1. 2.5m ~~metres~~ in diameter in a ~~R~~residential zone (except when located in a road as provided for by PER-2b. above); or 2. 6m ~~metres~~ in diameter in all other zones; and **PER-6** For antenna attached to a building, the antenna does not exceed a height for network utility structures of 5m ~~metres~~ above the point of attachment to the building; and **PER-7** A telecommunications cabinet does not exceed: 1. within a road corridor, a footprint of 2m^2 or height for network utility structures of 2m ~~metres~~; or	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[81] operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effect on public health and/or safety.

[78] The Telcos [176.53, 208.53, 209.53, 210.53]
[79] The Telcos [176.53, 208.53, 209.53, 210.53]
[81] Waka Kotahi [143.31]

	2. outside of a road corridor, a footprint of 2.5m^2 or height for network utility structures of 2m ~~metres~~; and **PER-8** A group of telecommunications cabinets does not exceed a footprint of 3m^2. **Note:** *Height shall be measured from the existing ground level prior to any works commencing.*[80]	
EI-R16	**Small cell units**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Not Applicable**
EI-R17	**Other network utilities (including network utility buildings and enclosed substations) not otherwise addressed by another rule in EI-R12 to EI-R20 and not regulated by the NESTF~~.~~**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The network utility is located within an existing building; or[82] **PER-~~1~~2** The maximum building and structure height for a network utility structures is~~:~~; 1. as set out in EI-S1 for those structures covered under EI-S1~~;~~ and 2. for other structures and buildings; ~~The building or structure complies with~~ the building height for network utility structures, setback, and height in relation to boundary standards of the underlying ~~for the~~ zone; and **PER-~~2~~3** The building or structure does not exceed a maximum footprint of: 1. 20m^2 in a ~~R~~residential ~~Z~~zone or ~~O~~open ~~S~~space and ~~R~~recreation ~~Z~~zone; or 2. 50m^2 in any other zone, except the General Industrial Zone, which has no maximum footprint~~; and~~ ~~**PER-3**~~ ~~EI-S1 is complied with.~~	**Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[83] operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. effects resulting from[84] the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effect on public health and/or safety. **Activity status when compliance not achieved with PER-3: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.

[80] ECan [183.4]
[82] Clause 16(2) to be consistent with EI-R9. See also the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 49
[83] Waka Kotahi [143.31]
[84] Clause 16(2) and the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 50

~~EI-R18~~	~~Network utilities emitting electric and magnetic fields~~[85]	
~~All Zones~~	~~Activity status: Permitted~~ - ~~Where:~~ - ~~PER-1~~ ~~Any activity that generates electric or magnetic fields does not exceed:~~ ~~2. the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz - 100kHz) (Health physics, 2010, 99(6); 818-836); and~~ ~~3. recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).~~	~~Activity status when compliance not achieved: Non-complying~~ - - -
EI-R19	**Network utilities generating radiofrequency fields**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** An activity that generates radiofrequency fields does not exceed the maximum exposure level of the general public in New Zealand Standards NZS2772.1: 1999 Radiofrequency fields - Maximum exposure levels - 3KHz to 300 GHz.	**Activity status when compliance not achieved: Non-complying**
EI-R20	**New emergency or permanent back-up electricity generation (including any associated energy storage batteries) for a utility or lifeline utility which is not the primary electricity supply to the site~~.~~**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** Buildings and structures comply with the height, boundary and height in relation to boundary standards of the underlying ~~for the relevant~~ zone; and **PER-2** Any permanent back-up generator or a self-contained power unit is: 1. setback at least 2m ~~metres~~ from a site boundary with a residential activity; and 2. operates for a maximum of 12 consecutive months.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[86] operational needs of, and benefits derived from, the network utility; and 2. the purpose and necessity of the generator or power unit; and 3. any adverse visual or nuisance effects (including the effects of any outdoor lighting), particularly on the character and qualities of the surrounding area.
EI-R21	**Telecommunications lines, cabinets, poles and new antennas regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21,**	

[85] Transpower [159.48]
[86] Waka Kotahi [143.31]

	22, 27, 29, 31, 33, 35 or 37 of the NESTF and are not expressly listed as a controlled activity in Part 3 of the NESTF Regulations.	
All ~~Z~~zones	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or [87] operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.	**Activity status when compliance not achieved: Not applicable**

Rules Section C - Rules for Network Utilities - Three Waters		
~~**EI-R22**~~[88]	~~**Construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure**~~	
~~**All Zones**~~	~~**Activity status: Permitted**~~ ~~-~~ ~~**Where:**~~ ~~-~~ ~~**PER-1**~~ ~~Any pipe is not located on or within a waterbody, except where it is:~~ ~~1. attached to and/or incorporated within an existing bridge structure; or~~ ~~2. within an existing conduit or duct.~~	~~**Activity status when compliance not achieved: Restricted Discretionary**~~ ~~-~~ ~~**Matters of discretion are restricted to:**~~ ~~1. the functional needs and or~~[89] ~~operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken; and~~ ~~2. the impact on the character and qualities of the surrounding area; and~~ ~~3. the effects on the values of Kati Huirapa.~~[90]
EI-R23	**New water supply[91], wastewater systems[92] and stormwater infrastructure[93] connections to existing reticulated networks**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Not Applicable**
EI-R24	**Rainwater collection systems for non-potable use**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Restricted Discretionary**

[87] Waka Kotahi [143.31]
[88] Opuha Water [181.34] and TDC [42.21]
[89] Waka Kotahi [143.27]
[90] Te Runanga o Ngai Tahu [185.8]
[91] Clause 16(2) for consistency
[92] Clause 16(2) for consistency
[93] Clause 16(2) for consistency

	Where: **PER-1** The rainwater tank complies with building height, setback and height in relation to boundary standards for the zone.	**Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R25	**Maintenance, repair and upgrading of existing underground and above ground ~~water systems infrastructure, including:~~** • **water supply, wastewater systems~~,~~ and stormwater infrastructure not covered under EI-R23~~;~~**[94] **~~• open drains and channels, pipes, water reservoirs, storage ponds; and~~** • **~~other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)~~**[95]	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** Building or structure maintenance and upgrades occur within the existing building or structure[96] envelope; or **PER-2** New buildings and structures comply with the building height, setback, and height in relation to boundary standards for the underlying zone~~.~~; and **PER-3** ~~EI-S1 and~~[97] If located outside a rural zone EI-S2 ~~are~~ is[98] complied with.	**Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[99] operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area. **Activity status when compliance not achieved with PER-3: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.
EI-R26	**Construction of new underground and above ground ~~water systems infrastructure, including:~~**[100] • **water supply, wastewater systems and stormwater infrastructure not covered under EI-R23**[101]**~~;~~** **~~• open drains and channels, pipes, water reservoirs, storage ponds; and~~** • **~~other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)~~**	

[94] Clause 16(2)
[95] Clause 16(2)
[96] Opuha Water [181.35] and TDC [42.22, 42.80]
[97] Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna
[98] Clause 16(2) to avoid conflict with EI-R26 that permits new 3 waters infrastructure in rural zones
[99] Waka Kotahi [143.30]
[100] Rooney, et al [249.14, 250.14, 251.14, 252.14, 191.14, 174.14] for all these changes except where separately referenced
[101] Clause 16(2)

1. Rural Zones	**Activity status: Permitted** **Where:** **PER-1** New buildings and structures comply with the building height, setback, and height in relation to boundary for the zone. ~~**PER-2**~~ ~~EI-S1 is complied with.~~[102]	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs and operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area~~.~~; and 4. dust nuisance, sedimentation, land instability, erosion and contamination effects.[103] ~~**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.~~
~~**2.**~~ **1. All ~~Z~~zones except Rural Zones**	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[104] operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area; and 4. the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects;[105] and 5. dust nuisance, sedimentation, land instability, erosion and contamination effects.[106]	**Activity status whe~~n~~re compliance not achieved: Not applicable**

[102] Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna
[103] Transpower [159.38]
[104] Waka Kotahi [143.31]
[105] Te Runanga o Ngai Tahu [185.8]
[106] Transpower [159.38]

	Note: This rule does not apply to connections permitted under EI-R23.[107]	

Rules Section D - Rules for the National Grid		
EI-R27	**Buildings or structures within the National Grid Yard**	
All Zones	**Activity status: Permitted** **Where:** **PER-1** In the National Grid Yard: 1. any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height ~~for network utility structures~~[108] or footprint; or 2. it is a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or 3. it is a non-habitable building or structure for primary production in the ~~R~~rural ~~Z~~zones, including yards for milking/dairy sheds and artificial crop protection structures (but does not include any building for intensive primary production, commercial greenhouses or milking/dairy sheds); or ~~4. it is a yard for milking/dairy sheds; or~~ ~~5. it is an artificial crop protection and support structure; or~~ 4. it is not for the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties; and **PER-2** In the National Grid Yard, the building or structure is located at least 12m from the outer visible edge of any National Grid tower or pole and associated stay wire, unless it does not permanently physically obstruct existing vehicular access to a National Grid support structure and it is one of the following: 1. a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or 2. a fence no greater than 2.5m high and that is no closer than 5m to the	**Activity status when compliance not achieved: Non-complying**

[107] Clause 16(2).
[108] Transpower [159.49] for all the changes in EI-R27

	nearest National Grid pole; or no closer than 6m to the nearest National Grid tower; or 3. an artificial crop protection structure or crop support structure not exceeding 2.5m ~~metres~~ in height and located at least 8m ~~metres~~ from a National Grid transmission line pole that is removable or temporary to allow a clear working space of 12m ~~metres~~ from the pole for maintenance and allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or 4. a building or structure where Transpower New Zealand Limited has given written approval in accordance with clause 2.4.1 of NZECP34:2001; and **PER-3** The building or structure meets the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP~~24~~34:2001). **Note:** *Height shall be measured from the existing ground level prior to any works commencing.*[109]	
EI-R28	**Earthworks~~,~~ and land disturbance ~~for the installation of fence posts~~ within the National Grid Yard**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The ~~depth of the~~ earthworks or land disturbance is no greater than 300mm deep within 6m~~12~~ ~~metres~~ of the outer visible edge of a foundation of a National Grid transmission line tower or pole; and[110] **PER-2** The earthworks or land disturbance ~~work~~ does not compromise the stability of a National Grid transmission line tower or pole; and **PER-3**	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Where:** **RDIS-1** The earthworks or land disturbance is greater than 300mm deep and less than 3 metres deep between 6 metres and 12 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole. **Matters ~~over which~~ of discretion are ~~is~~ restricted to:** 1. effects on the operation, maintenance, upgrading and development of the National Grid; and

[109] ECan [183.4]
[110] Transpower [159.50] for all the changes to EI-R28 except where specified.

	The earthworks or land disturbance does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances); and **PER-4** The earthworks or land disturbance does not result in existing vehicle access to a National Grid support structure being permanently obstructed. **Note:** *PER-1 to PER-4 ~~clauses (a) and (b)~~ do not apply to:* *a. the repair or resealing of a road, footpath, driveway or farm track; and* *b. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire.*	2. the risk to the structural integrity of the National Grid support structure(s); and 3. any impact on the ability to access the National Grid; and 4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and 5. the outcome of any consultation with the owner and operator of the National Grid. **Activity status when compliance not achieved with RDIS-1, PER-2, PER-3 or PER-4: Non-~~C~~complying**
~~**EI-R29**~~	~~**Subdivision of land within the National Grid Subdivision Corridor**~~[111]	
~~**All Z~~~~z~~~~ones**~~	~~**Activity status: Restricted Discretionary**~~ ~~**Where:**~~ ~~**RDIS-1**~~ ~~All resulting allotments can accommodate a building platform for the likely principal building(s) and any building(s) for sensitive activities outside the National Grid Yard (other than where the allotments are for roads, access ways and network utilities).~~ ~~:~~ ~~and~~ ~~**RDIS-2**~~ ~~Existing vehicle access way to National Grid assets is maintained.~~ ~~**Matters over which discretion is restricted:**~~ ~~1. the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; and~~ ~~2. the location of any future building platform as it relates to the National Grid Yard; and~~	~~**Activity status when compliance not achieved: Non-complying**~~

[111] Speirs, B [66.45]

	~~3. the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and~~ ~~4. the nature and location of any vegetation to be planted in the vicinity of the National Grid; and~~ ~~5. the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and~~ ~~6. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and~~ ~~7. the outcome of any consultation with the owner and operator of the National Grid.~~	
EI-R30	**Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard**	
All ~~Z~~zones	**Activity status: Non-complying**	**Activity status when compliance not achieved: Not applicable**
EI-RXX	**The storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard**[112]	
All ~~Z~~zones	**Activity Status: Non-~~C~~complying** **Notification:** Any application arising from EI-RXX shall not be subject to public notification and shall be limited notified to the following parties: Transpower New Zealand Limited, unless their written approval is provided.	**Activity status when compliance not achieved: Not applicable**

Rules Section E - Rules for Renewable Electricity Generation		
EI-R31	**Installation, operation, maintenance, repair, upgrading and removal of new utility equipment for investigating a site for suitability for renewable electricity generation**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The utility equipment is not on-site for more than 18 months within any 36-month period; and **PER-2** The utility equipment complies with NZS6808:2010 Acoustics — Wind farm noise, or when not a wind turbine, it must comply with the underlying zone noise standards; and	**Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs ~~and~~ or[114] operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. noise; and 4. site restoration. **Activity status when compliance not achieved with PER-6: Restricted Discretionary**

[112] Transpower [159.66]
[114] Waka Kotahi [143.31]

	PER-3 An anemometer does not exceed 90m in height for network utility structures; and **PER-4** All masts are removed at the end of the investigation period~~.~~; and **PER-5** The site is restored to its pre-works condition after completion of all investigation activities, and the removal of all investigation equipment~~.~~; and **PER-6** Other than as provided by PER-3, any other utility equipment does not exceed the permitted height for network utility structures in relation to boundary and setback standards for the underlying zone. **Note:** *Height shall be measured from the existing ground level prior to any works commencing.*[113]	**Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard; and 2. ~~N~~noise; and 3. site restoration.
EI-R32	**The ~~installation,~~ operation, maintenance, repair,[115] upgrading, installation of new[116] and removal of a solar cell or an array of solar cells for small scale renewable electricity generation and its use**	
~~1. Rural Lifestyle Zone~~	**~~Activity status: Permitted~~** [117] **~~Where:~~** **~~PER-1~~** ~~The electricity generated is solely for use on the site and ancillary to the principal use of the site; and~~ **~~PER-2~~** ~~Buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.~~	**~~Activity status when compliance not achieved with PER-1: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. the functional needs and operational needs of, and benefits from, the activity; and~~ ~~2. the impact on the character and qualities of the surrounding area; and~~ ~~3. overshadowing on surrounding sites.~~ **~~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.~~
~~2.~~ 1. All ~~Z~~zones ~~except the Rural~~	**Activity status: Permitted** **Where:** **PER-1**	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:**

[113] ECan [183.4]
[115] Clause 16(2)
[116] Clause 16(2) to change the order of activities from low to high change
[117] Rooney, et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] and Bruce Spiers [66.20] for all these changes

~~**Lifestyle Zone**~~	The electricity generated is either: 1. solely for use on the site and ancillary to the principal use of the site; or 2. for use on the site and ancillary to the principal use of the site, and a. for supply to not more than 20 other properties; and b. for supply of any excess electricity to the electricity distribution network or the National Grid; and **PER-2** Buildings and structures comply with the building height, setback, and height in relation to boundary standards of the underlying ~~for the~~ zone.	1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. overshadowing on surrounding sites. **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.
EI-R33	**The ~~installation,~~ operation, maintenance, repair,[118] upgrading, installation of new and removal of a small-scale wind turbine/s for small-scale renewable electricity generation and its use**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The electricity generated is either: 1. solely for use on the site and ancillary to the principal use of the site; or 2. for use on the site and ancillary to the principal use of the site, and a. for supply to not more than 20 other properties; and b. for supply of any excess electricity to the electricity distribution network or the National Grid; and **PER-2** If PER-1.2. a.[119] applies, no more than one wind turbine is erected on a site; and **PER-3** If PER-1.2.b.[120] applies, the wind turbines are either erected on a single site or clustered on one or more ~~of~~ sites; and **PER-4** The maximum permitted height for network utility structures of each wind turbine (including the full extent of blades) is: 1. 20m in the General Rural Zone and General Industrial Zone; and	**Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. noise. **Activity status when compliance not achieved with PER-6: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard; and 2. noise.

[118] Clause 16(2)
[119] Bruce Spiers [66.19]
[120] Bruce Spiers [66.19]

	2. 15m in all other zones; and **PER-5** The utility equipment complies with NZS6808:2010 Acoustics — Wind farm noise, or when not a wind turbine, it must comply with the underlying zone noise standards; and **PER-6** Each wind turbine (including the full extent of blades) complies with road and internal boundary building setback standards of the underlying ~~for the~~ zone. **Note:** *Height shall be measured from the existing ground level prior to any works commencing.*[121]	
EI-R34	**Solar hot water systems**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Not Applicable**
EI-R35	**The installation and upgrading of large scale renewable electricity generation activities**	
General Industrial Zone ~~GIZ~~ *[and the Clandeboye Special Purpose ~~Precinct~~ Zone if created]*	**Activity status: Permitted** **Where:** **PER-1** The activity is a solar array and is located on a building in the General Industrial Zone ~~GIZ~~; and **PER-2** The solar array meets the applicable height limit for buildings and structures in the General Industrial Zone ~~GIZ~~; and **PER-3** The solar array has a maximum reflectance value of 30%.[122]	**Activity status when compliance not achieved: Discretionary**
All ~~Z~~zones other than the General Industrial Zone ~~GIZ~~	**Activity status: Discretionary**	**Activity status when compliance not achieved: Not Applicable**

Rules Section F - Rules for Amateur Radio Configurations	
EI-R36	**Amateur radio configurations**

[121] ECan [183.4]
[122] Rooney, et al [174.16, 191.16, 249.16, 250.16, 251.16, 252.16] and the evidence of Mr Hole for Hearing E, dated 23 January 2025, at paragraphs 9 to 14

All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The amateur radio configuration must be owned and operated by a licensed amateur radio operator~~.~~; and **PER-2** All amateur radio configurations must be designed and operated in compliance with New Zealand Standard NZS 2772.1:1999~~.~~; and **PER-3** There are no more than 12 antennas and aerials per site~~.~~; and **PER-4** The underlying ~~relevant~~ zone setback standards are complied with~~.~~; and **PER-5** Within the ~~R~~residential zones, no support structures, aerials and antennas are located between the road and the closest part of any building on the site, or within 1.5m from any other boundary; and **PER-6** The maximum height for network utility structures o~~f~~ aerials and associated support structures attached to buildings must not exceed the permitted building height for network utility structures for the underlying ~~relevant~~ zone by more than 5m~~.~~; and **PER-7** 1. Where antennas are attached to a building or other structure (including a mast), the radio and telecommunication~~s~~ antenna does not exceed: a. for an antenna dish~~,~~; 2m in diameter, or b. for panel antenna~~,~~; 4m^2 in area; and 2. P~~p~~rovided there is no more than one pedestal mounted antenna per site, which: a. is pivoted less than 4m above the ground with a maximum diameter of 5m and a maximum height for network utility structures of 6.5m; and b. if guy wires are used, where these do not exceed 12mm in diameter~~.~~; and	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. visual amenity effects, including effects on landscape and streetscape values and neighbouring properties; and 2. any positive effects of the activity; and 3. cumulative effects associated with multiple devices and structures.

	PER-8 1. Provided any element making up an aerial does not exceed 80mm in diameter; and 2. Ffor horizontal HF yagi aerials, provided the maximum element length does not exceed 14.9m, and maximum boom length does not exceed 13m; and 3. Ffor whip aerials, provided the maximum length does not exceed 3.5m in height for network utility structures above the maximum height for network utility structures for the support structure; and **PER-9** 1. Provided there is only one primary mast per site, which does not exceed a maximum height for network utility structures of 20m. This mast may be a pole of lattice mast, and may be guyed or self-supporting. Lattice masts shall be no more than: a. 1,000mm in outside diameter up to 9m in height for network utility structures; or b. 420mm in outside diameter above 9m in height for network utility structures; and 2. Pprovided there is only one secondary mast per site with a maximum height for network utility structures of 12m. This mast may be fitted with a rotator for VHF and/or UHF aerials; and 3. Pprovided all masts (except for as provided for in PER 6(a) above) shall be less than 115mm in outside diameter; and 4. Iin addition to the primary mast and the secondary mast, provided there are no more than six other masts per site, which do not exceed the maximum height for network utility structures for buildings within the underlying zone ~~in which it is located~~ by more than 30% (except that one mast may be used as a vertical aerial up to 13.5m in height for network utility structures).	

Rules Section G - Flight Paths Protection for Richard Pearse (Timaru) Airport ~~(Timaru Airport)~~		
EI-R37	**Fish processing or packing plants, abattoirs or freezing works**	
Birdstrike Management Area Overlay	**Activity status: Permitted** **Where:**	**Activity status when~~re~~ compliance not achieved: Restricted Discretionary**

	PER-1 Storage, processing and disposal of all organic material takes place within enclosed buildings~~.~~; and **PER-2** There is no disposal of effluent onto land associated with the plant or works.	**Matters of discretion are restricted to:** 1. ~~S~~scale and significance of birdstrike risk likely to be created at the location proposed; and 2. ~~M~~mitigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.
EI-R38	**Creation of ~~a~~new stormwater basin~~s~~; or waterbodies ~~body~~ ~~(~~including wastewater oxidation ponds~~)~~ which exceeds 500m² in area**	
Birdstrike Management Area Overlay	**Activity status: Permitted** **Where:** **PER-1** The combined area of all existing and proposed stormwater basins and/or water~~-~~bodies, that are wholly or partly within 0.75km of the centre of the proposed water~~-~~body or stormwater basin~~'s~~, shall not exceed 1,000m²; and **PER-2** Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards: 1. ~~S~~stormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event; 2. ~~S~~sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and 3. ~~P~~plant species used shall be limited to those listed in Table 3 below; and **PER-3** Any water~~-~~body has been designed by a suitably qualified and experienced practitioner ~~person~~, with experience in managing avian fauna within and around waterbodies ~~stormwater management systems~~,[123] to the following standards: 1. ~~N~~no permanent island features shall be included, that could provide perching sites for birds; and 2. ~~P~~plant species used shall be limited to those listed in Table 3 below.	**Activity status when~~re~~ compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. ~~S~~scale and significance of birdstrike risk likely to be created at the location proposed; and 2. ~~M~~mitigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.

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

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

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

Lophomyrtus obcordata	rohutu / NZ myrtle
Myrsine australis	mapou
Myrsine divaricata	weeping mapou
Pittosporum eugenioides	lemonwood
Pittosporum tenuifolium	matipo
Plagianthus regius	lowland ribbonwood
Podocarpus totara	totara
Prumnopitys taxifolia	matai
Pseudowintera colorata	peppertree
Sophora microphylla	kowhai

Note: *This rule does not apply to replacements of existing stormwater basins or water-bodies.*[124]

EI-R39	**Buildings, structures or trees within[125] the Aerodrome Flight Paths Protection Area Overlay**	
Aerodrome Flight Paths Protection Area Overlay	**Activity status: Permitted** **Where:** **PER-1** Richard Pearce (Timaru) Airport has provided a written ~~certification~~ statement[126] to ~~Timaru District~~ Council that the building, structure or tree complies with Appendix 10; or **PER-2** The building, structure or tree is located in ~~an urban area of~~[127] Temuka or Timaru and is no higher than 10m above existing ground level.	**Activity status when~~re~~ compliance not achieved: Non-complying**
EI-40	**New landfills, excluding ~~cleanfills,~~ landfills for cleanfill material,[128] within the Birdstrike Management Overlay**	
Birdstrike Management Area Overlay	**Activity status: Restricted[129] Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**

[124] Road Metals [169.10] and Fulton Hogan [170.11]
[125] Bruce Spiers [66.21]
[126] North Meadows [190.6], Hilton Haulage [168.24], Southern Proteins [140.6]
[127] Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]
[128] RMA Clause 16(2)
[129] Road Metals [169.11] and Fulton Hogan [170.12] for all these changes

	Matters of discretion are restricted to: 1. ~~T~~the nature of the proposed fill and the extent to which it includes material that could attract avian fauna directly, or attract other wildlife that could attract avian fauna; and 2. ~~T~~the methods proposed to avoid or minimise birdstrike risk on Richard Pearse (Timaru) Airport ~~(Timaru Airport)~~.	

Standards		
EI-S1	**Maximum structure height for network utility structures of poles, antenna~~,~~ and towers ~~and telecommunications poles~~[130] (including the combined height of poles and antenna)**	
All ~~Z~~zones	5m above the permitted height limit for buildings in the underlying ~~applicable~~ zone. **Notes**: 1. *Omni directional 'whip' or dipole antenna that comply with dimensions in EI-R4 (4) are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height for network utility structures) lighting rods are exempt from the maximum for network utility structures standard.* 2. *EI-S1 does not apply to works and changes to existing network utility structures that already exceed the permitted height limit, provided that the works and changes do not increase the exceedance of the permitted height limit.*[131]	**Matters of discretion are restricted to:** 1. changes in[132] visual dominance; and 2. changes in[133] the impact on the character and qualities of the surrounding area~~.~~; and 3. the functional needs and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken.
EI-S2	**Upgrading infrastructure**	
All ~~Z~~zones	1. The realignment, relocation or replacement of a line, pipe (excluding a liquid petroleum pipeline), telecommunication pole, pole, tower, conductor, switch, transformer or ancillary structure is within 5m of the existing alignment or location~~.~~; and 2. A pole is not replaced with a tower~~.~~; and	**Matters of discretion are restricted to:** 1. the functional needs and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and 2. changes in[134] the bulk, height, location and design of the network

[130] The Telcos [176.58, 208.58, 209.58, 210.58]
[131] The Telcos [176.58, 208.58, 209.58, 210.58] and Radio NZ [152.45]
[132] Radio NZ [152.45]
[133] Radio NZ [152.45]
[134] Radio NZ [152.46]

	3. A replacement pole, tower or telecommunication pole does not exceed the height for network utility structures of the replaced pole or tower or telecommunication pole by the greater of: a. more than 15% across any 10-year period; or b. the maximum height for network utility structures of the underlying zone.; and 4. The diameter or width of a replacement pole or telecommunications pole: a. does not exceed twice that of the replaced pole at its widest point; or b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times the width of the replaced pole at its widest point.; and 5. The footprint of a replacement tower does not exceed the width of the tower by more than 25% across any 10-year period.; and 6. There are no additional towers.; and 7. There are no more than two poles, which are necessary to achieve the conductor clearances required by NZECP 34:2001.; and 8. The realignment, relocation of replacement of any other network utility structure or building: a. is within 5m of the alignment or location of the original structure or building; and b. does increase the footprint of the structure or building by greater than 25% across any 10-year period.; and 9. A replacement antenna does not increase the diameter of an existing dish antenna or the width of an existing panel antenna by more than 25% across any 10-year period.; and 10. A replacement cabinet or building does not increase the footprint of the existing cabinet or building by more than 25% in any 10-year calendar period.; and 11. The diameter of replacement pipes located above ground must not exceed the diameter of the replaced pipe by more than 300mm.	utility, including any associated buildings or structures; and 3. changes in[135] the impact on the character and qualities of the surrounding area; and 4. site reinstatement and replanting; and 5. the duration, timing, and frequency of adverse effects.

[135] Radio NZ [152.46]

STORMWATER MANAGEMENT

Introduction

This chapter contains district-wide provisions that cover stormwater.

Stormwater runoff generated from land use and development can have adverse effects on property, communities and the environment~~s~~, for example nuisance effects, flooding and water contamination. Stormwater quantity is predicted to increase as a result of climate change. Stormwater can be managed through water sensitive design that manages the volume and quality of stormwater that runs off a site. The control of the discharge of contaminants to land or water and the control of the use of land for the purpose of the maintenance and enhancement of water quality are CRC ~~Canterbury Regional Council~~ functions. Stormwater can, however, be a direct or potential effect of land use activities, and the ~~District~~ Council can manage land uses to avoid or mitigate these effects, and in order to support the achievement of integrated management.

In addition, under the Canterbury[1] Land and Water Regional Plan the ~~District~~ Council is required to manage the quantity and quality of all stormwater directed to and conveyed by the reticulated stormwater network, and from 1 January 2025 the quantity and quality of all stormwater discharged from that reticulated stormwater network. Accordingly, this chapter also seeks to address adverse effects on Council's stormwater network and the ability to obtain and comply with a discharge consent where consent has not been obtained from the ~~District~~ Council for the discharge to enter the Council's reticulated stormwater network.[2]

Recognising that water quality and quantity matters are also controlled by ~~Environment Canterbury,~~ the CRC ~~Canterbury Regional Council~~[3], this chapter includes ~~exemptions~~ consideration[4] for where an existing stormwater discharge consent is already held for the same activity from the CRC ~~Canterbury Regional Council~~.

The provisions in this chapter are intended to give effect to the following national documents:

1. the New Zealand Coastal Policy Statement 2010 (NZCPS); and
2. the National Policy Statement for Freshwater Management 2020 (NPSFM).

Objectives	
SW-O1	**Stormwater management**
Subdivision, use and development within areas serviced by the Council's reticulated stormwater network do not increase peak demand on stormwater management systems or reduce water quality in the reticulated stormwater network.	
Policies	
SW-P1	**Stormwater quantity neutrality**
Require subdivision, use and development to achieve stormwater neutrality or improvements in areas where there is a Council reticulated stormwater network, so that the reticulated stormwater network does not function beyond its capacity and cause or exacerbate flooding.	
SW-P2	**Water quality**
Maintain ~~and~~ or[5] enhance stormwater quality by requiring:	

[1] TDC [42.23]
[2] Kainga Ora [229.24]
[3] TDC [42.23]
[4] Kainga Ora [229.24]
[5] Waka Kotahi [143.32]

1. restrictions on specified cladding materials that contribute to stormwater contamination; and
2. the treatment of stormwater quality, if required,[6] for new or increased ~~impervious surfaces~~ trafficked hardstand areas[7] created by subdivision, use or development.

SW-P3	Connection to reticulated stormwater networks

Except where ~~Policy~~ SW-P4 and SW-P5 apply~~ies~~,[8] ~~R~~require all subdivision, use and development to connect to the Council's reticulated stormwater network within reticulated infrastructure boundaries, to:

1. ensure that stormwater does not create increased flood risk on other properties; and
2. manage stormwater quality impacts through an integrated management approach.

SW-P4	Stormwater from roads

Require stormwater from new roads to:

1. be treated to improve stormwater quality; and
2. reduce the peak flow entering the Council's reticulated stormwater network.

SW-P5	Regionally significant infrastructure[9]

Provide for alternative methods for managing stormwater from regionally significant infrastructure that are not roads, where:

1. connection to the Council's reticulated stormwater network within reticulated infrastructure boundaries is not practicable, having regard to the operational needs of the regionally significant infrastructure; and
2. an alternative method results in stormwater being appropriately managed within the site.

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.*

~~**Section A: Activities in the Residential Zones, Rural Lifestyle Zone, Settlement Zone and Māori Purpose Zone**~~[10]

SW-R1	All developments, other than a road that result in an increase in impervious surfaces of greater than 30m^2 ~~and less then 500m2, and where less than 70% of the site is impervious surface~~ [11]	
All zones **Where there is an available Council reticulated stormwater**	**Activity status: Permitted** **Where:** **PER-1** All stormwater is captured and directed to the Council's reticulated stormwater network~~;~~ and	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:**

[6] BP Oil, et al [196.33]
[7] BP, et al [196.38]
[8] Clause 16(2)
[9] Evidence of Ms McLeod for Transpower [159] for Hearing E, dated 23 January 2025 (paragraph 66).
[10] Kainga Ora [229.24],
[11] Kainga Ora [229.24] for all the changes to SW-R1 and the remainder of the chapter

network ~~in any of the:~~ **~~Residential Zones~~** **~~Rural Lifestyle Zone~~** **~~Settlement Zone~~** **~~Māori Purpose Zone~~**	**~~PER-2~~** a stormwater discharge certificate ~~Written permission~~ has been obtained from the Council ~~owner of the reticulated stormwater network~~ that authorises the discharge of stormwater into the Council's reticulated stormwater network. ~~in accordance with SW-S3 that allows entry of the stormwater into the reticulated stormwater network~~; or **~~PER-3~~** A certificate has been obtained from the Council that confirms a connection to the Council's reticulated stormwater network is not required. ~~A rainwater storage system is provided that complies with SW-S1; and~~[12] **~~PER-4~~** ~~The development achieves stormwater neutrality in accordance with SW-S2, less the retention volume achieved under PER-3,~~[13] ~~when the stormwater is discharged to the reticulated stormwater network.~~ **Note*:*** *Guidance on stormwater management requirements including the obtaining a stormwater discharge certificate can be found in the Timaru District Council Infrastructure Design Standards. ~~This rule does not apply where stormwater management has already expressly been considered by the Timaru District Council for the site as part of a granted subdivision consent or as part of a community stormwater attenuation scheme .~~A stormwater discharge certificate may already have been provided by the ~~District~~ Council for stormwater discharge from the site as part of a subdivision consent granted after 2010 or as part of a community	~~1. the extent to which the stormwater neutrality device under PER-4 achieves stormwater neutrality; and~~ 2. the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and 3. the adverse effects of stormwater on a neighbouring property or road; and 4. any relevant site or operational constraints; and 5. ~~W~~whether there is an existing CRC ~~regional council~~ consent for the discharge and the extent to which it addresses matters of stormwater quality and quantity; and 6. whether adequate compliance can be achieved by other means such as infiltration trenches, swales, ponds, drywells, permeable pavements or other collection and filtration devices as set out in the Timaru District Council Infrastructure Design Standards; and 7. ~~T~~the effects of the discharge on the values of Kati Huirapa; and 8. the extent to which the stormwater ~~neutrality device or other~~ system proposed ~~achieves a secondary function of~~ treats~~ing~~ stormwater quality for trafficked hardstand areas prior to the water entering the wider reticulated stormwater network through the use of ~~roadside swales,~~ filter strips and rain gardens; constructed wetland treatment area or other in-situ treatment device; and 9. for ~~R~~regionally ~~S~~significant ~~I~~infrastructure, whether the stormwater is able to be adequately managed within the site.[14]

[12] Rooney, et al [174.20, 191.20, 249.20, 250.20, 251.20, 252.20]
[13] Rooney, et al [174.20, 191.20, 249.20, 250.20, 251.20, 252.20]
[14] Transpower [159.55]

	stormwater attenuation scheme. Please check with the Council if you are unsure.	
~~SW-R2~~	**~~All developments, other than a road, that result in an increase in impervious surfaces of 500m^2 or greater, or where 70% or more of the site is impervious surface~~** [15]	
~~Where there is an available reticulated stormwater network in any of the:~~ **~~Residential Zones~~** **~~Rural Lifestyle Zone~~** **~~Settlement Zone~~** **~~Māori Purpose Zone~~**	**~~Activity status: Permitted~~** **~~Where:~~** **~~PER-1~~** ~~All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties;~~[16] ~~and~~ **~~PER-2~~** ~~Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S3 that allows entry of the stormwater into the reticulated stormwater network.~~ **~~Note:~~** ~~*Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.*~~	**~~Activity status when compliance not achieved: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. the extent to which the design, location, capacity, type and construction of a stormwater neutrality device or other system proposed is sized, to ensure stormwater neutrality is achieved; and~~ ~~2. the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and~~ ~~3. the adverse effects of stormwater on a neighbouring property or road; and~~ ~~4. the consequences of a lack of maintenance of the stormwater neutrality device or other system proposed; and~~ ~~5. any relevant site or operational constraints; and~~ ~~6. the extent to which the stormwater neutrality device or system achieves a secondary function of treating stormwater quality prior to the water entering the wider reticulated stormwater network through the use of roadside swales, filter strips and rain gardens; constructed wetland treatment area or other in-situ treatment device; and~~ ~~7. for Regionally Significant Infrastructure, whether the stormwater is able to be adequately managed within the site.~~[17]

[15] Kainga Ora [229.24], PrimePort [175.22], Timaru District Holdings [186.8]
[16] Milward Finlay Lobb [60.16]
[17] Transpower [159.55]

SW-R3	**Non-residential activities that include new[18] impervious surfaces of 500m² or greater for carparking, excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan[19]**	
Where there is an available reticulated stormwater network in any of the: **Residential Zones**	**Activity status: Permitted** **Where:** **PER-1** All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties;[20] and **PER 2** 1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or 2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan. **Note:** Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the adverse effects of stormwater on a neighbouring property, waterway or road; and 2. the effects of any additional contaminants entering the Council's reticulated stormwater network; and 3. any relevant site or operational constraints; and 4. for Regionally Significant Infrastructure, whether the stormwater is able to be adequately managed within the site.[21]

Section B: Activities in the General Industrial Zone, Strategic Rural Industry Zone,[22] Port Zone and Open Space and Recreation zones

SW-R4	**All developments, other than a road, that result in an increase in impervious surfaces of greater than 30m², excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan[23] combine SW-R4 and SW-R5 and make it 50m2 or 150m2 threshold – TDC to confirm**	
Where there is an available reticulated	**Activity status: Permitted** **Where:**	**Activity status when compliance not achieved: Restricted Discretionary**

[18] BP Oil, et al [196.35]
[19] BP Oil, et al [196.36]
[20] Milward Finlay Lobb [60.17]
[21] Transpower [159.55]
[22] Fonterra Limited [165.37], subject to the Panel recommending to create a new zone
[23] BP Oil, et al [196.36]

~~stormwater network in any of the:~~ ~~General industrial Zone~~ ~~Port Zone~~ ~~Open Space and Recreation Zones~~ ~~Strategic~~ ~~Rural Industry Zone~~[24]	~~PER-1~~ ~~All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties;~~[25] ~~and~~ ~~PER-2~~ ~~Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S3 and SW-S4~~[26] ~~that allows entry of the stormwater into the reticulated stormwater network; and~~ ~~PER-3~~ ~~1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or~~ ~~2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.~~[27] ~~Note:~~ ~~*Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.*~~ ~~*This rule does not apply where stormwater management has already expressly been considered by the Timaru District Council for the site as part of a granted subdivision consent or as part of a community stormwater attenuation scheme.*~~[28]	~~Matters of discretion are restricted to:~~ ~~1. the extent to which the design, location, capacity, type and construction of the stormwater neutrality device or other system proposed is sized, to ensure stormwater neutrality is achieved; and~~ ~~2. the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and~~ ~~3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of~~[29] ~~the stormwater neutrality device; and~~ ~~4. the adverse effects of stormwater on a neighbouring property, waterway or road; and~~ ~~5. the effects of any additional contaminants entering the Council's reticulated stormwater network; and~~ ~~6. any relevant site or operational constraints; and~~ ~~7. for Regionally Significant Infrastructure, whether the stormwater is able to be adequately managed within the site.~~[30]

~~**Section C: Activities in the Commercial and mixed-use zones**~~

~~**SW-R5**~~	~~**All developments, other than a road, that result in an increase in trafficked impervious surfaces of greater than 50m², excluding**~~

[24] Fonterra Limited [165.37], subject to the Panel recommending to create a new zone
[25] Milward Finlay Lobb [60.18]
[26] BP Oil, et al [196.36]
[27] BP Oil, et al [196.36]
[28] Rooney, et al [174.20, 191.20, 249.20, 250.20, 251.20, 252.20] and Kāinga Ora [229.24]
[29] Silver Fern Farms [172.18] and BP Oil, et al [196.36]
[30] Transpower [159.55]

	stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan[31]	
Where there is an available reticulated stormwater network in the: **Commercial and Mixed-use Zones**	**Activity status: Permitted** **Where:** **PER-1** All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring properties;[32] and **PER-2** Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S3 and SW-S4[33] that allows entry of the stormwater into the reticulated stormwater network; and **PER-3** 1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or 2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.[34] **Note:** *Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.* *2. This rule does not apply where stormwater management has already expressly been considered by the Timaru District Council for the site as part of a granted subdivision consent or as part of a community stormwater attenuation scheme.*[35]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent to which the design, location, capacity, type and construction of the stormwater neutrality device or other system proposed is sized, to ensure stormwater neutrality is achieved; and 2. the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and 3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of[36] the stormwater neutrality device; and 4. the adverse effects of stormwater on a neighbouring property, waterway or road; and 5. the effects of any additional contaminants entering the Council's reticulated stormwater network; and 6. any relevant site or operational constraints; and 7. for Regionally Significant Infrastructure, whether the stormwater is able to be adequately managed within the site.[37]

[31] BP Oil, et al [196.36]
[32] Milward Finlay Lobb [60.19]
[33] BP Oil, et al [196.36]
[34] BP Oil, et al [196.36]
[35] Rooney, et al [174.20, 191.20, 249.20, 250.20, 251.20, 252.20] and Kāinga Ora [229.24]
[36] Silver Fern Farms [172.18] and BP Oil, et al [196.37]
[37] Transpower [159.55]

~~**Section D: Activities in all zones**~~

SW-R~~6~~2	**Any maintenance or upgrading of a road that results in an increase of greater than 100m^2 of impervious surfaces, or any new road, excluding footpaths and vehicle crossings and stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan**	
All ~~Z~~zones ~~W~~where there is an available Council reticulated stormwater network	**Activity status: ~~Restricted Discretionary~~ Permitted** **Where**: **PER-1** All stormwater is captured and directed to the Council's reticulated stormwater network and a stormwater discharge certificate has been obtained from the Council that authorises the discharge of stormwater into the Council's reticulated stormwater network; or **PER-2** A certificate has been obtained from the Council that confirms a connection to the Council's reticulated stormwater network is not required.	**Activity status when compliance not achieved: ~~Not applicable~~ Restricted discretionary** **Matters of discretion are restricted to:** 1. the effects of any additional stormwater on the Council's reticulated stormwater network, including any increase in flooding and any additional contaminants; and 2. the ability to off-set stormwater requirements (treatment or attenuation) within the catchment that can mitigate the effects of what is being proposed; and 3. the extent to which the proposed mitigation is the best practicable option; and 4. any relevant site or operational constraints, and 5. the extent to which contaminants from hardstand trafficked areas are removed as part of any proposed water quality treatment system ~~ability to meet the Minimum Treatment Contaminant Removal Rates in SW-S4~~.
SW-R~~7~~3	**The installation of any new copper, galvanised metal, unpainted ~~zincalume~~ aluminium/zinc alloy coating or any other unpainted metal, used in roof material, gutters, downpipes or external sheet cladding of buildings or structures but excluding fixings and flashings**[38]	
All ~~Z~~zones where there is an available reticulated stormwater network	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the effects of any contaminants on the Council's reticulated stormwater network; and 2. the ability to off-set stormwater treatment requirements within the catchment that can mitigate	**Activity status when compliance not achieved: Not applicable**

[38] PrimePort [175.24], Timaru District Holdings [186.10] and BP Oil, et al [196.38]

	the effects of what is being proposed; and 3. the extent to which the proposed mitigation is the best practicable option; and 4. any relevant site or operational constraints.	

~~Standards~~	
~~SW-S1~~	~~Rainwater Storage Systems~~
~~Residential Zones~~	~~1. Rainwater storage systems must be provided and sized in accordance with the following specifications:~~ ~~a. 10 — 49m² of additional impervious surface: 250 litre storage.~~ ~~b. 50 — 99m² of additional impervious surface: 500 litre storage.~~ ~~c. 100 — 199m² of additional impervious surface: 1,000 litre storage.~~ ~~d. 200 — 499m² of additional impervious surface: 2,500 litre storage.~~[39]
~~SW-S21~~	~~Stormwater neutrality devices or systems~~
~~All Zones~~	~~1. A stormwater neutrality device or system must be:~~ ~~a. sized, to ensure stormwater neutrality is achieved for the area of impervious surface that is increased; and~~ ~~b. fully operational prior to the use of the impervious area; and~~ ~~c. located and designed to provide access for maintenance.~~ ~~Note:~~ ~~1. *a stormwater neutrality device or system may include rain tanks, infiltration trenches, swales, ponds, drywells, permeable pavements or other collection and filtration devices. A means of compliance can be found in the Timaru District Council Infrastructure Design Standards.*~~
~~SW-S32~~	~~Stormwater quantity permission requirements~~
~~1 General Residential zone;~~ ~~Medium Density Residential Zone;~~ ~~Rural Lifestyle Zone;~~ ~~Māori Purpose Zone;~~	~~The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw permission~~[40] ~~to connect to the Council's Public~~[41] ~~reticulated stormwater network if the development meets the requirements set out in Table 4 below and in accordance with SW-S2.~~ ~~Table 4 — Stormwater Quantity Requirements for increased impervious surface in residential zones and areas~~

~~Activity~~	~~Requirements for increased impervious surface~~	
	~~Stormwater neutrality~~	~~Event Duration~~
~~Development results in: 1. an increase in impervious surface between 30m² and 500m²; and 2. less than 70% of the site is covered by impervious surface~~	~~1 in 10-year~~	~~1-hour event~~

[39] Rooney, et al [174.20, 191.20, 249.20, 250.20, 251.20, 252.20]
[40] Clause 16(2)
[41] Clause 16(2)

Settlement Zone	Development result in: 1.an increase in impervious surface of 500m^2 or greater; or 2.70% or more of the site is covered by impervious surface	1 in 10-year	24-hour event

2 General Industrial Zone;

Port Zone;

Open Space and Recreation Zones

The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw permission[42] to connect to the Council's Public[43] reticulated stormwater network if the development meets below requirements set out in Table 5 below and in accordance with SW-S2.

Table 5 — Stormwater Quantity Requirements for increased impervious surface in the Industrial zone and Open space zones

Activity	Requirements for increased impervious surface	
	Stormwater neutrality	Event Duration
Development results in an increase in impervious surface between 30m^2 and 500m^2	1 in 50-year	1-hour event
Development results in an increase in impervious surface of 500m^2 or greater	1 in 50-year	24-hour event

3. Commercial and Mixed Use Zones

The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw permission[44] to connect to the Council's Public[45] reticulated stormwater network if the development meets below requirements set out in Table 6 below and in accordance with SW-S2.

Table 6 — Stormwater Quantity Requirements for increased impervious surface in the Commercial and mixed use zones

Activity	Requirements for increased impervious surface	
	Stormwater neutrality	Event Duration
Development results in an increase in impervious surface between 50m^2 and 500m^2	1 in 50-year	1-hour event
Development results in an increase in impervious surface of 500m^2 or greater	1 in 50-year	24-hour event

SW-S43 **Stormwater quality permission requirements**

[42] Clause 16(2)
[43] Clause 16(2)
[44] Clause 16(2)
[45] Clause 16(2)

Commercial and Mixed-use Zones

General Industrial Zone

Port Zone

Open Space and Recreation Zones

Residential Zones

Māori Purpose Zone

Rural Lifestyle Zone

Settlement Zone

1. The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw to connect to the Public reticulated stormwater network following certification of a treatment system designed to improve contaminate levels of gross pollutants, total suspended solids and hydrocarbons discharged by activities increasing trafficked hardstand impervious areas greater than 30m^2 and less than 150m^2.[46]
2. The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw permission to connect to the Council's Public[47] reticulated stormwater network if the minimum standards identified in Table 7 below are met for activities additional trafficked hardstand impervious areas[48] exceeding the impervious surface threshold in the identified zones.

Table 7 - Minimum Treatment Contaminant Removal Rates

	All Commercial and mixed-use zones	**General industrial zone and Port zone**	**Open space and recreation zones, Māori Purpose zone, Rural lifestyle zone, Settlement zone and Residential zones**	**Roads**
Impervious surface threshold	50 150m^2 [49]	30 150m^2 [50]	30 150m^2 [51]	---
First Flush Depth	10mm/hr 21 mm depth	10mm/hr 21 mm depth	10mm/hr 21 mm depth	10mm/hr 21 mm depth
Suspended Solids	> 80%	> 80%	> 80%	> 80%
Total Zinc	> 70%	> 80%	> 70%	> 70%
Total Copper	> 70 %	> 80 %	> 70 %	> 70 %
Total Petroleum Hydro-carbons	> 70 %	> 70 %	> 70 %	> 70 %

[46] PrimePort [175.24], Timaru District Holdings [186.10] and BP Oil, et al [196.38]
[47] Clause 16(2)
[48] BP, et al [196.38]
[49] PrimePort [175.24], Timaru District Holdings [186.10] and BP Oil, et al [196.38]
[50] PrimePort [175.24], Timaru District Holdings [186.10] and BP Oil, et al [196.38]
[51] PrimePort [175.24], Timaru District Holdings [186.10] and BP Oil, et al [196.38]

~~**Nutrients (Nitrogen, Phosphorus)**~~	~~> 50 %~~	~~> 50 %~~	~~> 50 %~~	~~> 50 %~~

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

TRANSPORT

Introduction

Safe and efficient land transport infrastructure assists in meeting the community's social, cultural and economic wellbeing. However, transportation, in its role as both a land use activity and as an effect of other activities, can adversely impact the environment of the District. The use of land transport infrastructure can result in noise that is not compatible with the receiving environment. The construction and ongoing use of land transport infrastructure can adversely affect existing communities, important landscapes, ecological habitats and storm water quality and quantity management. Road traffic as a prime component of transportation, and as an effect of land use activities, can impact adversely on the amenity values of an area in terms of noise, dust, dirt, fumes, visual intrusion and traffic congestion. This chapter seeks to address these matters.

This chapter is a district-wide chapter that sits alongside the underlying zones and only regulates transport activities. The zoning of the road or rail corridor will be the same zone as that of the adjoining land (as shown on the planning ~~District Plan~~ maps). Where the zoning of the land that adjoins one side of the road or rail corridor is different to that of the land that adjoins the other side of the road or rail corridor, then the zoning of the adjoining land shall apply up to the centreline of the road or rail corridor.

Where the road or rail corridor crosses a waterbody the Transport Chapter provisions only apply to the bridge/road above the waterbody.

Deeming rules for the road corridor

Any land vested in the ~~District~~ Council, or the New Zealand Transport Agency - Waka Kotahi (NZTA) or any other Crown entity, as road pursuant to either any enactment or provision in this District Plan, or held by any other party as road or for the purposes of road, shall be deemed to be part of the road and subject to the district-wide ~~T~~transport provisions of the District Plan.

If a road has been lawfully stopped under any enactment, and any relevant roading designation removed, then the land shall no longer be part of the road but will instead be deemed to be included in the same zone or zones as that of the land that adjoins it (up to the centreline of the road) and subject to all the provisions for that zone or zones (as well as any relevant ~~D~~district-wide provisions) from the date of the road stopping and removal of any relevant roading designation.

Objectives	
TRAN-O1	**~~Safe, efficient, integrated and sustainable~~ ~~l~~Land transport infrastructure**[1]

Land transport infrastructure that is well-connected, integrated and accessible, supports low emissions[2] and which:

1. is safe, efficient and ~~sustainable~~ effective[3] for all transport modes; and
2. meets and is responsive to current and future needs, including projected population growth; and
3. aligns and integrates with the timing and location of urban development; and
4. promotes multi-modal transport options, including the use of active transport and public transport, and reduces dependency on private motor vehicles; and
5. supports consolidated, well designed and sustainable growth in and around existing urban ~~areas~~ locations[4]; and
6. encourages sustainable economic development; and
7. provides parking opportunities in an efficient, functional and sustainable manner and to avoid adverse effects on the environment.

[1] RMA Clause 16(2)
[2] Forest and Bird [156.76]
[3] Waka Kotahi [143.36]
[4] Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]

TRAN-O2	Transport related effects
Adverse effects on the environment occurring from the use, construction, maintenance and development of land transport infrastructure are avoided, remedied or mitigated to achieve the character and qualities of the underlying zone or overlay.	
TRAN-O3	**Adverse effects on land transport infrastructure**
Land transport infrastructure is not compromised by incompatible activities that ~~may~~ are likely to[5] result in conflict or reverse sensitivity effects.	

Policies

TRAN-P1	Active transport

Encourage active transport modes such as cycling and walking by:

1. ensuring safe pedestrian access to building entrances; and
2. requiring permeable road layouts; and
3. requiring footpaths and other active transport infrastructure; and
4. requiring consolidated settlement patterns; and
5. requiring secure, sheltered cycle parking that is located in a convenient and safe position and which ensures pedestrian safety; and
6. encouraging the provision of end-of-journey facilities for staff such as bicycle parking, showers, lockers and dedicated changing spaces.

TRAN-P2	Public transport

Support an efficient integrated public transport system through Council advocacy and by requiring:

1. new residential neighbourhoods to be designed to ensure convenient and safe walking distances to public transport connections; and
2. a roading design that facilitates the provision of an efficient and convenient public transport system into, out of, and around the development; and
3. urban development that is consolidated in and adjoining the District's existing towns and urban ~~areas~~ locations[6].

TRAN-P3	Existing land transport infrastructure
Enable the safe and[7] efficient use of existing land transport infrastructure by providing for its operation, maintenance and upgrading.	

TRAN-P4	New land transport infrastructure

Only allow new land transport infrastructure:

1. within sensitive environments / overlays, where it can be demonstrated that:
   a. ~~the~~ adverse effects on identified characteristics and values of the ~~O~~overlay it is within ~~will be protected~~ are avoided, remedied or mitigated; and
   b. the relevant objectives and policies[8] for the ~~O~~overlay will be achieved; and
   c. there is a functional need or operational need for the land transport infrastructure to be located in the ~~O~~overlay; and[9]
2. in other locations, where it is consistent with or will not compromise achieving the relevant objectives of the zone(s) it is or will be situated.

TRAN-P5	Road classification

[5] Kāinga Ora [229.27]
[6] Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]
[7] Waka Kotahi [143.41] and KiwiRail [187.33]
[8] Forest and Bird [156.79]
[9] KiwiRail [187.34] for all these changes except where specified

Require the District's roads to be classified and built according to their anticipated function and maintained to enable land transport infrastructure to operate safely and[10] effectively.

TRAN-P6	Effects on land transport infrastructure

Require subdivision, use and development to be designed in a way that supports the safe and efficient operation and development of land transport infrastructure, including by locating activities on the most appropriate road in the District's road classification.

TRAN-P7	High traffic generating activities

Only allow high traffic generating activities where these activities:
1. support the safe, efficient and effective use of land transport infrastructure, as demonstrated through an integrated transport assessment; and
2. encourage accessibility by a range of transport modes, including public transport and active transport use.

TRAN-P8	Parking, loading and manoeuvring

Require land use activities to provide:
1. efficient, effective and safe servicing and vehicle manoeuvring facilities on-site (where provided),[11] including for emergency service vehicles; and
2. accessible parking spaces on-site for non-residential activities with a large building footprint ~~floor area~~[12]; and
3. safe access for pedestrians and cyclists through parking areas, that are designed to reduce opportunities for crime through the demonstrated implementation of CPTED; and
4. landscaping in provided parking areas that visually softens the dominant effect of hard surfaces and positively contributes to amenity values anticipated for the receiving environment.[13]

TRAN-P9	Non-transport related activities

Encourage road and railway corridors[14] to be used for:
1. ~~O~~other co-located network utilities; and
2. ~~N~~non-transport related activities which contribute to public amenity values and well-being (excluding any ~~S~~state ~~H~~highways)[15] while:
   a. ~~M~~mitigating any adverse effects on the safety, efficiency and functionality of the transport corridor, including in the future; and
   b. ~~B~~being consistent with the character and qualities of adjoining zones.

TRAN-P10	EV charging facilities

Encourage existing and new land uses to support an integrated and sustainable transport network by enabling charging stations for electric vehicles.[16]

Rules

***Note**: Activities not listed in the rules of this chapter are ~~classified as a~~[17] permitted under this chapter. ~~Rules~~ TRAN-R1 to TRAN-R5, ~~and~~ TRAN-R~~7~~8, ~~to~~ TRAN-R9 and[18] TRAN-R11 in this chapter take precedence over rules in any ~~Z~~zone ~~C~~chapter of Part 3 – Area-Specific Matters – Zone Chapters and the ~~Z~~zone ~~C~~chapter rules do not apply. Unless otherwise specified in this chapter, the provisions of the ~~D~~development ~~A~~area chapters, Designation Chapter and chapters in Part 2 – District-~~w~~Wide Matters Chapters still apply to activities provided for in the ~~TRAN~~ Transport Chapter and therefore resource consent may be required by these chapters. ~~For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a~~*

[10] Kāinga Ora [229.30]
[11] Kāinga Ora [229.33]
[12] ECAN [183.1]
[13] Fonterra [165.40]
[14] RMA Clause 16(2)
[15] Waka Kotahi [143.47]
[16] Z Energy [116.6] and BP Oil, et al [196.40]
[17] Clause 16(2)
[18] Clause 16(2) – change to remove TRAN-R6, TRAN-R7 and TRAN-R10.

~~*rule, consent is required under each of those rules.*~~[19] *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.*

TRAN-R1	**Maintenance of existing land transport infrastructure**	
All ~~Z~~zones	**Activity status: Permitted**	**Activity status when compliance not achieved: Not applicable**
TRAN-R2	**Upgrading ~~any~~[20] of existing land transport infrastructure**	
All ~~Z~~zones	**Activity status: Permitted** **PER-1** All upgrading is contained within a road; or **PER-2** Any upgrading is within 5m of the outer edge of an existing railway line.	**Activity status when compliance not achieved: Discretionary**
TRAN-R3	**~~New v~~Vehicle access ways**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** TRAN-S9, TRAN-S10, TRAN-S12, TRAN-S14, TRAN-S15, TRAN-S16 and TRAN-S18 are complied with.[21]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion for any infringed standard.
TRAN-R4	**~~New~~[22] Vehicle ~~C~~crossings**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The vehicle crossing is not located on the site between Tiplady Road zoned and the Winchester Geraldine Road zoned General Industrial Zone ~~GIZ~~ and[23] legally described as Lot 1 DP8102 (or its successor); and **PER-2** TRAN-S9, TRAN-S10, TRAN-S12, TRAN-S13, TRAN-S14, TRAN-S15, TRAN-S16, TRAN-S17 and TRAN-S18 are complied with.	**Activity status when compliance not achieved with PER-1: Controlled** **CON-1** There is a maximum of two vehicle crossings from each road frontage of the land legally described as Lot 1 DP8102 (or its successor). **Matters of control are restricted to:** 1. the number and location of access points onto roads; and 2. boundary screening and landscaping.
		Activity status when compliance not achieved with CON-1: Restricted Discretionary **Matters of discretion are restricted to:** 1. traffic safety and impact on public road.
		Activity status when compliance not achieved: Restricted Discretionary **Matters of discretion are restricted to:**

[19] Waka Kotahi [143.20]
[20] Clause 16(2)
[21] Waka Kotahi [143.49]
[22] Waka Kotahi [143.49]
[23] JR Livestock [241.33]

		1. the matters of discretion for any infringed standard.
TRAN-R5	**Loading and manoeuvring areas for all new activities**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** TRAN-S7, TRAN-S8, TRAN-S11, TRAN-S17 and TRAN-S18 are complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion for any infringed standard.
TRAN-R6	**Vehicle parking and manoeuvring[24] areas**	
1. All zones except the General Rural Zone	**Activity status: Permitted** **Where:** **PER-1** TRAN-S1, TRAN-S4, TRAN-S5, TRAN-S6, TRAN-S7, TRAN-S8, TRAN-S11 and TRAN-S19 are complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion for any infringed standard.
2. General Rural Zone	**PER-1** Vehicle parking areas accommodate less than 20 car parking spaces; and **PER-2** TRAN-S1, TRAN-S4, TRAN-S7, TRAN-S8, TRAN-S11 and TRAN-S19 are complied with.	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. public safety, including consistency with the APP3 - National Guidelines for Crime Prevention through Environmental Design in New Zealand (CPED); and 2. the safety and efficiency of pedestrian access through vehicle parking areas; and 3. measures used on-site to address adverse effects from stormwater discharge or runoff on the Council's reticulated network.
		Activity status when compliance not achieved with PER-2: Restricted Discretionary **Matters of discretion are restricted to:** 1. the matters of discretion for any infringed standard.
TRAN-R7	**Structures, buildings or plantings and vehicular access in relation to ~~a~~ road-rail level crossings**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The structure is for post and wire fences only; or **PER-2** For any other activity, ~~it~~ the activity complies with TRAN-S9.~~; or~~	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion for any infringed standard.

[24] Bruce Spiers [66.11]

TRAN-R8	**New private ways**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** TRAN-S10, TRAN-S11, TRAN-S12, TRAN-S13, TRAN-S14, TRAN-S15, TRAN-S16, TRAN-S17 and TRAN-S18 are complied with.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion for any infringed standard.
TRAN-R9	**Installation of new or replacement charging facilities for electric vehicles**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The new charging facility is installed immediately adjacent to an existing, permitted or consented vehicle parking and manoeuvring area~~s~~[25] ~~space~~.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are limited to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure.
TRAN-R10	**High trip generation activities**	
All ~~Z~~zones	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** Any new or additional[26] use or development which generates vehicle trips that meet or exceed the thresholds in TRAN-S20. **Matters of discretion are restricted to:** 1. for a basic Integrated Transport Assessment (ITA): a. safety and efficiency: i. the extent to which the provision of access and on-site manoeuvring areas associated with the activity including vehicle loading and servicing deliveries and heavy vehicle movements,[27] affects the safety, efficiency, and accessibility of the site (by all modes including active transport, and for people whose mobility is restricted), and land transport infrastructure (including considering the road classification of the frontage road); and ii. any mitigation proposed. b. design and layout: i. the extent to which the design and layout of the proposed activity maximises opportunities,	**Activity status when compliance not achieved: Not applicable**

[25] Bruce Spiers [66.11]
[26] Z Energy [116.9], BP Oil, et al [196.42]
[27] TDC [42.28]

	to the extent practicable, for travel other than by private car, including providing safe and convenient access for travel by such modes; and ii. any mitigation proposed. c. financial contributions: i. where an increase in vehicle traffic by an activity has potential to generate adverse effects on the road network, any financial contributions provided in accordance with APP7-Financial Contribution.[28] 2. For a full ITA: a. safety and efficiency: i. the extent to which the provision of access and on-site manoeuvring areas associated with the activity including vehicle loading and servicing deliveries and heavy vehicle movements,[29] affects the safety, efficiency, and accessibility of the site (by all modes including for people whose mobility is restricted), and land transport infrastructure (including considering the road classification of the frontage road); and ii. any mitigation proposed.; b. design and layout: i. the extent to which the design and layout of the proposed activity maximises opportunities, to the extent practicable, for travel other than by private car, including providing safe and convenient access for travel by such modes; and ii. any mitigation proposed.; c. network impacts: i. having particular regard to the level of additional traffic generated by the activity and the extent to which measures are proposed to adequately mitigate the actual or potential effects on land transport infrastructure arising from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the	

[28] TDC [42.27]
[29] TDC [42.28]

	vicinity, proposed infrastructure, and construction work associated with the activity~~.~~; and ii. any mitigation proposed. d. financial contributions: i. where an increase in vehicle traffic by an activity has potential to generate adverse effects on the road network, any financial contributions provided in accordance with APP7-Financial Contribution.[30] **Note:** If an ITA ~~Integrated Transport Assessment~~ has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within the scope of that ITA ~~Integrated Transport Assessment~~ and in accordance with the resource consent, unless the resource consent has lapsed.	
TRAN-RX	**Heavy vehicle trip generation activities**[31]	
All ~~Z~~zones	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** Any use or development which generates heavy vehicle movements on any Collector Road or Local Road, or any Principal Road that shares a boundary with a ~~R~~rural zone, that meet or exceed a 5% increase in annual average daily heavy vehicle movements on that ~~R~~road~~.~~; and **RDIS-2** Any use or development that generates any high productivity motor vehicle~~s~~ movements with non-standard axle loadings exceeding NZTA class 1 axle limits on any Collector Road or Local Road, or any Principal Road that shares a boundary with a ~~R~~rural zone, **Matters of discretion are restricted to:** 1. ~~P~~pavement impacts having particular regard to the level of additional traffic generated by the activity and the extent to which measures are proposed to adequately mitigate the effects on the road marginal cost~~.~~; and 2. APP7 – Financial Contribution. **Notes:** 1. This rule does not apply to heavy vehicle movements generated on ~~S~~state ~~H~~highways, Regional Arterials, District	**Activity status when compliance not achieved: Not applicable**

[30] TDC [42.27]
[31] TDC [42.28]

	Arterials, Principal Roads that do not share a boundary with a ~~R~~rural zone, or to heavy vehicle movements on Milford-Clandeboye Road and Rolleston Road that enter/exist ~~the~~ PRECX Clandeboye Dairy Maufacturing Precinct.[32] 2. If a Pavement Impact Assessment has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within the scope of that Pavement Impact Assessment and in accordance with the resource consent, unless the resource consent has lapsed. 3. The ~~Timaru District~~ Council maintains a database of heavy vehicle movements on all Council ~~R~~roads. This data can be accessed on Council's website LINK TO BE INSERTED TO COUNCIL. 4. Guidance on preparing a ~~p~~Pavement ~~i~~Impact ~~a~~Assessment is provided in the Queensland Guide to Traffic Impact Assessment and Queensland Pavement Impact Assessment Practice Note. 5. Road marginal cost is a cost per 100m segment of road derived over a 50-year cycle of road costings (including maintenance, rehabilitation and reconstruction).	
TRAN-R11	**New private roads, roads and other land transport infrastructure outside of existing road or rail corridors**	
All ~~Z~~zones	**Activity status: Discretionary** **Where:** **DIS-1** TRAN-S2, TRAN-S3 are complied with.	**Activity status when compliance not achieved: Non-Complying**

Standards

TRAN-S1	**Landscaping where five or more at grade car parking spaces are provided and grouped together[33] for non-residential activities on a site**	
All ~~Z~~zones except the Port Zone ~~PORZ~~[34] and PRECX - Clandeboye Maufacturing ~~Zone/~~ Precinct[35]	1. Where more than five at grade car parking spaces are provided for non-residential activities on a site, landscaping must be provided within a landscaping strip/s or within a planting protection area/s with a minimum dimension or diameter of 1.5m ~~metres~~ within, or immediately adjacent to, the parking area on the site~~.~~; and	**Matters of discretion are restricted to:** 1. the extent of reduction in anticipated on-site and adjacent amenity values; and 2. the extent to which the non-compliance is required for traffic safety reasons or due to impacts on underground services; and 3. ~~T~~the landscaping design, type of species and height of landscaping.; and

[32] Evidence of Ms Tait for Fonterra, dated 23 January 2025 (paragraph 5.3.14)
[33] Z Energy [116.8]
[34] PrimePort [175.26] and Timaru District Holdings [186.12]
[35] Fonterra [165.41], subject to the Panel recommending to create a new zone

	2. Landscaping must consist of a combination of trees, shrubs and ground cover species~~.~~; and ~~3. Planting must be limited to indigenous vegetation sourced from within the ecological district to enhance local or regional indigenous biodiversity.~~[36] 4. Landscaping may be integrated with stormwater management for the parking area, and may include the use of raingardens for stormwater collection and attenuation of stormwater runoff~~.~~; and 5. Trees must: a. be spaced one tree every 10m ~~metres~~ of road frontage (excluding access ways and any other means of access to the building) on the side of a road boundary or within a parking area; and b. have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a height of at least 3m ~~three metres~~ at maturity; and c. be planted no closer than 2m from an underground service or 1m from a footpath or kerb~~.~~; and 6. Landscaping strips or planting protection areas adjacent to a road boundary, or within a parking area, must be protected from damage by vehicles through the use of wheel stop barriers. Such wheel stop barriers must be located at least 1m from any tree. ***Note:*** *This standard not apply to ~~C~~car ~~P~~parks for refuelling lanes or EV ~~C~~charging ~~S~~stations.*[37]	4. the operational need and functional need requirements of the activity.[38]
TRAN-S2	**Road design requirements**	
All ~~Z~~zones	1. Roads must meet the requirements specified in *Table 8— Road design requirements* and explained in *Figure ~~5~~ 6*[39]*— Transport corridor cross section example*~~.~~; and 2. Cul-de-sacs must meet the Local Road requirements in Table 8 and the following additional requirements: a. it must not exceed a maximum length of 150m~~.~~; and b. there must be a pedestrian link at the end of a cul-de-sac in all residential zones and commercial and mixed use zones~~.~~; and	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure.

[36] Rooney, et al [174.24, 191.24, 249.24, 250.24, 251.24, 252.24]
[37] Z Energy [116.8]
[38] Woolworths [242.12]
[39] Bruce Spiers [66.23]

c. there must be no cul-de-sac located off a cul-de-sac~~,~~; and
d. there must be no more than one private way at the end of a cul-de-sac~~,~~; and
e. the minimum turning head diameter requirements that must be met are as follows:
    i. 25m diameter with on-street parking permitted (~~R~~residential ~~Z~~zones); and
    ii. 30m diameter with no on-street parking permitted (other zones).

Note: Where classification of the roading hierarchy is required to read Table 8, refer to SCHED1 — Schedule of Roading Hierarchy.

Table 8 — Road design requirements

Zone	Road classification	Minimum ~~R~~road reserve width (m) [A]	Minimum lane allocation and carriageway widths						Minimum sealed carriageway width (m)l [E]	Footpath requirement (minimum 1.8m where provided) [F]	Utility / ~~A~~amenity strip requirement (minimum 1.0m where provided) [G]
			Traffic lane [B]	Shoulder	Parking [C]		Cycle lanes [D]				
Residential zones	Collector	22	2 x 3.0m	n/a	Both sides	2.0m	Both sides	Minimum 1.8m where provided	13.6	Both sides	Both sides
Open ~~S~~space and recreation ~~Z~~zones (~~urban area~~ not within or adjoining rural zones)[40]	Local	20	2 x 3~~.0~~m	n/a	Both sides		Optional		10~~.0~~	Both sides	Both sides
General Industrial Zone Port Zone	Collector	22	2 x 4.0m	n/a	Both sides	2.5m	Both sides		16.6	Both sides	Both sides
	Local	20	2 x 4.0m	n/a	Both sides		Optional		13~~.0~~	Both sides	Both sides
Commercial and ~~M~~mixed ~~U~~use ~~Z~~zones	Collector	20	2 x 3.0m	n/a	One side	2.2m	Both sides		11.8	Both sides	Both sides
	Local	20	2 x 3.0m	n/a	One side		Optional		8.2	Both sides	Both sides
General Rural Zone	Collector	20	2 x 3.5m	2 x 1.5m (sealed)	No	n/a	No		10~~.0~~	No	One side
Open ~~S~~space and recreation ~~Z~~zones (~~non-urban area~~ within or adjoining rural zones)[41]	Local	20	2 x 3.5m	2 x 0.5m (sealed)	No	n/a	No		8~~.0~~	No	One side

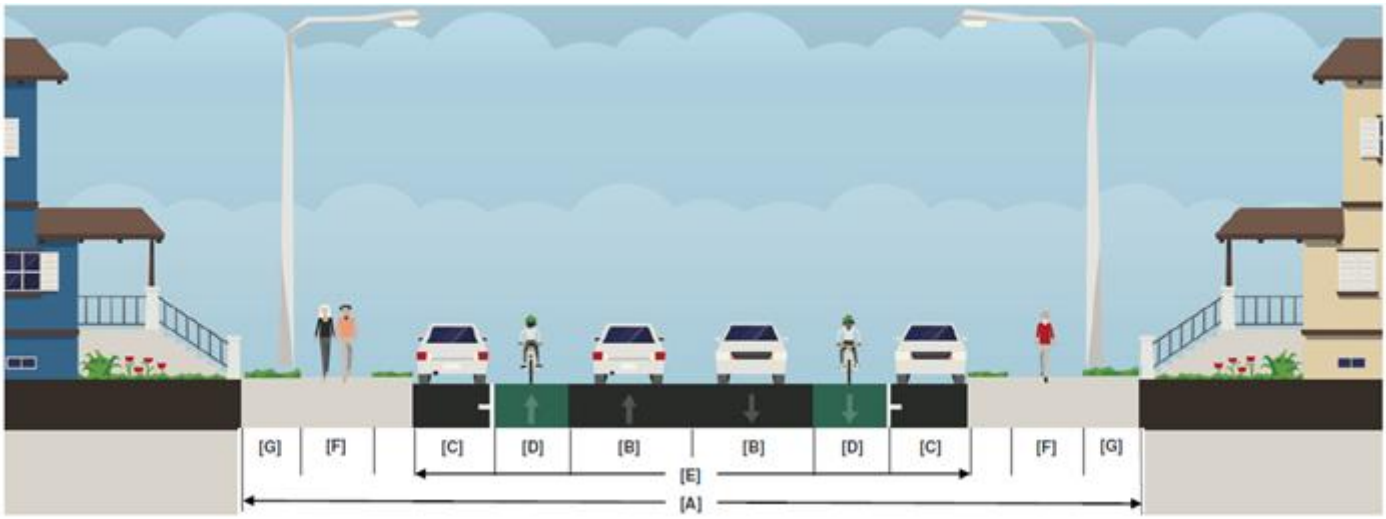
[40] Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]
[41] Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]

Rural Lifestyle Zone Settlement Zone Māori Purpose Zone	Collector Local	20	2 x 3.5m	2 x 0.5m (sealed)	No	n/a	No		8~~.0~~	One side	One side

Note:

1. Optional to mark on-street parking on Local Roads but the space must be provided.
2. Utility strip to be located at least 300mm, ideally 1~~.0~~m, from the kerb and channel or edge of seal.
3. Cycle lanes must be marked.

Figure 6 - Transport corridor cross section example

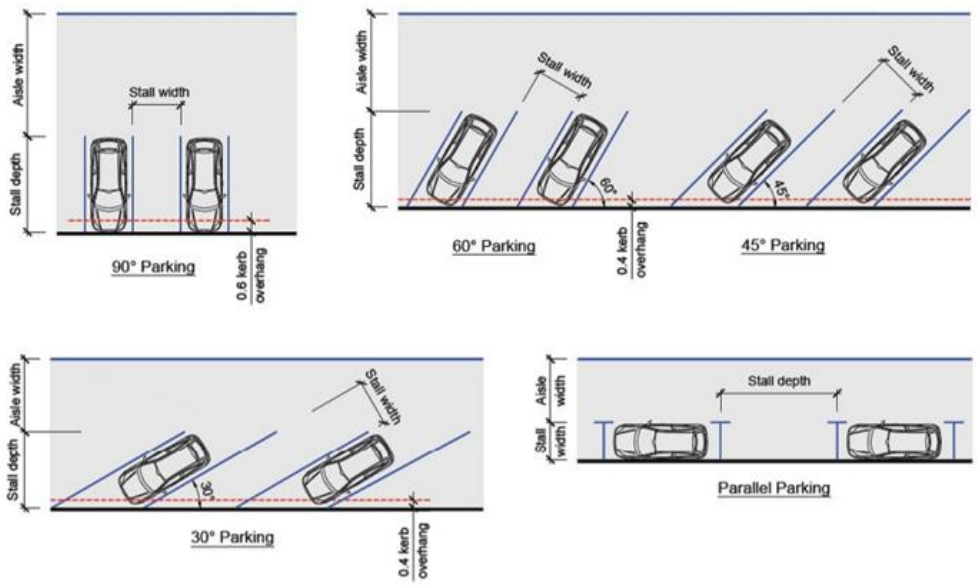


TRAN-S3	**Street lights**	
All ~~Z~~zones	Any development that creates a new road or which extends the requirement for street lighting must include a street lighting layout that is designed and constructed in accordance with AS/NZS 1158 Lighting for Roads and Public Spaces and all relevant parts of the standard.	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of the site and land transport infrastructure.
TRAN-S4	**Vehicle parking and manoeuvring areas[42] technical standards**	
All ~~Z~~zones	1. Where parking spaces are provided, they must comply with the dimensions set out in Table 9 — Car parking dimensions~~.~~; and 2. On-site queuing spaces shall be provided for all vehicles entering a parking area or loading area in accordance with Table 10 — Queueing space requirements~~.~~; and 3. Accessible parking spaces must be provided in accordance with Table 11 — Accessible parking spaces requirements~~.~~; and 4. All parking spaces and queuing spaces must be provided with vehicular access to a road by way of a vehicle crossing, driveway and/or right of way.	**Matters of discretion are restricted to:** 1. the ability for people with disabilities to safely and effectively park and enter and exit a vehicle and manoeuvre around it; and 2. the potential for adverse effects on the safety and efficiency of land transport infrastructure; and 3. the safety and efficiency of the car~~-~~park, manoeuvring areas, vehicle access and vehicle crossings.

[42] Bruce Spiers [66.11]

Table 9 – Car parking dimensions

Car parking dimensions are to be measured in accordance with the diagram below



90 Degree Parking Angle				
Type of use	**Stall Width (m)**	**Stall Depth (m)**	**Aisle Width (m)**	**Kerb Overhang (m)**
Long term	2.4	5.0	6.7	0.6
Medium term	2.5		6.4	
Short term	2.6		6.3	
Accessible parking	3.6*	5.0	6.7	0.6
60 Degree Parking Angle				
Type of use	**Stall Width (m)**	**Stall Depth (m)**	**Aisle Width (m)**	**Kerb Overhang (m)**
Long term	2.4	5.0	4.9	0.6
Medium term	2.5		4.6	
Short term	2.6		4.3	
45 Degree Parking Angle				
Type of use	**Stall Width (m)**	**Stall Depth (m)**	**Aisle Width (m)**	**Kerb Overhang (m)**
Long term	2.4	5.0	3.9	0.4
Medium term	2.5		3.7	
Short term	2.6		3.5	
30 Degree Parking Angle				
Type of use	**Stall Width (m)**	**Stall Depth (m)**	**Aisle Width (m)**	**Kerb Overhang (m)**
Long term	2.1	4.0	3.1	0.4
Medium term	2.3		3.0	
Short term	2.5		2.9	
Parallel Parking				
Type of use	**Stall Width (m)**	**Aisle Width (m)**	**Stall Depth (m)**	
Long term	2.1	3.0	6.3	

Medium term		3.3	6.1
Short term		3.6	5.9
Accessible parking	3.5*	3.3	7.4

Long term parking: generally all day parking.
Medium term parking: generally two to four hour parking.
Short term parking: generally two hour parking or less.

*1.1m of which may be a shared area

1. Stall widths must be increased by 300mm where they abut permanent obstructions. If obstructions are present on both sides of the parking space, the width must be increased by 600mm.
2. Parking spaces must be located so as to ensure that no vehicle is required to carry out any reverse manoeuvring when moving from any vehicle access way to any parking space, except for parallel parking spaces.
3. Parking spaces must be located so that vehicles are not required to undertake more than one reverse manoeuvre when manoeuvring out of any parking space.
4. Manoeuvring within car parking areas must be designed to accommodate an 85th percentile car except for critical areas where tracking must accommodate a 99th percentile car. Critical areas include all aisles, in or between major structures or locations where there is a change in grade.
5. The maximum gradient within car parking spaces must not exceed:
   - Measured parallel to angle of parking – 1 in 20 (5%)
   - Measured in any other direction – 1 in 16 (6.25%)
6. Any space required for parking must be available during the hours of operation of the related activity, and must not be obstructed by the subsequent erection of any structure, storage of goods, or any other use.
7. The whole of the parking area, vehicle access ways, manoeuvring areas and aisles must, before the commencement of the related activity, and thereafter for as long as that activity is undertaken, be formed, sealed and drained, provided with a sealed surface, drained, marked out or delineated, and maintained

Table 10 — Queueing space requirements

Number of parking spaces provided	Minimum queuing space (metres)
5 ~~-~~to 20	6
21 ~~-~~to 50	12
51 ~~-~~to 150	18
151 and over	24

Table 11— Accessible parking spaces requirements

Total GFA (excluding residential activities)	Minimum number of accessible parking spaces
less than 500m^2	0
500m^2 to 1,000m^2	1
more than 1,000m^2	~~1~~ One plus ~~1~~ one space for every additional 2,500m^2 GFA or part thereof

TRAN-S5	Cycle parking provision	
All ~~Z~~zones except ~~the~~ PRECX - Clandeboye Manufacturing ~~Zone/~~Precinct[43]	1. An activity must provide a minimum number of cycle parks on the same site of the activity in accordance with *Table 12 — Minimum number of cycle parks*~~.~~; and 2. The total cycle parking requirement for any activity will be the sum of the parking requirements for each area~~.~~; and 3. Where the calculation of the required cycle parks results in a fractional space, any fraction that is less than one-half will be disregarded and any fraction of one-half or more will be counted as one space. The parking requirements for different types of cycle parks (i.e. short term and long term)	**Matters of discretion are restricted to:** 1. the effects of the shortfall in the number of bicycle parking spaces; and 2. the extent to which the activity promotes active transport modes; and 3. the extent to which the activity promotes the integration of public transport modes.

[43] Fonterra [165.42], subject to the Panel recommending to create a new zone

must be calculated and rounded separately~~.~~; and

4. Where an activity falls under the definition of more than one activity in *Table 12 — Minimum number of cycle parks*, then the higher cycle parking requirement shall apply~~.~~; and
5. Where an activity does not fall within a particular category, the activity which is closest in definition shall apply~~.~~; and
6. Network utilities that have no permanent staff do not require cycle parking.

Table 12 — Minimum number of cycle parks

Activity	Minimum cycle parking requirement	
	Short term (visitor)	**Long term (student/staff/resident)**
Educational Facility - Preschool	~~1~~ One space per 10 children	~~1~~ One space per ~~3~~ three FTE employees
Educational Facility - Schools	Year 8 and below: ~~1~~ One space per 30 students Year 9 and above: ~~1~~ One space per 100 students	Year 8 and below: ~~1~~ One space per ~~7~~ seven students Year 9 and above : ~~1~~ One space per ~~5~~ five students
Educational Facility - Tertiary ~~Education~~	~~1~~ One space/ 100 FTE students	~~1~~ One staff space per ~~4~~ four FTE staff; and ~~1~~ One student space per ~~4~~ four FTE students
Places of Assembly	~~1~~ One space per person the facility is designed to accommodate	10% of visitor requirements
Sports Fields	~~1~~ One space per 15 participants the facility is designed to accommodate	Nil
Sports Courts	~~1~~ One space per 15 participants the facility is designed to accommodate	Nil
Gymnasiums	~~1~~ One space per 100m^2 GFA	~~1~~ One space per 300m^2 GFA
Visitor Accommodation	~~1~~ One space per 20 beds	~~1~~ One space per 50 beds (~~2~~ two spaces minimum)
Health Care Facility	Hospital: ~~1~~ One space per 1,000 m^2 GFA Other health care facilities: ~~1~~ One space per 200m^2 GFA	~~1~~ One space per 300m^2 GFA
Warehousing and Storage	Nil	~~1~~ One space per 1,500m^2 GFA (~~2~~ two spaces minimum)
Industrial Activity other than ~~w~~Warehousing and ~~s~~Storage	Nil	~~1~~ One space per 1,000m^2 GFA (~~2~~ two spaces minimum)
Residential Activity	Nil	~~1~~ One residents' space per ~~dwelling~~ residential unit without a garage
Home Business	Nil	Nil
Retirement Village	~~1~~ One space per 10 units, for developments with 10 or more units (for independent living units) ~~1~~ One space per 50 clients (for supported residential care)	Nil (for independent living units) ~~1~~ One space per 30 clients (for supported residential care)
Office (excludes a ~~c~~Commercial ~~o~~Office)	~~1~~ One space per 500m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 100m^2 GFA
Commercial Office and Personal S~~s~~ervices	~~1~~ One space per 500 m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 200m^2 GFA
Food and ~~b~~Beverage	~~1~~ One space per 100 m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 100 m^2 GFA
Supermarkets	~~1~~ One space per 300m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 500m^2 GFA

General Retail	~~1~~ One space per 150 m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 500m^2 GFA
Large ~~f~~Format ~~r~~Retail other than ~~t~~Trade ~~s~~Supplier	~~1~~ One space per 600 m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 750m^2 GFA
Trade ~~s~~Supplier	~~1~~ One space per 1000 m^2 GFA (~~2~~ two spaces minimum)	~~1~~ One space per 750m^2 GFA
Service ~~s~~Station	~~2~~ Two spaces	Nil
Motor Garage	Nil	Nil
Emergency Service Facilities	Nil	~~1~~ One space per emergency service vehicle bay

TRAN-S6	**Cycle parking technical standards**	
All ~~Z~~zones	~~Cycle parking spaces must meet the following minimum specifications:~~ 1. All stands must be securely anchored to an immovable object; and 2. Stands must support the bicycle frame and front wheel; and 3. Stands must allow the bicycle frame to be secured; and 4. Long term parking must be located in a covered and secure area~~.~~; and 5. Cycle parking must be constructed to allow at least 1.1m of clear space between parking stands or other obstruction; and 6. Short term cycle parking must be clearly signposted or visible to cyclists entering the site; and 7. If in a publicly accessible space, cycle parking must be detectable by visually impaired pedestrians through use of a kick stand or other method so as to not create a hazard~~.~~; and 8. Cycle parking facilities must be located outside of vehicle manoeuvring areas and where there is no risk of damage from vehicle movements within the site~~.~~; and 9. Short term cycle parking must be located as close as possible to and no more than 15m from at least one main pedestrian public entrance to the building/activity~~.~~; and 10. Long term cycle parking facilities must be located so they are easily accessible for staff / residents / students of the activity; and 11. All cycle parking spaces which are used during the hours of darkness must be illuminated in accordance with the Lighting Chapter~~.~~; and 12. Cycle parking facilities must be available during the hours of operation and must not be diminished by the subsequent erection of any structure, storage of goods, landscape planting or any other use. **Notes:** 1. Where there is more than one public entrance to the building, it is recommended that visitor parking is apportioned between entrances in accordance with their potential usage.	**Matters of discretion are restricted to:** 1. the ability to use the cycle parking facilities safely and efficiently; and 2. for staff parking, the extent to which the cycle parking space(s) and area is as close as practicable to a building entrance; and 3. for visitor parking, the extent to which the cycle parking space(s) and area is located in a prominent location close to the entrance to encourage use; and 4. the potential for adverse effects on the safety and efficiency of land transport infrastructure.

	2. End of trip facilities are recommended as follows: a. 10 staff cycle parks or less required: none b. >11 staff cycle parks required: ~~1~~ One shower for every 10 staff cycle parks.	
TRAN-S7	**Minimum loading space requirements**	
All ~~Z~~zones	~~Loading space requirements~~ 1. An activity must provide the minimum number of on-site loading spaces in accordance with *Table 13 — Minimum number of loading spaces*~~.~~; and 2. The loading space requirements listed in Table 13 are categorised by activity. The loading space requirement for any activity will be the sum of the loading requirements for each area~~.~~; and 3. The design requirements for different types of loading space (i.e. heavy vehicle bay, 99th percentile car bay in *Table 14 — Minimum dimension of Loading Space*) shall be calculated and rounded separately~~.~~; and 4. Where an activity falls under the definition of more than one activity in Table 13, then the higher loading space requirement shall apply~~.~~; and 5. Network utilities that have no permanent staff do not require loading spaces. **Table 13 — Minimum number of loading spaces** **Activity** / **>Minimum loading space number and design requirement** Educational Facility - Preschool: • Preschool with less than 20 children enrolled: Nil • Preschool with more than 20 children enrolled: ~~1~~ One 99th percentile car bay Educational Facility - Schools: • Schools with less than 100 students: ~~1~~ One 99th percentile car bay • Schools with 100 or more students: ~~1~~ One 99th percentile car bay; and • ~~1~~ One heavy vehicle bay (to accommodate an 8m truck or the DHB dental van - whichever is greater) Educational Facility - Tertiary ~~Education~~: • Schools with less than 100 students: ~~1~~ One 99th percentile car bay • Schools with 100 or more students: ~~1~~ One 99th percentile car bay; and • ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck) Places of Assembly: ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck) Sports Fields: Nil Sports Courts: Nil Gymnasiums: ~~1~~ One 99th percentile car bay Visitor Accommodation: • ~~1~~ One heavy vehicle bay per 100 bedrooms/units (to accommodate at least an 11.5m truck); and • ~~1~~ One 99th percentile car bay per 50 bedrooms	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure.

Health Care Facility	• Hospital: ~~1~~ One heavy vehicle bay • Other health care facilities: ~~1~~ One 99th percentile car bay (or ambulance bay as appropriate)
Warehousing and Storage	~~1~~ One heavy vehicle bay per 2,000m^2 GFA (to accommodate at least an 11.5m truck)
Industrial Activity other than ~~w~~Warehousing and ~~s~~Storage	• GFA less than 1,000m^2: ~~1~~ One 99th percentile car • GFA 1,000m^2 or greater: ~~1~~ One heavy vehicle bay per 2,000m^2 GFA (to accommodate at least an 11.5m truck)
Residential Activity	Nil
Home Business	Nil
Retirement Village	• Nil (for independent living units) • Nil (for supported care for up to 20 clients); and • ~~1~~ One heavy vehicle bay to accommodate at least an 8m truck (for supported residential care for more than 20 clients)
Office (excluding a ~~c~~Commercial ~~o~~Office)	• GFA less than 1000m^2: Nil • GFA of 1000m^2 or greater: ~~1~~ One 99th percentile car bay
Commercial Office and Personal Services	• GFA less than 200m^2: Nil • GFA of 200m^2 or greater: ~~1~~ One 99th percentile car bay
Food and Beverage	• GFA less than 250m^2: Nil • GFA 250m^2 or greater: ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck)
Supermarkets	• GFA less than 1,000m^2: ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck) • GFA 1,000m^2 or greater: ~~1~~ One heavy vehicle bay (to accommodate at least a 11.5m truck)
General Retail	• GFA less than 250m^2: Nil • GFA 250-1,500m^2: ~~1~~ One 99th percentile car bay • GFA 1,500m^2 or greater: ~~1~~ One 99th percentile car bay per 5,000m^2 GFA (minimum ~~1~~ One); and • ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck) per 5,000m^2 GFA (minimum ~~1~~ One bay)
Large Format Retail other than Trade Supplier	• GFA less than 1,000m^2: ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck) • GFA 1,000m^2 or greater: ~~1~~ One heavy vehicle bay (to accommodate at least a 11.5m truck)
Trade Supplier	• GFA less than 2,000m^2: ~~1~~ One heavy vehicle bay (to accommodate at least an 8m truck) • GFA 2,000m^2 or greater: ~~1~~ One heavy vehicle bay (to accommodate at least a 11.5m truck)
Service ~~s~~Station	~~1~~ One unmarked heavy vehicle bay for fuel deliveries

	Motor Garage | Nil ***Note:*** *Where the calculation of the required loading space results in a fractional space, any fraction that is less than one-half will be disregarded and any fraction of one-half or more will be counted as one space.*	
TRAN-S8	**Loading space technical standards**	
All ~~Z~~zones	1. Any loading space must be designed to comply with *Table 14 — Minimum dimension of Loading Space*; and 2. The size of the loading space to be provided shall align with TRAN-S7, except where the largest vehicle expected on-site is larger and thus the required bay(s) shall be provided in accordance with this vehicle. 3. Loading spaces must be located on the same site as the activity to which it relates and be available at all times~~.~~; and 4. The design vehicles must be able to manoeuvre into the loading bay with only one reverse movement; and 5. The loading space must not be located in an area required by other vehicles for manoeuvring~~.~~; and 6. Any loading space must be available during the hours of operation and shall not be diminished by the subsequent erection of any structure, storage of goods, or any other use~~.~~; and 7. The maximum gradient of any part of a loading space must be no greater than 1:25 (4%) measured in any direction including directions oblique to bay centreline~~.~~; and 8. The whole of the loading space or spaces, access drives, manoeuvring areas and aisles must, before the commencement of the activity to which those parking and loading spaces relate, and thereafter for as long as that activity is continued, be formed, provided with a sealed and drained surface (except rural zones), marked out or delineated, and maintained.	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure; and 2. the extent of adverse effects on other users of the site, including people/pedestrians accessing the activity.

Table 14 — Minimum dimension of ~~L~~loading ~~S~~spaces

Vehicle Class	Bay Width (m)	Bay Length (m)	Vertical Clearance (m)
99 percentile car	3.2	5.2	<2.5
Medium ~~R~~rigid ~~V~~vehicle (8m truck)	3.5	8.8	4.5
Large ~~R~~rigid ~~V~~vehicle (11.5m truck)	3.5	12.5	
Articulated ~~V~~vehicle	3.5	20~~.0~~	

Design Vehicle Dimensions ~~are as follows~~

Vehicle Class	Overall Length	Design Width	Wheel Base	Design Turning Radius

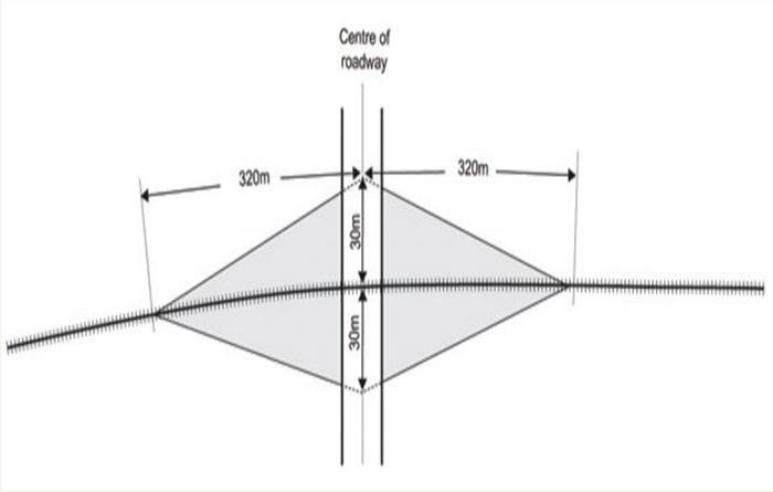
99 percentile car	5.2	1.9	3.1	7.1
Medium ~~R~~rigid ~~V~~vehicle	8.0	2.5	5.0	10.0
Large ~~R~~rigid ~~V~~vehicle	11.5	2.55	8.5*	12.5
Articulated ~~V~~vehicle	19.45	2.55	13.35	
*~~e~~Centre of axle groups				

TRAN-S9 **~~Approach sight triangles for public road/rail level crossings~~ Rail level crossing sightlines and vehicle crossing setbacks**[44]

All ~~Z~~zones

1. Any vehicle access way and vehicle crossing must not cross a railway line and any vehicle crossing must not be located less than 30m ~~metres~~ from a rail level crossing. The 30m ~~metres~~ shall be measured from the edge of the closest rail track to the edge of seal on the proposed vehicle access point~~.~~; and
2. Any building, structure, ~~or~~ planting or other visual obstruction must not be located within the ~~shaded~~ restart or approach sightline areas of a rail level crossing as shown in the shaded areas ~~as identified~~ in Figure 7 or Figure 8 below.

Figure 7 – ~~Level crossings controlled by Stop or Give Way control~~ Approach sight triangles for level crossings within Give Way signs



~~Advice n~~Notes:

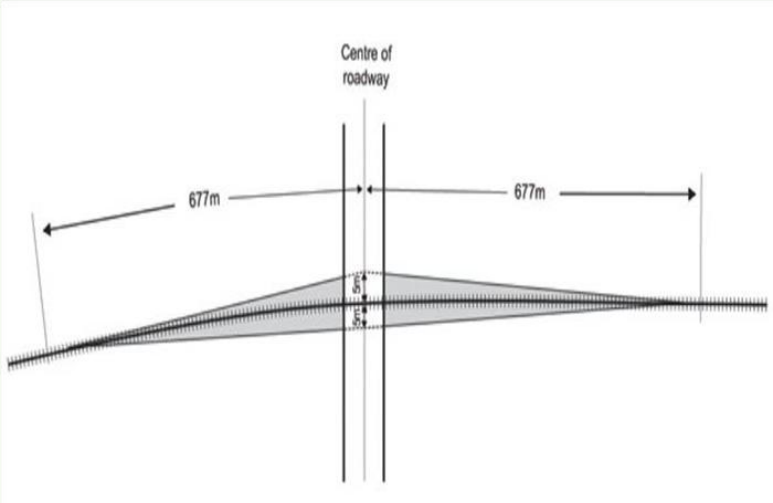
1. The 30m ~~metre~~ distance is measured from the closest outside rail.
2. Where there is more than one set of railway tracks, then 25m ~~metres~~ is added to the 320m ~~metre~~ distance along the railway track for each additional set of tracks.

Figure 8 – ~~a~~All other level crossings

Matters of discretion are restricted to:

1. any adverse effects on the ease and safety of vehicle manoeuvres, and on the visibility and safety of pedestrians, cyclists and motorists; and
2. the extent to which the safety and efficiency of rail and road operations will be adversely affected; and
3. the outcome of any consultation with KiwiRail Holdings Limited; and
4. any characteristics of the proposed use that will make compliance unnecessary.

[44] KiwiRail [187.42] for all TRAN-R9 changes



~~Advice n~~Notes:

1. The 5m ~~metre~~ distance is measured from the closest outside rail.
2. For each additional set of tracks, 50m is added to the 677m along the railway track.

TRAN-S10	Vehicle access way requirements	
All zones	1. Vehicle access ways must meet the requirements outlined in *Table 15 — Vehicle access way requirements*, measured in accordance with Figure 14 in TRAN-S13~~.~~; and 2. Where a vehicle access way is provided in the Rural ~~l~~Lifestyle ~~z~~Zone, Settlement ~~z~~Zone, Māori Purpose Zone or General ~~r~~Rural ~~z~~Zone onto a sealed road, then the vehicle access way must be formed, sealed and drained for at least the first ~~20~~5m[45] from the road boundary. Vehicle access ways in other zones must be formed, sealed and drained for their entire length~~.~~; and 3. Where any site fronting a Primary Road (National Route, Regional Arterial, District Arterial or Principal Road) also has frontage to a Secondary Road (Collector or Local Road or a Service Lane), all vehicle access ways to the site (providing for either ingress or egress) must be provided to the Secondary Road~~.~~; and 4. When a vehicle access way is provided in the ~~R~~residential ~~Z~~zones, where two-way access (5.5m formed width or greater) is not provided, a passing bay is required at the boundary, and thereafter at a minimum interval of every 50m. A passing bay should have a minimum width of 5.5m and length 7m with 45-degree tapers. **Table 15 — Vehicle access way requirements** **Zone** | **Development served** | **Minimum vehicle access way width** | **Minimum vehicle access way formed width** | **Maximum length** | **Maximum gradient**** Residential ~~Z~~zones | 1 to 2 parking spaces | 3.5m** | 2.7m | No limit | 1:5 (20%)	**Matters of discretion are restricted to:** 1. any adverse effects on the ease and safety of vehicle manoeuvres; and 2. the extent to which the safety and efficiency of road operations will be adversely affected; and 3. any adverse effects on amenity values~~.~~; and 4. any impacts on public waste collection; and 5. the effect on on-street parking demand; and 6. any characteristics of the proposed use that will make compliance unnecessary.

[45] Rooney, et al [174.25, 191,25, 249.25, 250.25, 251.25, 252.25], Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited [27.3], Milward Finlay Lobb [60.21] John Leonard Shirtcliff and Rosemary Jean Shirtcliff [81.4]

	3 to 9 parking spaces*	5m	~~4m~~3.5m[46]		
Commercial and ~~M~~mixed ~~U~~use ~~Z~~zones General Industrial Zone Port Zone	Up to 15 parking spaces	5~~.0~~m	4~~.0~~m	100m	1:8 (12.5%)
	More than 15 parking spaces	6.5m	5.5m	100m	1:8 (12.5%)
Rural ~~Z~~zones Māori Purpose Zone	Up to 6 allotments*	6.5m	5.5m	No limit	1:5 (20%)

*~~a~~A vehicle access way servicing 10 or more parking spaces should be vested as a road.
** Where a vehicle access way terminates greater than 135m from the nearest road that has a reticulated water supply (including hydrants), the minimum access width required is 4m to allow for access by emergency service vehicles.

***Note:** Emergency responder access requirements are further informed by the dimensions required for fire appliances for developments in SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice where a driveway length exceeds 75m or a fire appliance is not able to reach the source of a firefighting water supply from a public road.*[47]

TRAN-S11	**Vehicle tracking curve diagrams**	
All ~~Z~~zones	1. Manoeuvring within car parking areas must accommodate an 85th percentile car (as per Figure 9) except for critical areas where tracking must accommodate a 99th percentile car. Critical areas include all aisles, in or between major structures or locations where there is a change in grade~~.~~; and 2. Manoeuvring areas associated with a 99th percentile car parking bay must accommodate the tracking of 99th percentile motor vehicle (as per Figure 10) and manoeuvring areas for a heavy vehicle bay must accommodate the tracking of a medium rigid motor vehicle (as per Figure 11) as a minimum. If the largest motor vehicle expected to access a heavy vehicle bay is larger than the specified medium rigid heavy vehicle, the manoeuvring areas must be provided to accommodate the largest vehicle. **Figure 9 – 85 percentile design motor car**	**Matters of discretion are restricted to:** 1. any adverse effects on the ease and safety of vehicle manoeuvres, and on the visibility and safety of pedestrians, cyclists and motorists; and 2. the extent to which the safety and efficiency of road operations will be adversely affected; and 3. any characteristics of the proposed use that will make compliance unnecessary.

[46] Kainga Ora [229.36]
[47] Fire and Emergency [131.7]

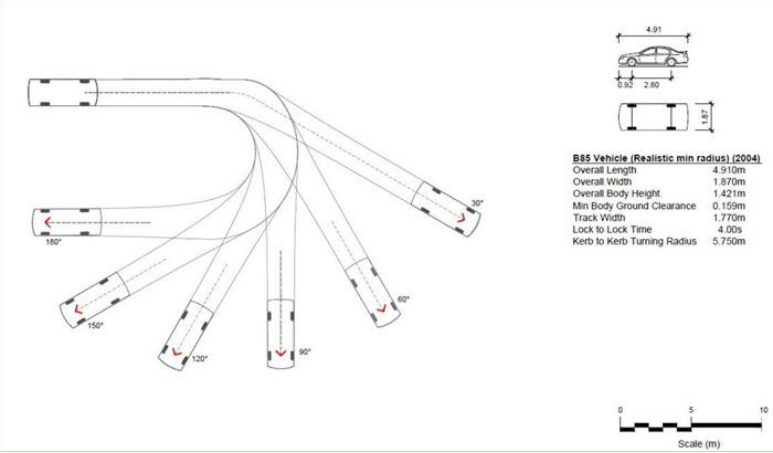


Figure 10 – 99 percentile design motor vehicle

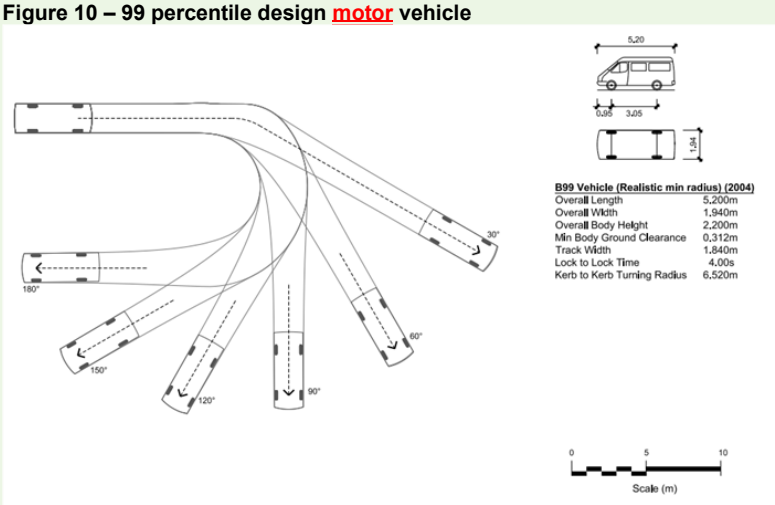
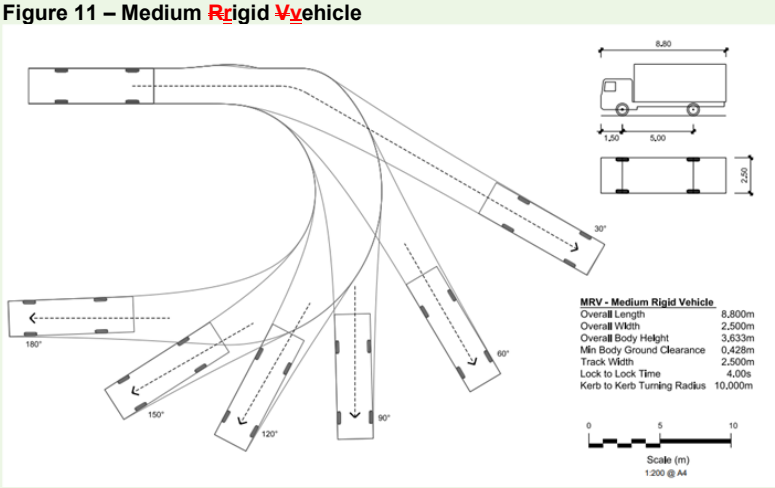


Figure 11 – Medium ~~R~~rigid ~~V~~vehicle



TRAN-S12	**Minimum sight distance from vehicle crossings**	
All ~~Z~~zones	1. Any vehicle crossing onto roads with a posted speed limit greater than a 60km/h ~~posted speed~~ or onto any ~~S~~state ~~H~~highway[48] must comply with the minimum sight distance in Figure 12~~.~~; and	**Matters of discretion are restricted to:** 1. the number of pedestrian movements and the number and

[48] Waka Kotahi [143.59]

2. Any vehicle crossing onto roads with a posted speed limit less than a 60km/h ~~posted speed~~ must comply with the minimum sight distance in Figure 13.

Figure 12 – Sight distance requirements where the posted speed limit is 60km/h or greater (NZTA ~~New Zealand Transport Agency - Waka Kotahi~~ Planning Policy Manual)

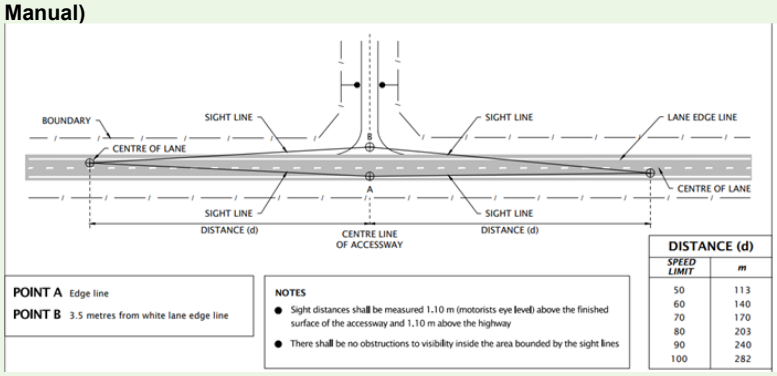
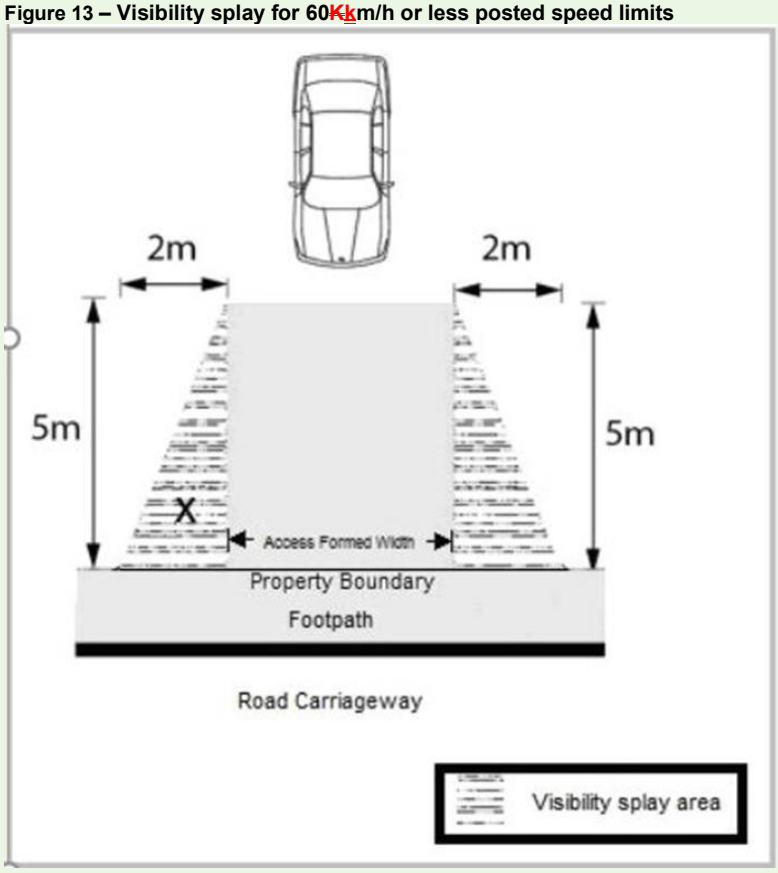


Figure 13 – Visibility splay for 60~~K~~km/h or less posted speed limits



type of vehicles using or crossing the vehicle crossing; and
2. the ability for vehicles to use the vehicle crossing without adversely affecting the safety and/or efficiency of the frontage road and manoeuvring vehicles at the crossings; and.
3. the extent to which the operating speed environment of the road, and site characteristics are such that the sight line standards can be safely reduced.

TRAN-S13	Vehicle crossing widths	
All ~~Z~~zones	1. The maximum width of any vehicle crossing must comply with *Table 16 – ~~m~~Maximum width of vehicle crossing*, calculated in accordance with Figure 14~~.~~; and 2. Where a vehicle crossing ~~access way~~ terminates greater than 135m from the nearest road that has a reticulated water supply (including hydrants), the minimum vehicle	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure; and 2. the extent and impact of any reduction in on-street parking.

crossing ~~access~~ width required is 4m to allow for access by emergency service vehicles.

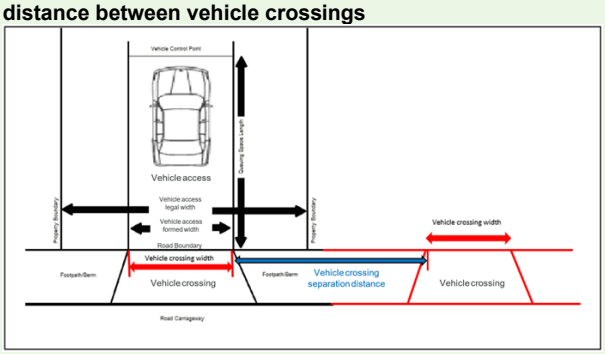
Note: Vehicle crossings to roads with speed limits 70km/h and above should be designed in accordance with TRAN-S17.

Table 16 – ~~m~~Maximum width of vehicle crossing

Zone	Maximum width of crossing at road boundary
Residential ~~Z~~zones Open ~~S~~space and recreation ~~Z~~zones (~~urban area~~ not within or adjoining rural zones)[49]	6.~~0~~m
Commercial and ~~M~~mixed ~~U~~use ~~Z~~zones	7.~~0~~m*
Rural ~~Z~~zones Open ~~S~~space and recreation ~~Z~~zones (~~non-urban area~~ within or adjoining rural zones)[50]	6.~~0~~m*

**Maximum width of up to 9.~~0~~m is permitted where the vehicle crossing needs to accommodate the tracking path of large heavy vehicles.*

Figure 14 – Measurements of a vehicle crossing width and distance between vehicle crossings



TRAN-S14 Maximum number of vehicle crossings

All ~~Z~~zones

The maximum number of vehicle crossings per site must comply with *Table 17 — Maximum number of vehicle crossings* below.

Table 17 — Maximum number of vehicle crossings

Frontage length	Frontage road classification		
	National Route	Regional Arterial, District Arterial and Principal	Collector and Local
0-20m	1	1	1
>20m-100	1	1	2
>100	1	2	3

Matters of discretion are restricted to:

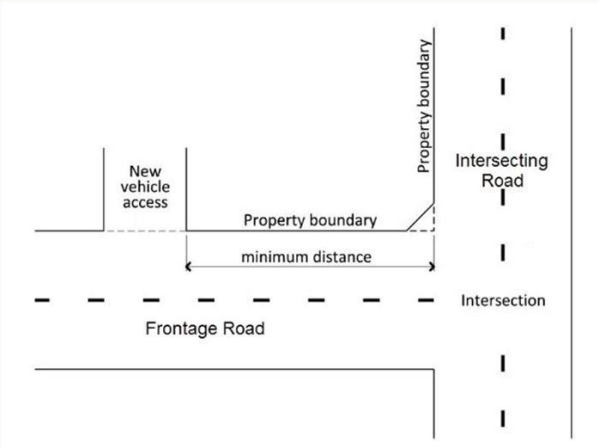
1. the potential for adverse effects on the safety and efficiency of land transport infrastructure~~.~~; and
2. the extent and impact of any reduction in on-street parking.

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

TRAN-S15	Minimum distance between vehicle crossings	
All ~~Z~~zones	The minimum distance between vehicle crossings must comply with *Table 18 — Recommended minimum distance between vehicle crossings on same side of road*, measured in accordance with Figure 15 in TRAN-S16. **Table 18 — Minimum distance between vehicle crossings on same side of road** **Frontage road speed limit** / **Minimum distance between vehicle crossings on Local, Collector, Regional, Arterial, District Arterial and Principal roads** / **Minimum distance between vehicle crossings on National Routes** 70km/h / 40m / 40m 80km/h / 70m / 100m 90km/h / 85m / 200m 100km/h / 105m / 200m[51]	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure.

TRAN-S16	Minimum distance between vehicle crossings and intersections	
All ~~Z~~zones	The minimum distance between vehicle crossings and intersections must comply with *Table 19 – Minimum distance of vehicle crossings from intersections* below, measured in accordance with Figure 15. **Table 19 – Minimum distance of vehicle crossings from intersections** **Frontage road speed limit** / **Minimum distance between vehicle crossing from intersection** 70km/h / 100m 80km/h / 100m 90km/h / 200m 100km/h / 200m **Figure 15 – Minimum distance of vehicle crossings from intersections measurement requirements**	**Matters of discretion are restricted to:** 1. the potential for adverse effects on the safety and efficiency of land transport infrastructure.

[51] Waka Kotahi [143.61] for all the changes to TRAN-S15



TRAN-S17	Vehicle crossings onto roads with 70km/h or greater posted speed limits

All ~~Z~~zones

1. Any gates in the General Rural Zone and Rural Lifestyle Zone must be recessed back from the road in accordance with the gate setback distances to allow any vehicle using the vehicle access way to stop clear of the road's traffic lanes while the gate is being opened or closed for all rural vehicle crossings~~.~~; and
2. Any vehicle crossings onto roads with a posted speed limit of 70km/h or greater ~~posted speed limits~~ must comply with the standards in *Table 20 – Vehicle crossings*, except that activities that generate more than 100 vehicle movements per day (ECMs) are required to be accessed by way of an intersection.

Table 20 – Vehicle crossings

	Daily traffic volume using the vehicle crossing (ECMs*)	Is the vehicle crossing on a state highway?	Figure to use for vehicle crossing design
a.	1 ~~–~~to 30; and No more that ~~1~~ one heavy vehicle per day	No	Figure 16 (Vehicle crossing without shoulder widening)
b.	1~~–~~to 30	Yes	~~Figure 17 (Vehicle crossing with shoulder widening)~~ Figure 16 (vehicle Crossing without shoulder widening)[52]
c.	31~~–~~to 100; or More than ~~1~~ one heavy vehicle per day	Yes or No	Figure 17 (Vehicle crossing with shoulder widening)

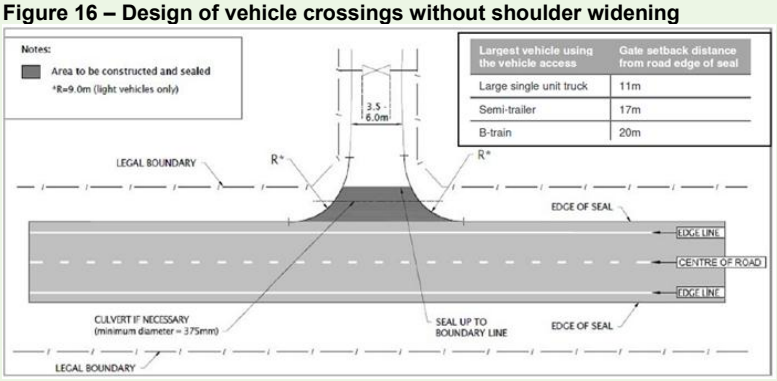
**ECMs (equivalent car movements per day) are defined as follows:*
• 1 car to and from the property = 2 ECMs;
• 1 truck to and from a property = 6 ECMs;
• 1 truck and trailer to and from a property = 10 ECMs; and
A single residential unit ~~dwelling~~ is deemed to generate 9 ECMs per day.

Matters of discretion are restricted to:

1. the potential for adverse effects on the safety and efficiency of land transport infrastructure.

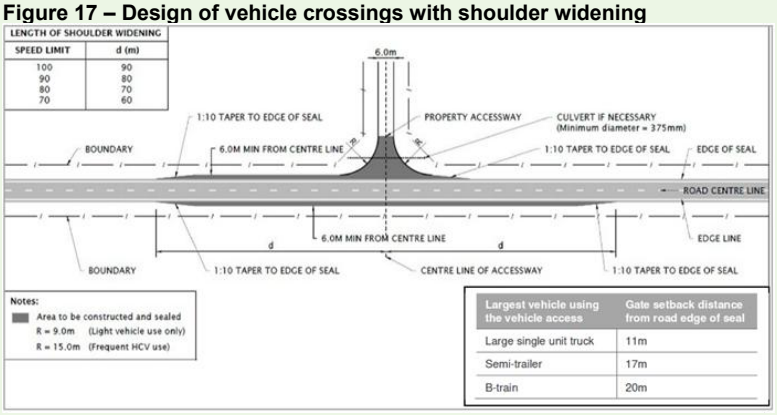
[52] Waka Kotahi [143.63]

Figure 16 – Design of vehicle crossings without shoulder widening



Largest vehicle using the vehicle access	Gate setback distance from road edge of seal
Large single unit truck	11m
Semi-trailer	17m
B-train	20m

Figure 17 – Design of vehicle crossings with shoulder widening



LENGTH OF SHOULDER WIDENING	
SPEED LIMIT	d (m)
100	90
90	80
80	70
70	60

Largest vehicle using the vehicle access	Gate setback distance from road edge of seal
Large single unit truck	11m
Semi-trailer	17m
B-train	20m

TRAN-S18	**Reverse manoeuvring**	
All ~~Z~~zones	1. Where vehicular access is from a National, or Regional, or District Arterial or Principal Road as identified in SCHED1 — Schedule of Roading Hierarchy, there must be sufficient space provided to ensure[53] no reverse manoeuvring onto or off the road; and 2. For all non-residential uses where any parking or loading spaces are required and any residential activity with a vehicle access way to six or more car parking spaces, there must be sufficient space provided to ensure[54] no reverse manoeuvring onto or off the road.	**Matters of discretion are restricted to:** 1. the extent to which the safety and efficiency of road operations will be adversely affected; and 2. any adverse effects on the ease and safety of vehicle manoeuvres, and on the visibility and safety of pedestrians, cyclists and motorists; and 3. any characteristics of the proposed use and site that will make compliance unnecessary.
TRAN-S19	**Lighting of parking and manoeuvring areas**	
All ~~Z~~zones except the General Rural Zone and Rural Lifestyle Zone ~~GRUZ and RLZ~~	Lighting must be provided for all parking and manoeuvring areas and associated pedestrian routes that comply with the rules in the Light Chapter for: 1. all non-residential activities which have parking areas and/or loading areas used during hours of darkness; and 2. residential activities, where there are 10 or more marked[55] parking spaces.	**Matters of discretion are restricted to:** 1. any adverse effects on the ease and safety of vehicle manoeuvres, and on the visibility and safety of pedestrians, cyclists and motorists.

[53] TDC [42.29]
[54] Clause 10(2)
[55] Rooney, et al [174.27, 191.27, 249.27, 250.27, 251.27, 252.27] for all the TRAN-S19 amendments

TRAN-S20 High ~~T~~trip ~~G~~generating ~~A~~activities

All ~~Z~~zones

Table 21 — High trip ~~traffic~~ generating activities

Activity	Basic ITA Required		Full ITA Required	
Educational Facility — Pre-school	40	Children	90	Children
Educational Facility - School~~s~~	70	Students	170	Students
Educational Facility - Tertiary	250	FTE students	750	FTE students
Industrial Activity (excluding ~~w~~Warehousing and ~~d~~Distribution ~~activity~~)	5,000	m^2 GFA	12,000	m^2 GFA
Warehousing and Distribution	6,500	m^2 GFA	25,000	m^2 GFA
Health Care Facility	280	m^2 GFA	1200	m^2 GFA
Office	2,000	m^2 GFA	4,800	m^2 GFA
Residential Activity	40	Residential ~~U~~unit / lot	90	Residential ~~U~~unit / lot
General Retail ~~and~~ (including Supermarkets)[56]	200	m^2 G~~L~~FA	800	m^2 G~~L~~FA
Large Format Retail other than ~~t~~Trade ~~s~~Suppliers	550	m^2 G~~L~~FA	2,300	m^2 G~~L~~FA
Service Station	2	Filling points	6	Filling points
Mixed Use or ~~o~~Other ~~a~~Activities not listed above, including all ~~a~~Activities within ~~the~~ PREX - Clandeboye Dairy Manufacturing ~~Zone/~~Precinct[57]	50	~~v~~Vehicle movements/ peak hour	120	~~v~~Vehicle movements/ peak hour
	250	~~v~~Vehicle movements/ day	1,000	~~v~~Vehicle movements/ day
	~~w~~Whichever is the greatest of above		~~w~~Whichever is the greatest of above	

***Note:** ~~p~~Peak hour means any hour when the greatest number of vehicle movements occurs.*

Matters of discretion are restricted to: Not applicable

[56] Woolworths [242.15]
[57] Fonterra [165.44]. Evidence of Ms Tait for Fonterra dated 23 January 2025 (paragraph 5.3.9)

Contaminated Land

Introduction

Contaminated land is land that has significant adverse effects on the environment or land that is reasonably likely to have significant adverse effects on the environment. The subdivision, development, or change of use of contaminated land can expose people to increased levels of contamination from hazardous substances that were previously used or stored on-site. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) provides a rule framework for managing certain activities on land affected or potentially affected by soil contaminants. The Council is responsible for administering the NESCS.

This chapter provides objective and policy direction for the assessment of any resource consent application made under the NESCS.

Responsibility for the management of environmental effects arising from contaminated land sits with the CRC ~~Canterbury Regional Council~~, e.g. leaching of contaminants to waterbodies or groundwater from land development or disturbance activities.

Objectives	
CL-O1	**Management of contaminated land**
Contaminated land is made safe for human health and its intended use before any change of use, ~~land~~ soil[1] disturbance, development or subdivision.	
Policies	
CL-P1	**Investigation of contaminated and potentially contaminated land**
Require the investigation of contaminated land or potentially contaminated land prior to any change of use, ~~land~~ soil[2] disturbance, development or subdivision of land that could result in an increase in the risk to human health resulting from any contamination of the land.	
CL-P2	**Subdivision, use and development of contaminated land**
Any proposal to subdivide, use or develop contaminated land must follow a best practice approach to: 1. manage contaminated soil to protect human health; and 2. ensure the land is suitable for its intended use.	
CL-P3	**Remediation and management works**
Ensure that ~~the risks to human health from~~ any remediation of, or any management works undertaken on, contaminated land, do not increase risks to human health from the contamination that is present,[3] and, where possible encourage the reduction of those risks.	

Rules

Note: *There are no rules contained in this chapter. Reference should instead be made to the rules contained in the NESCS ~~Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011~~.*

[1] BP Oil, et al [196.43]
[2] BP Oil, et al [196.43]
[3] Road Metals [169.14] and Fulton Hogan [170.15]

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 ~~d~~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 ~~d~~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, ~~R~~regionally ~~S~~significant ~~I~~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~~s~~ Overlay. Therefore, some types of natural hazards may be mapped within the District P~~p~~lan ~~(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 and[5] 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-O4 and ~~Policy~~ NH-P~~11~~14 apply in the Port Zone.[6]

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

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

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

[1] TDC [42.30]
[2] Hort NZ [254.51]
[3] Clause 16(2) as part of merging the natural hazards provisions into the Natural Hazards chapter
[4] Kāinga Ora [229.39]
[5] Clause 16(2)
[6] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[7] Connexa [176.60], Spark [208.60], Chorus [209.60] and Vodafone [210.60] and the evidence of Mr Anderson dated 9 April (paragraph 17)

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

Objectives	
NH-O1	**Areas subject to natural hazards**
Risk to human life and significant risk to property, from natural hazards is: 1. avoided in high hazard areas that are outside of urban zoned areas;[10] and 2. avoided or mitigated in high hazard areas that are within urban zoned areas;[11] and 3. avoided or mitigated ~~elsewhere~~ in all other areas[12] to an acceptable level.	
NH-OX	**Coastal hazards**
People, buildings and structures are protected from unacceptable risks arising from coastal hazards, including those exacerbated by climate change.[13][14]	
NH-O2	**Regionally ~~S~~significant ~~I~~infrastructure**
Risk from natural hazards to ~~R~~regionally ~~S~~significant ~~I~~infrastructure is managed by locating ~~located~~[15] outside of high hazard areas where practicable.	
NH-O3	**Natural hazard mitigation works**
Natural hazard mitigation works reduce risks to people and property, with a preference for the use of natural features and buffers where practicable.[16]	
NH-OY	**Natural defences ~~features and buffers~~[17]**
~~Natural features~~ Natural defences ~~and buffers~~ are protected, restored or enhanced ~~retained~~ and used for coastal hazard management, in preference to ~~natural hazard mitigation works~~ hard engineering natural hazard mitigation works,[18] wherever appropriate.[19][20]	
NH-O4	**Adaptive management at the Port**[21]
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.	

[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 ~~N~~natural ~~H~~hazard ~~A~~areas[22]

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

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

NH-P2 Consideration of tsunami risk

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

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

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

NH-P4 Subdivision, use and development in Flood Assessment Areas, excluding high hazard areas ~~and overland flowpaths~~[27]

Enable subdivision, use and development (excluding ~~R~~regionally ~~S~~significant ~~I~~infrastructure) in areas subject to inundation by a 0.5% AEP flood event provided that:

1. it is not likely to suffer significant damage in a flood event; and
2. it will not significantly affect the functioning of the flood plain; and
3. it will not generate the need for new or upgraded public natural hazard mitigation works to mitigate or avoid the natural hazard; and
4. for natural hazard sensitive buildings,[28] a minimum floor level above the 0.5% AEP design flood level can be achieved; and
5. for major hazard facilities ~~will not be inundated~~, there is no risk of hazardous substances entering the environment;[29] significant adverse effects on people and property are avoided; and
6. increased risk on other sites, including through floodwater displacement and diversion[30], is avoided as a priority and where this is not practicable, will be appropriately mitigated.

NH-P5 Subdivision ~~and Regionally significant Infrastructure~~[31] in Liquefaction Awareness Areas

~~Require subdivision and Regionally Significant Infrastructure in Liquefaction Awareness Areas to apply appropriate measures to avoid or, where avoidance is not reasonably practicable due to the functional~~

[22] Clause 16(2)
[23] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]
[24] Crossman evidence for OWL [181] paras 4.1 to 4.3
[25] Forest and Bird [156.87]
[26] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[27] ECan [183.38]
[28] ECan [183.33]
[29] BP Oil et al [196.50], PrimePort [175.29] and Timaru District Holdings [186.15]
[30] Clause 16(2)
[31] Transpower [159.61]

~~needs of the activity, mitigate risks to people and property.~~ Require the liquefaction risk in the Liquefaction Awareness Area Overlay to be identified and appropriately remedied or mitigated.[32]

NH-P6	Subdivision ~~and Regionally Significant Infrastructure~~[33] in Earthquake Fault Awareness Areas

Require subdivision ~~and Regionally Significant Infrastructure~~[34] in the Earthquake Fault (Subdivision)[35] Awareness Areas ~~o~~Overlay to be designed or located in a way that enables activities to avoid~~s~~ or, where avoidance is not reasonably practicable due to the functional need or operational need~~s~~[36] of the activity, mitigate~~s~~ risks to people and property.

NH-P7	Slope stability and subsidence risk

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

~~NH-P8~~	~~Overland Flowpaths~~[37]

~~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-P~~9~~8	Natural hazard mitigation works

Natural hazard mitigation works:

1. undertaken by or on behalf of[38] the Crown, CRC ~~Canterbury Regional Council~~ or the Council are enabled, where community scale hazard mitigation is necessary to protect existing communities from natural hazard risk which cannot reasonably be avoided, and any adverse effects on the identified values and qualities of Outstanding Natural Landscapes (ONLs), Outstanding Natural ~~and~~ Features (ONFs), the Coastal Environment, Visual Amenity Landscapes (VALs), Significant Natural Areas (SNAs), High Naturalness Waterbodies ~~Areas~~ (HNWB), Sites of Significance to Māori (SASM), ~~H~~historic ~~H~~heritage, cultural, and archaeological ~~areas~~ sites,[39] riparian margins and ~~N~~notable ~~T~~trees are mitigated; or
2. not undertaken by or on behalf of[40] 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,[41] riparian margins and ~~N~~notable ~~T~~trees are avoided, remedied, or mitigated in accordance with the objectives and policies ~~provisions~~[42] in those ~~C~~chapters; and
   d. the construction or operation of the natural hazard mitigation works will avoid or acceptably mitigate ~~not lead to~~ [43] any increased or new risk from flooding to~~n~~ human life and property.

[32] ECan [183.34]
[33] Transpower [159.62]
[34] Transpower [159.62]
[35] Clause 16(2)
[36] Waka Kotahi [143.68]
[37] ECan [183.38]
[38] Clause 16(2)
[39] Clause 10(2)(b) of Heritage NZ [114.3]
[40] Clause 16(2)
[41] Clause 10(2)(b) of Heritage NZ [114.3]
[42] ECan [183.128] – consequential amendment to align with rule exclusions
[43] Silver Fern Farms [172.27] and Alliance Group [173.24]

NH-P9[44]	Hard engineering natural hazard mitigation works[45] within the ~~C~~coastal ~~E~~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 clear[46] risk to life or property from the natural hazard; and
4. it minimises ~~avoids~~[47] 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-significant[48] adverse effects are avoided, remedied or mitigated.

NH-P10	High ~~H~~hazard ~~A~~areas

Avoid subdivision, use and development (excluding ~~R~~regionally ~~S~~significant ~~I~~infrastructure) in~~, mapped or~~ identified high hazard areas, unless:

1. it is a building or structure[49] that is not a natural hazard sensitive building ~~activity~~[50] 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 property[51] 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.[52]

NH-P11	Regionally ~~S~~significant ~~I~~infrastructure in ~~N~~natural ~~H~~hazard ~~A~~areas[53]

~~Only allow~~1. Outside of coastal hazard areas, ~~R~~regionally ~~S~~significant ~~I~~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~~ all[54] natural hazard areas:

~~2.~~ 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

~~3.~~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;[55]and

2. Within coastal hazard areas, only allow ~~R~~regionally ~~S~~significant ~~I~~infrastructure, ~~including the Port of Timaru,~~[56] in areas subject to coastal hazards where:

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

[44] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[45] Clause 16(2)
[46] Tosh Prodanov [117.3],
[47] Silver Fern Farms [172.88]
[48] Silver Fern Farms [172.88]
[49] Silver Fern Farms [172.28] and Alliance Group [173.25]
[50] Clause 16(2)
[51] Silver Fern Farms [172.28] and Alliance Group [173.25]
[52] 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
[53] Clause 16(2)
[54] Transpower [159.63] – amendment to correct the wording, as intended in the s42A report (paragraph 7.24.6)
[55] Transpower [159.63] for all these changes.
[56] 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.[57]

NH-P12 [58]	Activities in coastal hazard areas (excluding ~~R~~regionally ~~S~~significant ~~I~~infrastructure)

1. In non-urban zoned[59] 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 zoned[60] areas, avoid increasing the risk of social, economic, or environmental harm from coastal natural hazards.

NH-P13 [61]	Identifying coastal hazards

Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,[62] 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-P~~11~~14[63]	~~PORTZ~~ Port Zone [64]

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-R1A, NH-R~~3~~9 and NH-R4A ~~NH-RX and NH-RX~~.[65] These ~~PORTZ~~ Port Zone specific rules do not cover ~~M~~major ~~H~~hazardous ~~F~~facilities and ~~H~~hazardous ~~F~~facilities in the ~~PORTZ~~ Port Zone, which are covered by the Hazardous Substances Chapter.[66]

For the purposes of NH-R3 ~~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.[67]

[57] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[58] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[59] Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]
[60] Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]
[61] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[62] Dir. General Conservation [166.108] and Forest and Bird [156.151]
[63] Clause 16(2) renumbering as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[64] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[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] ECan [183.5], [183.77], [183.76], [183.85], [183.86], [183.90], [183.91]

The control of the use of land for natural hazard management within the beds of lakes and rivers is within the jurisdiction of the CRC ~~Canterbury Regional Council~~. The rules in this chapter therefore do not apply within the beds of lakes and rivers.[68]

NH-R1	**Buildings, structures and ~~E~~earthworks outside the Port Zone[69]~~,~~ excluding ~~land disturbance and for~~ natural hazard mitigation works and its associated land disturbance under NH-R3[70]**	
Flood Assessment Area Overlay **~~High Hazard Area Overlay~~**[71]	**Activity status: Permitted** **Where:** **~~PER-1~~** ~~If the area is subject to flooding in a 0.5% AEP rainfall, NH-S2 is complied with; and~~[72] **~~PER-2~~** ~~If a Flood Risk Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath.~~ **PER-1** 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; and[73] **PER-2** 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 that this shall not apply to buildings, structures or earthworks authorised by a building consent.[74] **Notes:** 1. A Flood ~~Risk~~ Assessment Certificate issued in accordance with NH-S1 will	**~~Activity status where compliance not achieved with PER-1: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~The relevant matters of discretion of any infringed standard.~~ **Activity status when~~re~~ compliance not achieved ~~with PER-2~~: Restricted Discretionary** **Matters of discretion are restricted to:** 1. any adverse effects on the rate of flow and direction of overland flowpath(s); and ~~2. any adverse effects on property from blockage of or disturbance to the overland flow path(s); and~~[76] ~~2.~~ any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater;[77]; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures.[78]

[68] OWL [181.48] and [181.54]
[69] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[70] ECan [183.38]
[71] Kāinga Ora [229.39]
[72] Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26], ECan [183.38]
[73] ECan [183.38] and clause 16(2)
[74] ECan [183.38]
[76] ECan [183.27] – combining matter of discretion 2 and 3.
[77] ECan [183.38]
[78] ECan [183.38]

	identify if the site is subject to flooding in events up to and including a 0.5% AEP flood event. 2. When considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for. 3. This rule applies in addition to all the remaining chapter rules.[75]	
~~NH-RX~~ NH-R1A	**New buildings, structures and earthworks in the ~~PORTZ~~ Port Zone**[79]	
Flood Assessment Area Overlay **Sea Water Inundation Overlay** **Coastal Erosion Overlay**[80]	**Activity status: Permitted** **Where:** **PER-1** Buildings, structures and earthworks will not create or increase the diversion or displacement of floodwater ~~worsen flooding~~ on another site ~~property~~ that is not held in the same ownership ~~through the diversion or displacement of flood water~~ in all events up to and including a 0.5% AEP event, except that that this shall not apply to buildings, structures or earthworks authorised by a building consent.[81] **Note:** 1. A Flood Assessment Certificate issued in accordance with NH-S1 will identify if the site is subject to flooding in events up to and including a 0.5% AEP flood event.[82] 2. ~~w~~When considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.	**Activity status when~~re~~ compliance ~~is~~ not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. any adverse effects on the rate of flow and direction of overland flowpath(s); and ~~2. any adverse effects on property from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater; and~~ 2. any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s), or displacement or diversion of floodwater; and[83] 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. the benefits of or necessity for the proposed building, structure or earthworks.

[75] Clause 16(2)
[79] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[80] 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
[81] ECan [183.38]
[82] Clause 16(2) - to include the Rule Note from the equivalent NH-R1
[83] ECan [183.27] – combining matter of discretion 2 and 3

NH-R2[84]	**Land disturbance**	
Coastal Erosion Overlay **Sea Water Inundation Overlay**	**Activity Status: Permitted**	**Activity status when compliance not achieved with: Not applicable**
~~**NH-R2**~~	~~**Fences**~~[85]	
~~**Flood Assessment Area Overlay**~~	~~**Activity status: Permitted**~~ ~~**Where:**~~ ~~**PER-1**~~ ~~At least 70% of the surface area of the fence is permeable above ground; or~~ ~~**PER-2**~~ ~~A Flood Risk Assessment[86] Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath.~~	~~**Activity status where compliance not achieved: Restricted Discretionary**~~ ~~**Matters of discretion are restricted to:**~~ ~~1. the type of fencing and materials proposed and the potential to obstruct water flow; and~~ ~~2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and~~ ~~3. any increased flood risk for people, property, or public spaces; and~~ ~~4. the effectiveness and potential adverse effects of any proposed mitigation measures.~~
NH-R3	**Natural hazard mitigation works ~~– maintenance, replacement and upgrading~~ including associated earthworks and incidental vegetation removal**[87] ***~~Note: This rule does not apply to natural hazard mitigation works only involving the planting of vegetation~~***[88]	
1 **Flood Assessment Area Overlay** ~~**High Hazard Area Overlay**~~[89] **Coastal Environment Area Overlay**[90] **Sea Water Inundation Overlay**[91] [92]	**Activity status: Permitted** **Where:** **PER-1** The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; [93] or **PER-~~1~~2** 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	**Activity status when~~re~~ compliance not achieved with PER-1[101], PER-2, PER-3 or PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including SNAs ~~significant natural areas~~,

[84] Clause 16(2) - as part of merging the natural hazards and coastal hazards provisions
[85] 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]
[86] ECan [183.26]
[87] ECan [183.40]
[88] Clause 16(2)
[89] Kāinga Ora [229.39]
[90] Clause 16(2) – from CE-R9 - as part of merging the natural hazards and coastal provisions
[91] ECan [183.128]
[92] Clause 16(2) – from CE-R9 - as part of merging the natural hazards and coastal provisions
[93] ECan [183.40]
[101] ECan [183.40]

CRC ~~Canterbury Regional Council~~ natural hazard mitigation works, including those within the full footprint of river control schemes; ~~and~~ or[94]

PER-~~1~~ 3
The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that:

1. ~~The natural hazard mitigation works~~ ~~is~~ occur[95] within 25m of the ~~existing~~ alignment or location vertically and horizontally of existing natural hazard mitigation works;[96] and
2. do not increase t~~T~~he footprint of ~~the~~ existing[97] natural hazard mitigation works ~~is not increased~~ by more than 25%; or

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 - the Port Operational Area Precinct;[98] ~~and~~ or

~~**PER-4**~~
~~If the site is subject to flooding in a 0.5% AEP rainfall event, NH-S2 is complied with.~~ [99]

PER-5
The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the CRC ~~Regional Council~~ or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.[100]

natural character areas, riparian margins, SASM ~~sites and areas of significance to Māori~~ and within any ONF or ONL overlay;[102] and

3. ~~any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and~~[103]
4. ~~.~~ any increased flood risk for people, property, infrastructure[104] or public spaces, including from blockage of or disturbance to overland flowpath(s);[105] 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.[106]

Activity status when~~n~~ ~~re~~ compliance not achieved with ~~PER-4~~ ~~PER-1~~ PER-5: Restricted Discretionary[107]

Where~~:~~

RDIS-1
Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, CRC ~~Regional Council~~, or the Council~~:~~. [108]
~~b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7;~~[109]

Matters of discretion are restricted to:

1. those matters set out for non-compliance with NH-R3.1. PER-1, PER-2, or PER-3 or PER-4.

[94] ECan [183.40]
[95] Clause 16(2)
[96] Clause 16(2)
[97] Clause 16(2)
[98] 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
[99] Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26]
[100] ECan [183.40] and [183.41]
[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]
[109] PrimePort [175 - various] and Timaru District Holdings [186 - various]

		Activity status whenre compliance not achieved with RDIS-1: Discretionary[110] **~~Matters of discretion are restricted to:~~** ~~the relevant matters of discretion of any infringed standard.~~[111]
2 Coastal High Natural Character Area Overlay[112] **Coastal Erosion Overlay**[113]	**Activity status: Restricted Discretionary**[114] **Where:** **RDIS-1**[115] Any new natural hazard mitigation works are: a. established by or on behalf of the Crown, CRC ~~Regional Council~~, or the Council; or [116] b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7 - the Port Operational Area Precinct.[117] **Matters of discretion are restricted to:** 1. those matters set out for non-compliance with NH-R3.1, PER-1, PER-2, or PER-3 or PER-4. [118]	**Activity status whenre compliance ~~is~~ not achieved: Discretionary**
NH-R4	**Natural hazard sensitive buildings outside the Port Zone ~~activities~~**[119] **~~other than Regionally Significant Infrastructure~~**[120] **~~or structures~~**[121] **~~and additions to such activities or structures with a ground floor area of 30m2 or more~~**[122] [123]	
1 Flood Assessment Area Overlay within ~~U~~urban	**~~Note~~**: ~~*if the new building, structure or extension on the ground floor is less than 30m², see NH-R7.*~~ [125] **Activity status: Permitted** **Where:** **PER-1**	**Activity status whenre compliance not achieved ~~with PER-1 or PER-2 or PER-4: Non-Complying~~ Restricted Discretionary**[133] **Matters of discretion are restricted to:** ~~1. any potential adverse effects of diverting or blocking overland flow~~

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

~~Z~~zoned ~~A~~areas[124]	T~~t~~he natural hazard sensitive building complies with[126] ~~is built to~~ the minimum finished floor level specified in an existing consent notice that is less than five years old; or **PER-2** A Flood ~~Risk~~ Assessment[127] Certificate for the natural hazard sensitive[128] activity has been issued in accordance with NH-S1 and the building complies with the minimum floor level specified in the Flood Assessment Certificate.[129]~~; and~~ **PER-3** ~~The Flood Risk Certificate issued under PER-2 states that the activity is not located on land that is within an overland flowpath; and~~[130] ~~**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; and~~[131] ~~**PER-5**~~ ~~The Flood Risk Certificate issued under PER-2 states either:~~ ~~1. the activity is located on land that is not subject to flooding in a 0.5% AEP rainfall event; or~~ ~~2. the activity is located on land that is subject to flooding in a 0.5% AEP rainfall event and complies with the minimum finished floor level requirement for the site.~~[132]	~~path(s), including upstream and downstream flood risks; and~~[134] ~~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 ~~z~~Zone, and the views of mana whenua, if provided.[135] ~~**Activity status where compliance not achieved with PER-5: Restricted Discretionary**~~ ~~**Matters of discretion are restricted to:**~~ ~~1. the nature, design and intended use of the proposed building or structure; and~~ ~~2. any increased flood risk for people, property, or public spaces; and~~ ~~3. proposals to mitigate any risk created by non-compliance with the minimum floor levels, including risk to the health and safety of occupants; and~~ ~~4. the potential for the activity to exacerbate natural hazard risk, including to any other sites; and~~ ~~5. any increased reliance on emergency services;~~[136]

[124] Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].
[126] Clause 16(2)
[127] ECan [183.26]
[128] Clause 16(2)
[129] ECan [183.42]
[130] ECan [183.42]
[131] Silver Fern Farms [177.22], Alliance Group [173.19] and Tosh Prodanov [117.1].
[132] ECan [183.38]
[134] ECan [183.38] for deleting references to overland flowpaths (which are now in NH-R1)
[135] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]
[136] ECan [183.38]

2 Flood Assessment Area Overlay outside of ~~U~~urban ~~Z~~zoned ~~A~~areas[137]	**Activity status: Permitted** **Where:** **PER-1** T~~t~~he 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 **PER-2** 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 **PER-3** The Flood ~~Risk~~ Assessment[138] Certificate issued under PER-2 states that the building is not located on land that is identified as a high hazard area.	**Activity status whe~~n~~re ~~compliance~~ not achieved with PER-1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** ~~1. any potential adverse effects of diverting or blocking overland flow path(s), including upstream and downstream flood risks; and~~[139] 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 ~~z~~Zone, and the views of mana whenua, if provided.[140] **Activity status where compliance not achieved with PER-3: Non-complying**

[137] Peter Bonifacio [36.16], Waipopo Huts, ECan [183.24]
[138] Clause 16(2)
[139] ECan [183.38] for deleting references to overland flowpaths (which is now in NH-R1)
[140] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

3 Sea Water Inundation Overlay within urban zoned[141] areas	**Activity status: Permitted Where:** ~~**PER-1**~~ ~~The new building or extension has a maximum ground floor area per site of 25m^2 in any continuous 10-year period from 22 September 2022; or~~[142] ~~**PER-2**~~ ~~The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or~~[143] **PER-~~3~~ 1** The ~~building or extension~~ natural hazard sensitive building[144] has a finished floor level equal to or higher than the minimum floor level as stated in a Flood ~~Risk~~ Assessment[145] 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~~.[146]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent to which the proposal results in an increased flood risk to people, ~~and~~ property and public spaces;[147] and 2. ~~whether~~ the extent to which[148] the building includes natural hazard mitigation such as raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; and 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~~[149] 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. 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 ~~MPZ~~Zone, and the views of mana whenua, if provided.[150]

[141] ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]
[142] Simo Enterprises [148.30] and Fenlea Farms [171.23]
[143] Fenlea Farms [171.23]
[144] Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]
[145] ECan [183.26]
[146] ECan [183.125]
[147] ECan [183.27]
[148] Clause 16(2)
[149] ECan [183.27]
[150] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

4 Sea Water Inundation Overlay outside of urban zoned[151] areas	**Activity status: Permitted** **Where:** ~~**PER-1**~~ ~~The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or~~ [152] ~~**PER-2**~~ ~~The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or~~[153] **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~~ Assessment[154] Certificate issued in accordance with NH-S1; and **PER-2** The Flood Assessment Certificate issued under PER-1~~2~~ states that the natural hazard sensitive building is not located on land that is identified as a high hazard area.[155]	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent to which the proposal results in an increased risk to people, property and public spaces; and 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; and 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 will rely on or require additional community scale natural hazard mitigation works; and 6. the extent to which the proposal requires any increased reliance on emergency services. **Activity status when compliance not achieved with PER-2: Non-complying**
5 Coastal Erosion Overlay	**Activity status: Restricted Discretionary** 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.[156] **Where:** **RDIS-1** The activity is an addition or extension[157] to an existing building or structure only; and **RDIS-2**	**Activity status whenre compliance not achieved: Non-complying**

[151] ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]
[152] Simo Enterprises [148.30] and Fenlea Farms [171.23]
[153] Fenlea Farms [171.23]
[154] ECan [183.26]
[155] ECan [183.125]
[156] The New Zealand Defence Force [151.15]
[157] Clause 16(2)

	The addition or extension has a maximum floor area of 30[158]~~25~~m² established in any continuous 10-year period from ~~22 September~~ 2022 [insert date Plan becomes operative]~~;~~[159] ~~or~~. ~~**RDIS-3**~~ ~~The extension is not to accommodate a natural hazard sensitive activity.~~ [160] **Matters of discretion are restricted to:** 1. the extent to which the proposal results in an increased risk to people and property, including creating natural hazard risks on adjacent properties;[161] and 2. whether the building includes hazard mitigation; and 3. the extent to which the building has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and ~~5. the extent to which the proposal creates natural hazard risks on adjacent properties; and~~[162] 5. the extent of any adverse effects on the amenity values of the coastal environment; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works~~.~~; and 7. ~~T~~the risk to the building or structure taking into account: a. ~~T~~the nature of the building, including its materials and ability to be relocated; and b. ~~T~~the anticipated lifespan of the building, structure or activity; and c. ~~T~~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.[163]	
~~**2 High Hazard Area Overlay**~~	~~**Activity status: Non-complying**~~[164] - ~~**Note**: *if the new building or extension on the ground floor is less than 30m², see NH-R7.*~~	~~**Activity status where compliance not achieved: Not applicable**~~

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

~~NH-RX~~ NH-R4A[165]	Natural hazard sensitive ~~B~~buildings within the ~~PORTZ~~ Port Zone [166]	
Flood Assessment Area Overlay ~~High Hazard Overlay~~[167] Sea Water Inundation Overlay Coastal Erosion Overlay[168]	Activity status: Permitted Where: PER-1 The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or PER-2 The building ~~activity~~:[169] 1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or 2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or 3. the building has a footprint smaller than 100m^2; or 4. is relocatable.	Activity status when~~re~~ compliance is achieved: Restricted Discretionary Matters of discretion are restricted to: 1. any increased flood risk for people, property, or public spaces, and 2. the effectiveness and potential adverse effects of any proposed mitigation measures; and 3. any operational need or functional need for the activity to be established in this location; and 4. any increased reliance on emergency services; and 5. any positive effects of the proposal.
NH-R5	**Regionally ~~S~~significant ~~I~~infrastructure - maintenance, repair,[170] replacement and upgrading**	
1 Flood Assessment Area Overlay ~~High Hazard Area Overlay~~[171] Earthquake Fault (~~I~~Infrastructure or ~~F~~Facilities) Awareness Area Overlay	Activity status: Permitted Where: PER-1 The infrastructure: 1. is underground infrastructure only;[172] or 2. is within ~~5~~20m[173] of the existing alignment or location; and PER-2	Activity status when~~re~~ compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. any adverse effects arising from locating the ~~R~~regionally ~~S~~significant ~~I~~infrastructure in this location; and 2. ~~any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks~~[175] ~~and displacement of floodwater~~;[176] and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and

[165] 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
[166] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[167] Kāinga Ora [229.39]
[168] 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
[169] Clause 16(2)
[170] Transpower [159.64]
[171] Kāinga Ora [229.39]
[172] BP et al [196.54]
[173] PrimePort [175.30]
[175] ECan [183.38] for deleting references to overland flowpaths (which are now in NH-R1)
[176] ECan [183.43], [183.27]

	The above ground footprint of any building or structure ~~the infrastructure~~[174] is not increased by more than 10%.	4. alternative locations for the ~~R~~regionally ~~S~~significant ~~I~~infrastructure; and 5. any positive effects of locating the ~~R~~regionally ~~S~~significant ~~I~~infrastructure at this location; and 6. the ability for the ~~R~~regionally ~~S~~significant ~~I~~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**	**Activity status: Permitted**[177] **Where:** **PER-1** A new building or building extension is located outside of the Coastal Erosion Overlay and[178] has a collective maximum additional[179] ground floor area per site of 200m^2 in any continuous 10-year period from ~~22 September 2022~~ [insert plan operative date];[180] or **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];[181] or **PER-3** The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building ~~activity~~[182]; or **PER-4** The building or extension is located outside of the Coastal Erosion Overlay and[183] has a finished floor level equal to or higher than the minimum floor level as stated in a Flood ~~Risk~~ Assessment[184]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 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. ~~T~~the risk to the building or structure taking into account: a. ~~T~~the nature of the building, structure or activity, including its materials and ability to be relocated; b. ~~T~~the anticipated lifespan of the building, structure or activity c. ~~T~~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.[186]

[174] Transpower [159.64]
[177] Clause 16(2) – shifted from CE-R7.1 as part of the coastal natural hazards merge into the Natural Hazards chapter
[178] ECan [183.126]
[179] Clause 16(2)
[180] ECan [183.126]
[181] ECan [183.126]
[182] Clause 16(2)
[183] ECan [183.126]
[184] ECan [183.26]
[186] ECan [183.109], [183.126]

	Certificate issued in accordance with NH-S1. ~~**PER-5**~~ ~~That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically~~.[185]	
NH-R6	**Regionally ~~S~~s~~s~~ignificant ~~I~~i~~n~~nfrastructure — ~~N~~n~~e~~w** ~~***NH-R6.1 does not apply if:***~~ ~~***1. the infrastructure is below ground; or***~~ ~~***2. above ground infrastructure, where any structure***~~[187] ~~***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.***~~[188] ***NH-R6.4 shall not apply to buildings and infrastructure, where any structure is***[189] ***less than 10m² in area.***	
1 Flood Assessment Area Overlay	**Activity status: Permitted** **Where:** **PER-0** 1. the infrastructure is below ground; or 2. above ground infrastructure, where any structure[190] 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; or[191] **PER-1** A Flood ~~Risk~~ Assessment[192] Certificate for the activity has been issued in accordance with NH-S1; and **PER-2** ~~The Flood Risk Certificate issued under PER-1 states that the activity is not located on land that is within an overland flowpath; and~~[193] ~~**PER-3**~~ The Flood ~~Risk~~ Assessment[194] Certificate issued under PER-1 states that:	**Activity status when~~re~~ compliance not achieved with PER-2, or PER-3: ~~See NH-R6.2~~ Restricted Discretionary** ~~**Activity status where compliance not achieved with PER-3: Restricted Discretionary**~~ ~~**Where:**~~ ~~**RDIS-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-1.~~ **Matters of discretion are restricted to:** 1. the operational need or functional need for the activity to be established in this location; and 2. any adverse effects arising from locating the ~~R~~r~~S~~s~~I~~i~~nfrastructure in this location; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures; and 4. any increased flood risk for people, property, or public spaces; and

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

	a. the activity is located on land that is not subject to flooding in a 0.5% AEP ~~rainfall~~ flood[195] event; or b. any building located on land that is subject to flooding in a 0.5% AEP event complies with the minimum finished floor level requirement for the site;[196] and **PER-3** The activity is not located within a high hazard area identified by a Flood Assessment Certificate issued in accordance with NH-S1.	5. the ability for the ~~R~~regionally ~~S~~significant ~~I~~infrastructure to be efficiently recovered after a hazard event or maintain its integrity and function during and after a natural hazard event;[197] and 6. the extent to which it will require new or upgraded public natural hazard mitigation works; and 7. the extent of any additional reliance on emergency services; and 8. the extent to which there are[198] alternative locations for the ~~R~~regionally ~~S~~significant ~~I~~infrastructure; and 9. any positive effects of locating the ~~R~~regionally ~~S~~significant ~~I~~infrastructure at this location. **~~Activity status where compliance not achieved with RDIS-1: See NH-R6.3~~** **Activity status when~~n/a~~ compliance not achieved with PER-1: Non-complying**
~~2 Overland flowpaths identified in a Flood Risk Certificate issued in accordance with NH-S1~~[199]	**~~Activity status: Permitted~~** **~~Where:~~** **~~PER-1~~** ~~The infrastructure is below ground; or~~ **~~PER-2~~** ~~Above ground infrastructure is less than 10m²; or~~ **~~PER-3~~** ~~The infrastructure is located within a road corridor.~~	**~~Activity status where compliance not achieved: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. any adverse effects arising from locating the Regionally Significant Infrastructure in this location; and~~ ~~2. any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and~~ ~~3. the effectiveness and potential adverse effects of any proposed mitigation measures; and~~ ~~4. alternative locations for the Regionally Significant Infrastructure; and~~ ~~5. any positive effects of locating the Regionally Significant Infrastructure at this location; and~~ ~~6. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and~~ ~~7. the extent to which it will require new or upgraded public natural hazard mitigation works; and~~ ~~8. the extent of any additional reliance on emergency services; and~~

[195] ECan [183.25]
[196] OWL [181.56] and TDC [42.32]
[197] OWL [181.56]
[198] Clause 16(2)
[199] Dairy Holdings [89.6], Rangitata Dairies [44.3], Silver Fern Farms [172.29], Alliance Group [173.26] and ECan [183.38]

		~~9. the operational need or functional need for the activity to be established in this location.~~
2 ~~Coastal Erosion Overlay~~ [200] **Sea Water Inundation Overlay**	**Activity status: Permitted**[201] **Where:** **PER-1** A new building or extension has a maximum ground floor area per site of 200m^2 in any continuous 10~~-~~year period from ~~22 September 2022~~ [insert plan operative date],[202] or **PER-2** The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building ~~activity~~[203]; or **PER-3** The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood ~~Risk~~ Assessment[204] 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.~~[205]	**Activity status when compliance not achieved: Discretionary**

[200] ECan [183.126]
[201] Clause 16(2) – shifted from CE-R8.1 as part of the natural hazards merge
[202] ECan [183.127]
[203] Clause 16(2)
[204] ECan [183.26]
[205] ECan [183.127], [183.126], [183.125]

3 Coastal Erosion Overlay[206]	**Activity status: Permitted** [207] **Where:** ~~**Except that this shall not apply to:**~~ ~~**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.**~~ **PER-1** The work, building or structure is for: 1. ~~C~~community land drainage infrastructure; or 2. ~~E~~established community-scale irrigation and stockwater infrastructure; or **PER-2** Any building or structure that has a footprint less than 30m^2.	**Activity status when compliance not achieved: ~~Not applicable~~ Restricted Discretionary** **Matters of discretion are restricted to:** 1 ~~W~~whether there is an operational need or functional need for the location; and 2. ~~T~~the risk to the building or structure taking into account: a. ~~T~~the nature of the building, structure or activity, including its materials and ability to be relocated; and b. ~~T~~the anticipated lifespan of the building, structure or activity; and c. ~~T~~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.[208]
~~**3 High Hazard Area Overlay**~~[209] ~~**-**~~ ~~**High Hazard Area identified in a Flood Risk Certificate issued in accordance with NH-S1**~~	~~**Activity status: Restricted Discretionary**~~ ~~**Matters of discretion are restricted to:**~~ ~~1. the operational or functional need for the activity to be established in this location; and~~ ~~2. any effects arising from locating the regionally significant infrastructure in this location; and~~ ~~3. the effectiveness and potential adverse effects of any proposed mitigation measures; and~~ ~~4. any increased flood risk for people, property, or public spaces; and~~ ~~5. the ability for the Regionally Significant Infrastructure to be efficiently recovered after a hazard event; and~~ ~~6. alternative locations for the Regionally Significant Infrastructure; and~~ ~~7. the extent to which it will require new or upgraded public natural hazard mitigation works; and~~ ~~8. the extent of any additional reliance on emergency services; and~~ ~~9. any positive effects of locating the Regionally Significant Infrastructure at this location.~~	~~**Activity status where compliance not achieved: Not applicable**~~
4	**Activity status: Restricted Discretionary**	**Activity status when~~re~~ compliance not achieved: Discretionary**

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

Earthquake Fault (~~i~~Infrastructure or ~~f~~Facilities) Awareness Areas	**Where:** **RDIS-1** The activity is sited at least 20m ~~metres~~ away from the zone of deformation. **Matters of discretion are restricted to:** 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. **Note:** *Any supporting technical report is also to be supplied to the CRC ~~Canterbury Regional Council~~.*	
~~NH-R7~~	**~~Natural Hazard Sensitive Activities and additions, new buildings, and structures with a ground floor area of less than 30m^2 (excluding Regionally Significant Infrastructure)~~** [210]	
~~Flood Assessment Area Overlay~~ **~~High Hazard Overlay~~**[211]	**~~Activity status: Permitted~~** **~~Where:~~** **~~PER-1~~** ~~The building or structure or addition is below ground; or~~ **~~PER-2~~** ~~The new building or structure or addition has a ground floor area of less than 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.~~	**~~Activity status where compliance is achieved: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** 1. ~~any potential adverse effects of diverting or blocking overland flowpath(s), including upstream and downstream flood risks; and~~ 2. ~~any increased flood risk for people, property, or public spaces; and~~ 3. ~~the effectiveness and potential adverse effects of any proposed mitigation measures; and~~ 4. ~~any operational need or functional need for the activity to be established in this location; and~~ 5. ~~any increased reliance on emergency services; and~~ 6. ~~any positive effects of the proposal.~~
~~NH-R8~~ **~~SUB-RX~~**	**~~Subdivision within natural hazard overlays~~**[212]	
~~1~~ **~~Flood Assessment Area Overlay~~**	**~~Activity status: Restricted Discretionary~~** **~~Where:~~** **~~RDIS-1~~**	**~~Activity status whenre compliance not achieved with RDIS-2: Not applicable if located within an urban zoned area Restricted Discretionary~~** **~~Where:~~**

[210] ECan [183.38], ECan [183.38]
[211] Kāinga Ora [229.39]
[212] Speirs, B [66.45]

outside the Port Zone[213]	A Flood Risk Assessment Certificate for the subdivision is issued in accordance with NH-S1; and **RDIS-2** The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1. A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.[214] **Matters of discretion are restricted to:** 1. the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flowpath(s); and 2. the provision for any overland flowpaths to remain or the provision of secondary flowpaths; and 3. any potential effects of diverting or blocking overland flowpath(s) on future development within the subdivision; and 4. any increased flood risk for people, property, or public spaces; and 5. the effectiveness and potential adverse effects of any proposed mitigation measures; and 6. the extent to which it will require new or upgraded public natural hazard mitigation works; and 7. any increase in reliance on emergency services; and 8. for development within the Māori Purpose Zone, the extent to which meeting the requirements of the rule compromises the purpose for which the Māori Purpose Zone MPZ was created and the anticipated activities within the zZone, and the views of mana whenua, if provided.[215]	**RDIS-3** **The subdivision is within an urban zoned area.**[216] **non-complying if located outside of an urban zoned area** **Activity status whenre compliance not achieved with RDIS-1 or RDIS-3: Non-complying**
1A[217] **Flood Assessment Area Overlay within the Port Zone**	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the design and layout of the subdivision, in relation to natural hazards; and	**Activity status whenre compliance not achieved: Not applicable**

[213] Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter
[214] ECan [183.47]
[215] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]
[216] ECan [183.47]
[217] Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter

Sea Water Inundation Overlay within the Port Zone **Coastal Erosion Overlay within the Port Zone**[218]	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.[219]	
2 Liquefaction Awareness Areas Overlay	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 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 Rregionally Ssignificant linfrastructure; 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 whennre compliance not achieved: Not applicable**
3 Earthquake Fault (sSubdivision) Awareness Areas Overlay	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The subdivision design ensures that any future building or structure will be located at least 20m metres away from any detailed area of fault or fold deformation. **Matters of discretion are restricted to:** 1. whether the surface fault rupture hazard has been adequately	**Activity status whennre compliance not achieved: Discretionary**

[218] 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.
[219] PrimePort [175 - various] and Timaru District Holdings [186 - various]

	assessed by a suitably qualified and experienced professional; and 2. the adequacy of any engineered solution proposed to mitigate the surface fault rupture hazard. **Note:** *The investigation report is also to be supplied to CRC Canterbury Regional Council.*	
4 Coastal Erosion Overlay outside the Port Zone[220]	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay. **Matters of discretion are restricted to:** 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.[221]	**Activity status when compliance not achieved: Non-complying**
4 High Hazard Area Overlay[222]	**Activity status: Non-complying**	**Activity status where compliance not achieved: Not applicable**

[220] Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter
[221] ECan [183.109]
[222] Kāinga Ora [229.39]

~~NH-R9~~	~~Natural hazard mitigation works, including associated earthworks — New~~[223]	
~~Flood Assessment Area Overlay~~ ~~High Hazard Area Overlay~~	~~*Note: this rule applies to new natural hazard mitigation works, as opposed to maintenance, replacement and upgrading covered under NH-R3.*~~ ~~Activity status: Restricted Discretionary~~ ~~Where:~~ ~~RDIS-1~~ ~~The works are undertaken by or on behalf of the Crown, Regional Council or the Council.~~ ~~RDIS-2~~ ~~The works are undertaken by or on behalf of the Port of Timaru and are located within 250m of PREC7.~~[224] ~~Matters of discretion are restricted to:~~ ~~1. The need for the natural hazard mitigation works and likely effectiveness of those works;~~ ~~2. The extent of any adverse social, cultural and environmental effects, including on any sensitive environments;~~ ~~3. The extent to which alternative locations and options for the natural hazard mitigation works have been considered and the merits of those;~~ ~~4. Any positive effects of the proposal on the community;~~ ~~5. Any increased flood risk for people, property, or public spaces.~~	~~Activity status where compliance not achieved: Discretionary~~

Standards		
NH-S1	**Flood ~~Risk~~ Assessment[225] Certificate**	
Flood Assessment Area~~s~~ Overlay **~~Or~~ Sea Water ~~i~~Inundation ~~o~~Overlay ~~if directed via the CE Chapter~~**[226]	1. A Flood ~~Risk~~ Assessment[227] Certificate is issued by the Council (that is valid for three ~~3~~ years from the date of issue) which specifies: a. ~~I~~if the site is within a high hazard area; and ~~the flood event risk level for specific land, being:~~ ~~i. land not subject to flooding in a 0.5% AEP flood event, or~~	**Matters of discretion are restricted to: Not applicable**

[223] ECan [183.40]
[224] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[225] ECan [183.26]
[226] Clause 16(2)
[227] 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 flood[228] 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 ~~250~~300mm[229] ~~freeboard~~ above the ~~flood level in a~~ 0.5% AEP flood level ~~event~~; and c. if located within the Overland Flowpath Assessment Area Overlay,[230] whether the specific land is located within an overland flowpath~~.~~; and d. as required by NH-R6, if the site is located on land that is subject to flooding in a 0.5% AEP flood event. 2. The ~~AEP flood event risk level, minimum floor levels, stopbank risk[231] and overland flowpath locations are to~~ above will be determined by reference to: a. ~~T~~the most up to date models, maps and data held by ~~Timaru District~~ Council and Canterbury Regional Council; and b. ~~A~~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	

[228] ECan [183.25]
[229] ECan [183.50]
[230] ECan [183.38] and clause 16(2)
[231] ECan [183.50]

	c. ~~W~~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).[232] **Note:** 1. *A minimum finished floor level will not be provided in the certificate*[233] *for sites located within a High Hazard Area outside of urban zoned areas.*[234] *Rather, these will need to be determined through a resource consent process.*[235] 2. *An application form and guidance on how to obtain a Flood ~~Hazard~~ Assessment Certificate are available on the District Council's website.*[236]	
~~NH-S2~~	**~~Volume of earthworks~~**[237]	
~~1 Flood Assessment Areas Overlay~~	~~The earthworks do not exceed:~~ ~~1. 2,000m^2 in area in any calendar year in a Rural zone; and~~ ~~2. 250m^2 in area in any calendar year in any other zone.~~	**~~Matters of discretion are restricted to:~~** ~~1. any adverse effects on the functioning of the flood plain; and~~ ~~2. any increased flood risk for people, property, or public spaces; and~~ ~~3. the extent to which it could result in surface water ponding in the event of flooding.~~
~~2 High Hazard Area Overlay~~ **~~High Hazard Area identified in a Flood Risk Assessment~~**[238] **~~Certificate issued in accordance with NH-S1~~**	~~The earthworks do not exceed 250m^2 in area in any calendar year.~~	**~~Matters of discretion are restricted to:~~** ~~1. any adverse effects on the functioning of the flood plain; and~~ ~~2. any increased flood risk for people, property, or public spaces; and~~ ~~3. the extent to which it could result in surface water ponding in the event of flooding.~~

[232] ECan [183.50], see also the evidence of Mr Griffiths dated 9 April, paragraphs 20 to 22
[233] Clause 16(2)
[234] Waipopo Huts [189.48], Te Kotare Trust [115.1], Silver Fern Farms [177.22] and Alliance Group [173.19]
[235] Clause 16(2)
[236] Harvey Norman [192.12]
[237] 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]
[238] ECan [183.26]

Hazardous Substances

Introduction

Hazardous substances include a variety of toxic substances such as chemicals, medical waste, petroleum products and gases. Hazardous substances are used throughout the District for many purposes, with their use, storage, and disposal being an integral and essential part of many commercial activities, industrial activities~~,~~ and rural and domestic activities. However, if not appropriately managed, their storage and use are potential threats to people and the environment.

The Hazardous Substances and New Organisms Act 1996 (HSNO) aims to protect the health and safety of people from the adverse effects of hazardous substances. The Health and Safety at Work Act 2015 (HSW) aims to protect people against harm to their health, safety and welfare caused by risks arising from work. These Acts provide the general framework for controlling hazardous substances during their life cycle. However, they do not take into account the sensitivity of the environment in which hazardous substances are located, or other relevant resource management issues.

Accordingly, the District Plan addresses the following resource management matters concerning hazardous substances:

1. potential adverse effects on sensitive activities and sensitive locations ~~environments~~;[1]
2. reverse sensitivity effects caused by sensitive activities locating too close to hazardous facilities;
3. the risks to hazardous facilities from natural hazards and consequential risks to the environment; and
4. cumulative effects of major hazard facilities locating too close each other.

The adverse effects associated with these resource management issues generally have a low probability of occurring but a high potential impact if they do occur. As such, and as the need to comply with the HSNO and HSW Acts significantly reduces most risks associated with hazardous substances, this chapter focuses on higher risk facilities, being hazardous facilities and major hazard facilities. Major ~~H~~hazard ~~F~~facilities are identified through the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.

Proposals for new ~~M~~major ~~H~~hazard ~~F~~facilities (and additions to ~~M~~major ~~H~~hazard ~~F~~facilities), will require a Quantitative Risk Assessment to be provided which is prepared by a suitably qualified and experienced practitioner ~~person~~.[2] This assessment will help quantify the extent and nature of the risk. ~~Unacceptable risks to human health are defined as an individual human fatality not greater than 1 x 10^{-6} per year (one in a million). Where a Quantitative Risk Assessment has been prepared, sensitive activities are required to located outside of the (1 x 10^{-6} per year) risk area, or if no such assessment exists, at least 250m away from the Major Hazard Facilities.~~[3]

Objectives	
HS-O1	**Hazardous substances, use, storage and disposal**
1. The risks associated with the use, storage~~,~~ and disposal ~~and transportation~~ of hazardous substances are managed; and [4] 2. For ~~M~~major ~~H~~hazard ~~F~~facilities, ~~occurs where~~ unacceptable risks to the environment and human health are avoided.[5]	

[1] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]
[2] RMA Clause 16(2)
[3] Timaru Oil Services [155.1] and Fonterra [165.53]
[4] BP Oil, et al [196.58]
[5] HS-O1 has been restructured for clarity under clause 16(2)

HS-O2	Sensitive activities
New or expanded sensitive activities are designed and located to minimise ~~reserve~~ reverse sensitivity effects on major hazard facilities and to avoid unacceptable risks to the sensitive activity.[6]	

Policies

HS-P1	New ~~M~~major ~~H~~hazard ~~F~~facilities and additions to existing ~~M~~major ~~H~~hazard ~~F~~facilities

Avoid unacceptable risks of new ~~M~~major ~~H~~hazard ~~F~~facilities and additions to ~~M~~major ~~H~~hazard ~~F~~facilities by:

1. using Quantitative Risk Assessments to ensure there is no unacceptable risk ~~the risk of an individual human fatality is not greater than 1 x 10^{-6} per year (one in a million), including cumulative effects~~;[7] and
2. ensuring ~~M~~major ~~H~~hazard ~~F~~facilities do not cause unacceptable cumulative effects by locating too close to each other; and
3. locating new[8] ~~M~~major ~~H~~hazard ~~F~~facilities outside of sensitive locations ~~environments~~[9], except for ~~N~~natural ~~H~~hazard ~~A~~areas (not defined as a ~~H~~high ~~H~~hazard ~~A~~area); and
4. ensuring, in n~~N~~atural h~~H~~azard a~~A~~reas (not defined as a ~~H~~high ~~H~~hazard ~~A~~area), suitable measures are to undertaken to:
   a. avoid or minimise adverse effects from natural hazards on ~~hazardous facilities and~~[10] ~~M~~major ~~H~~hazard ~~F~~facilities; and
   b. minimise the risk of hazardous substances entering the environment in the event of a natural hazard event.

HS-P2	Repair and maintenance of existing ~~M~~major ~~H~~hazard ~~F~~facilities

Enable the repair and maintenance of existing ~~M~~major ~~H~~hazard ~~F~~facilities.

HS-P3	Sensitive activities in proximity to ~~M~~major ~~H~~hazard ~~F~~facilities

Require sensitive activities to be sufficiently separated from ~~M~~major ~~H~~hazard ~~F~~facilities to minimise reverse sensitivity effects on the ~~M~~major ~~H~~hazard ~~F~~facilities and to avoid unacceptable risks to the sensitive activity.

HS-P4	Hazardous facilities (other than ~~M~~major ~~H~~hazard ~~F~~facilities)

1. Enable hazardous facilities (other than ~~M~~major ~~H~~hazard ~~F~~facilities), provided that:
   a. ~~T~~the facility is located outside of a sensitive location ~~environment (except for a Flood Assessment Area)~~; and[11]
   b. ~~I~~if ~~T~~the facility is located within ~~a~~ the Flood Assessment Area Overlay, ~~where~~ the flood hazard can be mitigated.~~; and~~[12]
2. Only allow hazardous facilities (other than ~~M~~major ~~H~~hazard ~~F~~facilities) in sensitive locations ~~environments~~ where the risks ~~to the sensitive environments~~ can be avoided in the first instance, or where avoidance is not possible, minimised.[13]

Rules

[6] BP Oil, et al [196.59]
[7] Timaru Oil Services [155.1]
[8] BP Oil, et al [196.60]
[9] BP Oil, et al [196.64], PrimePort [175.32] and TDH [186.17]
[10] Clause RMA 16(2) as this policy is not about hazardous facilities
[11] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]
[12] RMA Clause 16(2)
[13] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]

Note: *Activities not listed in the rules of this chapter are classified as 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.*

HS-R1	**Use and/or storage of hazardous substances in a hazardous facility (excluding ~~M~~major ~~H~~hazard ~~F~~facilities)**	
All zones	**Activity status: Permitted** **Where:** **PER-1** The hazardous facility is located outside ~~a~~ of sensitive locations ~~environment (other than a Flood Assessment Area Overlay),~~[14] except that hazardous facilities located underground do not need to be located outside of ~~H~~high ~~H~~hazard ~~A~~areas, or the Sea Water Inundation Overlay;[15] and **PER-2** If located above ground ~~The activity is~~ and[16] within a Flood Assessment Area Overlay, ~~and~~ the hazardous facility has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Assessment ~~Risk~~ Certificate issued in accordance with NH-S1.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of ~~D~~discretion ~~is~~ are restricted to:** 1. ~~T~~the level of risk relating to likelihood and consequence of the natural hazard and the toxicity, volume, characteristics, and potential consequences of the hazardous substance; and 2. ~~T~~the extent to which hazardous substances can be safely contained to minimise effects from natural hazards~~.~~; and 3. ~~P~~potential effects on land use activities in the surrounding area; and 4. ~~T~~the potential effects on natural ecosystems, sensitive locations ~~environments~~[17] and life-supporting capacity of land and water from escape or spillage; and 5. ~~P~~potential risk and effects on SASM within the sensitive locations;[18] and 6. ~~P~~potential risk to human health and safety; and 7. ~~Potential effects on natural character and the amenity of sensitive areas and sensitive uses; and~~[19] 8. ~~P~~potential for cumulative effects of other activities where hazardous substances are stored, used or disposed of; and 8. the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa within the sensitive locations, and any measures to avoid, remedy or mitigate adverse effects.[20]

[14] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]
[15] BP Oil, et al [196.65]
[16] BP Oil, et al [196.65]
[17] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]
[18] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]
[19] BP Oil et al [196.64], PrimePort [175.34] and TDH [186.19]
[20] TRONT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 4

HS-R2	**Maintenance ~~and~~, repair, upgrades, additions and alterations of ~~M~~major ~~H~~hazard ~~F~~facilities**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The activity does not increase the risk profile of the ~~M~~major ~~H~~hazard ~~F~~facilities as stated in a Quantitative Risk Assessment prepared by a suitably qualified and experienced practitioner; and **PER-2** The volume of total hazardous substances manufactured, used, stored, or disposed of at the ~~M~~major ~~H~~hazard ~~F~~facilities does not increase by more than 10%.[21]	**Activity status when compliance not achieved: ~~Not applicable~~ Discretionary**
HS-R3	**Sensitive activities~~y~~, including subdivision to create ~~a~~ new allotments to accommodate future sensitive activities~~y~~, in proximity to a ~~M~~major ~~H~~hazard ~~F~~facility~~ies~~**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** Where a Quantitative Risk Assessment has been prepared by a suitably qualified and experienced practitioner ~~person~~[22] for a ~~M~~major ~~H~~hazard ~~F~~facilities and provided to ~~Timaru District~~ Council and the sensitive activity is located outside any area of unacceptable risk; or **PER-2** Where a Quantitative Risk Assessment does not exist for a ~~M~~major ~~H~~hazard ~~F~~facilities, the sensitive activity is not located within 250m of an existing ~~M~~major ~~H~~hazard ~~F~~facilities.	**Activity status when~~re~~ compliance not achieved: Non-~~C~~complying**
HS-R4	**New ~~M~~major ~~H~~hazard ~~F~~facilities ~~and additions to Major Hazard Facilities~~[23]**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when compliance not achieved: Not applicable**

[21] Silver Fern Farms [172.43], Alliance Group [173.40], Southern Proteins [140.11] and BP Oil, et al [196.66]
[22] RMA Clause 16(2)
[23] Southern Proteins [140.12] and BP Oil, et al [196.68]

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

HISTORICAL HERITAGE ~~AND CULTURAL VALUES~~

Introduction

The Council has a responsibility to recognise and provide for the protection of historic heritage within the ~~Timaru~~ District. Heritage buildings, monuments, structures, and sites embody and provide a context for the identity of rural, settlement and urban communities within the District. They can also provide valuable connections with, and information about, the past, and the people who came before us.

Historic heritage values can be adversely impacted or lost through inappropriate subdivision, use or development. It is therefore important that historic heritage is identified, protected and managed. This chapter of t~~T~~he[1] District Plan recognises and manages two elements of historic heritage namely:

1. Historic Heritage Items: These items, which include buildings, structures and places, are listed in SCHED3 — Schedule of Historic Heritage Items. There are two categories of historic heritage items: Category A - which are highly significant, and Category B - which are significant~~.~~; and
2. Historic Heritage Areas: These areas are identified in SCHED4 — Schedule of Historic Heritage Areas and contain groups of buildings, structures and places which collectively have significant historic heritage value.

The District Plan also recognises and manages ~~Sites of Significance to Māori~~ SASM within the ~~SASM~~ Sites and Areas of Significance to Māori ~~c~~Chapter. These are historic heritage sites which have high historic heritage, social and cultural values and are listed in SCHED-6 Schedule of Sites and Areas of Significance to Kāti Huirapa. Where a historic heritage value is listed in multiple schedules then the provisions of all chapters must be considered.[2]

The following explanations describe the historic heritage values listed within HH-P1:

Historical and social value:

Historical and social significance values that demonstrate or are associated with a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political, or other patterns.

Cultural and spiritual value:

Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values.

Architectural and aesthetic value:

Architectural and aesthetic values that demonstrate or are associated with a particular style, period or designer, design values, form, scale, colour, texture, and material of the place.

[1] Te Runanga O Ngai Tahu [185.88]
[2] Te Runanga O Ngai Tahu [185.88]

Technological and craftsmanship value:

Technological and craftsmanship values that demonstrate or are associated with the nature and use of materials, finishes, and/or technological or constructional methods which were innovative, or of notable quality for the period.

Contextual value:

Contextual values that demonstrate or are associated with a relationship to the environment (constructed and natural), a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style, and/or detail; recognised landmarks and landscape which are recognised and contribute to the unique identity of the environment.

Archaeological and scientific value:

Archaeological or scientific values that demonstrate or are associated with the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological, or other values of past events, activities, structures, or people.[3]

Archaeological Authority Process

Under the Heritage New Zealand Pouhere Taonga Act 2014 it is unlawful to destroy, damage, or modify an archaeological site without obtaining an archeological authority from Heritage New Zealand Pouhere Taonga (HNZPT) before you start work. An archaeological site is defined in that Act as any place in New Zealand (including buildings, structures and shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods. An archaeological authority is required in addition to any resource consent required by the Council.

If you discover a previously unknown archaeological site (e.g. when you are doing earthworks) you must stop any work that could affect it and contact HNZPT for advice on how to proceed in accordance with the Accidental Discovery Protocol set out in Appendix 4.

Section A	Scheduled Historic Heritage Items

The following provisions in Section A apply only to historic heritage items listed in SCHED3 — Schedule of Historic Heritage Items.

Objectives	
HH-O1	**Identification and documentation of ~~H~~historic ~~H~~heritage ~~i~~items**
Historic ~~H~~heritage ~~i~~items are identified and their historic heritage values documented.	
HH-O2	**Protection of values**
The ~~Timaru~~ District's ~~H~~historic ~~H~~heritage ~~i~~items and their settings are protected from inappropriate subdivision, use, and development.	
HH-O3	**Active use of ~~H~~historic ~~H~~heritage ~~i~~items**
Historic ~~H~~heritage ~~i~~items are actively used and maintained, including through adaptive re-use.	

[3] Heritage NZ [114.18]

Policies

HH-P1 Identification and assessment of ~~H~~historic ~~H~~heritage ~~i~~items

Identify ~~H~~historic ~~H~~heritage ~~i~~items that contribute to an understanding of ~~Timaru~~ the District's history, identity and cultural and historic themes, and assess their significance in relation to the following values:

1. historic and social; and
2. cultural and spiritual; and
3. architectural and aesthetic; and
4. technological and craftsmanship; and
5. contextual; and
6. archaeological and scientific.

HH-P2 Historic ~~H~~heritage ~~i~~items categories

1. Classify the ~~H~~historic ~~H~~heritage ~~i~~items using the values in HH-P1 according to their relative significance as follows:
   a. Highly Significant Historic Heritage ~~(Group A)~~ Items (Category A) which:
      i. meet at least one of the heritage values in HH-P1 at a highly significant level; and
      ii. are of high overall significance to the ~~Timaru~~ District (and may also be of significance nationally or internationally), because they convey important aspects of the ~~Timaru~~ District's cultural and historical themes and activities, and thereby makes a strong contribution to the ~~Timaru~~ District's sense of place and identity; and
      iii. have a high degree of authenticity (based on physical and documentary evidence); and
      iv. have a high degree of integrity (particularly whole or intact heritage fabric and heritage values)~~.~~; and
   b. Significant Historic Heritage ~~(Group B)~~ Items (Category B) which:
      i. meet at least one of the heritage values criteria at a significant level; and~~;~~
      ii. are of significance to the ~~Timaru~~ District (and may also be of significance nationally or internationally), because they convey aspects of the ~~Timaru~~ District's cultural and historical themes and activities, and thereby contribute to the ~~Timaru~~ District's sense of place and identity; and
      iii. have a moderate degree of authenticity (based on physical and documentary evidence) to justify their significance to the ~~Timaru~~ District; and
      iv. have a moderate degree of integrity (based on how whole or intact they are) to clearly demonstrate its significance to the ~~Timaru~~ District~~.~~; and
2. Identify the ~~H~~historic ~~H~~heritage ~~i~~items in ~~Groups~~ Categories A and B on the planning maps~~.~~; and
3. Describe each ~~H~~historic ~~H~~heritage ~~i~~item, its setting and its values and, where relevant, any scheduled interior elements where these contribute to the heritage values of the historic heritage item in an assessment report.

HH-P3 Benefits of active protection and use of ~~H~~historic ~~H~~heritage ~~i~~items

Recognise the cultural, social, and economic benefits of the ongoing protection and use, including adaptive re-use, of ~~H~~historic ~~H~~heritage ~~i~~items.

HH-P4 Maintenance, repairs and internal alterations to ~~H~~historic ~~H~~heritage ~~i~~items

Enable the maintenance and repair of ~~H~~historic ~~H~~heritage ~~i~~items and internal alterations that do not adversely affect the heritage values of any scheduled interior elements.

HH-P5 Signs and external alterations and additions to ~~H~~historic ~~H~~heritage ~~i~~items

Only allow external alterations and additions to ~~H~~historic ~~H~~heritage ~~i~~items, signs attached to ~~H~~historic ~~H~~heritage ~~i~~items, or internal alterations which affect scheduled interior elements where:

1. any adverse effects on the historic heritage values of the item are avoided or minimised; and

2. the proposal will result in the long-term protection and on-going use of the building; and
3. the proposal is consistent with the principles contained in the ICOMOS New Zealand Charter.

HH-P6	Relocation of ~~H~~historic ~~H~~heritage ~~i~~items ~~within or beyond their heritage setting~~[4]

Only allow the relocation of ~~H~~historic ~~H~~heritage ~~i~~items ~~within or beyond their heritage setting~~[5] where it can be demonstrated that:

1. the relocation is necessary due to the level of risk to the heritage item from natural hazards; or
2. the physical condition of the item and its heritage values will be enhanced ~~and the greater public appreciation of those values will result;~~ [6]and
3. adequate measures are in place to minimise risk of damage to the item; and
4. the new location of the item is as close to the original location as is practicable, or offers a degree of association with the item.

HH-P7	Management of heritage settings

Only allow subdivision, earthworks or new buildings within the settings of ~~H~~historic ~~H~~heritage ~~i~~items where they protect the heritage values of the items, taking into account whether:

1. alternatives have been considered that would achieve a similar outcome; and
2. there is sufficient land around the item to maintain the heritage values of the item; and
3. there are measures to minimise obstruction of views of the heritage item from adjoining public spaces that may result from any proposed building, future land use or development.; and
4. for ~~R~~regionally ~~S~~significant ~~i~~infrastructure, that adverse effects are managed in accordance with EI-P2 and EI-PX[7] ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~.[8]

HH-P8	Demolition of Category B ~~H~~historic ~~H~~heritage ~~i~~items

Only allow demolition of a Category B ~~H~~historic ~~H~~heritage ~~i~~items identified in SCHED3 — Schedule of Historic Heritage Items where it can be demonstrated that:

1. there is a threat to life and/or property which cannot be removed or reduced by interim protection measures; or
2. the extent of the work required to retain and/or repair the item is of such a scale that the heritage values and integrity of the item would ~~not~~[9] be significantly compromised; or
3. there are no other reasonable options to conserve, adapt or relocate the item ~~the cost of remedying any disrepair or threat to life and/or property is prohibitive~~; or[10]
4. the historic heritage item can be demolished in part without adversely affecting the heritage values for which it was scheduled.

HH-P9	Demolition of Category A ~~H~~historic ~~H~~heritage ~~i~~items

Avoid the demolition of a Category A ~~H~~historic ~~H~~heritage ~~i~~items included in SCHED3 — Schedule of Historic Heritage Items unless it can be demonstrated that it is in a state which poses an imminent threat to life.

[4] Clause 16(2)
[5] Clause 16(2)
[6] Heritage NZ [114.19]
[7] Transpower [159.36]
[8] KiwiRail [187.49]
[9] Clause 16(2)
[10] Heritage NZ [114.20]

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.*

HH-R1	**Maintenance, repair or internal alterations of a ~~H~~historic ~~H~~heritage ~~i~~item**	
All ~~Z~~zones	***Note: ~~f~~For earthwork external [11]strengthening and external alterations, see HH-R5 and HH-R7.*** **Activity status: Permitted** **Where:** **PER-1** For maintenance, it is limited to the work undertaken to conserve as nearly, and as long, as possible the condition of the item while compensating for normal wear and tear; and **PER-2** For repair, it is limited to replacement or mending in situ decayed or damaged heritage fabric, using materials (including identical, closely similar or otherwise appropriate material) which resemble the form, appearance and profile of the heritage fabric as closely as possible. It includes temporary securing of heritage fabric for purposes such as making a structure safe or weathertight; and **PER-3** For internal alterations, the alterations do not modify, relocate or remove any scheduled [12] interior elements listed in SCHED3 - Schedule of Historic Heritage Items.	**Activity status when~~re~~ compliance not achieved: Discretionary**
HH-R2	**Temporary buildings and structures within a heritage setting**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1**	**Activity status when~~re~~ compliance ~~with PER-1~~ not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:**

[11] Timaru TC Ratepayers [219.12] and Timaru Civic Trust [223.14]
[12] Heritage NZ [114.21]

	The temporary building or structure is associated with a temporary event and is within the heritage setting no longer than 14 days per year.	1. the duration of the temporary building or structure within the heritage setting; and 2. location of the temporary building with particular regard to impacts on the views to or from the historic heritage item(s) and visibility from public spaces; and 3. compatibility with heritage item and its setting and other elements including structures, plantings and access.
HH-RX	**Official signs attached to a ~~H~~historic ~~H~~heritage ~~i~~items or within a heritage setting**[13]	
All ~~Z~~zones	**Activity status: Controlled** **Matters of control are restricted to:** 1. compatibility of the form, scale, design and materials of the official sign with the historic heritage item, its identified values and its heritage setting; and 2. location of the official sign with particular regard to whether it obstructs sightlines that are critical to an appreciation of the heritage values of the historic heritage item(s); and visibility from public spaces; and 3. relationship with other elements with the heritage setting including ancillary structures, plantings and access.	**Activity status when~~re~~ compliance not achieved: Not applicable**

HH-RX	**Customer connections to ~~H~~historic ~~H~~heritage ~~i~~items**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** Customer connections to historic heritage items ~~resources~~ identified in SCHED3 - Schedule of Historic Heritage Items where the customer connection shall not be attached to a primary feature or front façade of the heritage building or structure.	**Activity status when~~re~~ compliance with PER-1 not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the purpose, necessity and location of the customer connection; and 2. compatibility of the form, scale, design and materials of the alterations, additions or new building with the historic heritage values and integrity of the ~~H~~historic ~~H~~heritage ~~A~~area.[14]
HH-R3	**New buildings, structures and signs (other than official signs)[15] within a heritage setting**	

[13] Fonterra [165.67]
[14] Connexa [176.67], Spark [208.67], Chorus [209.67] and Vodafone [210.67]
[15] Fonterra [165.67]

All ~~Z~~zones	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. compatibility of the form, scale, design and materials of the new building, structure or sign with the historic heritage item, its identified values and its heritage setting; and 2. location of the new building, structure or sign with particular regard to whether it obstructs sightlines that are critical to an appreciation of the heritage values of the historic heritage item(s); and visibility from public spaces; and 3. relationship with other elements with the heritage setting including ancillary structures, plantings and access.	**Activity status whenre compliance not achieved: Not applicable**
HH-R4	**Earthworks within heritage settings**	
All ~~Z~~zones	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the values of the historic heritage item and the impacts of the earthworks on those values and 2. the scale, nature, extent and timing of the earthworks; and 3. any measures proposed to mitigate adverse effects associated with the earthworks on the heritage item; and 4. ~~the commitment to implementation of an Accidental Discovery Protocol, in accordance with a commitment form contained within APP4 — Form confirming a commitment to adhering to an Accidental Discovery Protocol.,~~ Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the earthworks are undertaken in accordance with the Accidental Discovery Protocol contained within APP4.[16]	**Activity status whenre compliance not achieved: Not applicable**
HH-R5	**External strengthening of a ~~H~~historic ~~H~~heritage ~~i~~item**	
All ~~Z~~zones	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:**	**Activity status whenre compliance not achieved: Not applicable**

[16] Consequential amendment to Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]

	1. methodologies, design, form and materials used to protect and maintain heritage values of the historic heritage item, including integration with and connection to other parts of the item during and after strengthening works; and 2. how it is proposed to document changes to the heritage item during the course of works and on completion of the strengthening; and 3. the necessity of the work to achieve seismic resilience and ongoing use.	
HH-R6	**Signs attached to a ~~H~~historic ~~H~~heritage ~~i~~item~~s~~ (other than official signs) ~~external alterations and additions to a heritage item~~ [17]**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
HH-R7	**External alterations and additions to a historic heritage item (excluding strengthening and customer connections[18])**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
HH-R8	**Relocation of a historic heritage item ~~within or outside a heritage setting~~[19]**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
HH-R9	**Demolition of a Category B ~~H~~historic ~~H~~heritage ~~i~~item**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
~~HH-R10~~	**~~Subdivision of land containing a Historic Heritage Item~~**	
~~All Zones~~	**~~Activity status: Discretionary~~**	**~~Activity status where compliance not achieved: Not applicable~~[20]**
HH-R11	**Demolition of a Category A ~~H~~historic ~~H~~heritage ~~i~~item**	
All ~~Z~~zones	**Activity status: Non-complying**	**Activity status when~~re~~ compliance not achieved: Not applicable**
Section B	**Historic Heritage Areas**	

The following provisions in Section B apply within ~~H~~historic ~~H~~heritage ~~A~~areas contained in SCHED4 — Schedule of Historic Heritage Areas but do not apply to any ~~H~~historic ~~H~~heritage ~~i~~item contained in SCHED3 — Schedule of Historic Heritage Items located within the ~~H~~historic ~~H~~heritage ~~A~~area.

[17] Fonterra [165.73]
[18] Consequential amendment to Connexa [176.67], Spark [208.67], Chorus [209.67] and Vodafone [210.67]
[19] Clause 16(2)
[20] Speirs, B [66.46]

SCHED4 – Schedule of Historic Heritage Areas identifies ~~the extent of the~~ two ~~H~~historic ~~H~~heritage ~~A~~areas, SCHED4A – Schedule of Contributary Historic Features ~~and also~~ identifies the ~~Heritage Items and C~~contributing ~~H~~historic ~~F~~features located within the ~~H~~historic ~~H~~heritage ~~A~~areas. All new buildings or structures, external alterations and additions, removal or demolition of buildings, and subdivisions of land within a ~~H~~historic ~~H~~heritage ~~A~~area are subject to the provisions outlined in Section B, regardless of whether they are identified as a contributing historic feature~~s~~ or not. In cases where resource consent is required, the consent process will take into account the extent to which a building is classified as a contributing historic feature, or not.[21]

Objectives	
HH-O4	**Identification and documentation of ~~H~~historic ~~H~~heritage ~~A~~areas**
Historic ~~H~~heritage ~~A~~areas are identified and their heritage values are documented.	
HH-O5	**Protection of ~~H~~historic ~~H~~heritage ~~A~~areas**
The integrity and heritage values of ~~H~~historic ~~H~~heritage ~~A~~areas are protected from inappropriate subdivision, use and development**.**	
Policies	
HH-P10	**Identification and assessment of ~~H~~historic ~~H~~heritage ~~A~~areas**
Identify ~~H~~historic ~~H~~heritage ~~A~~areas that contribute to an understanding of ~~Timaru~~ District's history, identity and cultural and historic themes, and assess their significance in relation to the following values: 1. historic and social; and 2. cultural and spiritual; and 3. architectural and aesthetic; and 4. technological and craftsmanship; and 5. contextual; and 6. archaeological and scientific.	
HH-P11	**Historic ~~H~~heritage ~~A~~areas recording**
Identify ~~H~~historic ~~H~~heritage ~~A~~areas on the planning maps and describe each such area and its value with reference to P10, within SCHED4 — Schedule of Historic Heritage Areas.	
HH-P12	**Benefits of active protection and use of ~~H~~historic ~~H~~heritage ~~A~~areas**
Recognise the cultural, social and economic benefits of the ongoing protection and use of ~~Timaru~~ District's ~~H~~historic ~~H~~heritage ~~A~~areas.	
HH-P13	**Protection, use and development in ~~H~~historic ~~H~~heritage ~~A~~areas**
Determine the appropriateness of the scale, form, location, design and material of development within historic heritage areas against the following matters: 1. any impact on the integrity or intactness of the ~~H~~historic ~~H~~heritage ~~A~~area; and 2. the vulnerability of the ~~H~~historic ~~H~~heritage ~~A~~area to change or modification; and 3. opportunities for protecting identified heritage values.	
HH-P14	**Maintenance, repair, alterations and additions to buildings in ~~H~~historic ~~H~~heritage ~~A~~areas**
Manage changes to buildings within ~~H~~historic ~~H~~heritage ~~A~~areas by: 1. enabling the maintenance, repair and internal alterations of buildings; and	

[21] Heritage NZ [114.27]

2. requiring the form, design and material of external alterations, additions and signs to maintain or enhance the historic heritage values, integrity and heritage significance of the ~~H~~historic ~~H~~heritage ~~A~~area.

HH-P15	New buildings and structures
Provide for new buildings and structures when their location, form, design, scale and material maintains or enhances the historic heritage values, integrity and heritage significance of the ~~H~~historic ~~H~~heritage ~~A~~area while taking into account EI-P2 and EI-PX[22] ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~.[23]	

HH-P16	Removal or demolition of buildings in ~~H~~historic ~~H~~heritage ~~A~~areas
Only allow the removal or demolition of buildings that do not contribute to the values of a ~~H~~historic ~~H~~heritage ~~A~~area.	

Provide a hyperlink from the added words in HH-P15 to EI-P2.
[24]Amend planning map for HHA-1 Stafford St.

Rules

Note: *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.*

HH-R12	Maintenance, repair or internal alteration of buildings	
Historic Heritage Areas	***Note:*** *~~F~~For external alterations, see HH-R14.* **Activity status: Permitted** **Where:** **PER-1** For maintenance, it is limited to the work undertaken to conserve as nearly, and as long, as possible the condition of the historic heritage item while compensating for normal wear and tear; or **PER-2** For repair, it is limited to replacement or mending in situ decayed or damaged heritage fabric, using materials (including identical, closely similar or otherwise appropriate material) which resemble the form, appearance and profile of the heritage fabric as closely as possible. It includes temporary securing of heritage fabric for	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. compatibility of the form, scale, design and materials of the alterations, additions or new building with the historic heritage values and integrity of the Historic Heritage Area; and 2. location of the new building or structure with particular regard to the existing heritage values.

[22] Transpower [159.36]
[23] TDC [42.33], OWL [181.57], KiwiRail [187.49]
[24] Timaru TC Ratepayers [219.11], Timaru Civic Trust [223.13], and Heritage NZ [114.27]

	purposes such as making a structure safe or weathertight; or **PER-3** The activity is limited to internal alterations only.	
HH-13	**New buildings or structures**	
Historic Heritage Areas	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. compatibility of the form, design, scale and materials of the new building or structure with the historic heritage values and integrity of the ~~H~~historic ~~H~~heritage ~~A~~area; and 2. location of the new building or structure with particular regard to the existing heritage values.	**Activity status when~~re~~ compliance not achieved: Not applicable**
HH-R14	**External alterations and additions to buildings**	
Historic Heritage Areas	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. compatibility of the form, design, scale and materials of the alterations, additions or new building with the historic heritage values and integrity of the ~~H~~historic ~~H~~heritage ~~A~~area~~.~~; and 2. location of the new building or structure with particular regard to the existing heritage values.	**Activity status when~~re~~ compliance not achieved: Not applicable**
HH-R15	**Removal or demolition of buildings**	
Historic Heritage Areas	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
~~HH-R16~~	**~~Subdivision of land within a Historic Heritage Area~~**	
~~Historic Heritage Areas~~	**~~Activity status: Discretionary~~**	**~~Activity status where compliance not achieved: Not applicable~~**[25]

[25] Speirs, B [66.47]

Notable Trees

Introduction

Notable ~~T~~trees are trees or groups of trees with significant values that are identified and listed within SCHED5 - Schedule of Notable Trees. Council uses the Standard Tree Evaluation Method (STEM) to measure significance, which is based on a range of factors including size, position, the presence of other trees, scarcity of the species, the tree's role in the particular location, life expectancy, form, scientific value, historic heritage value, cultural value, functional value, ecological value, and street landscape value.

Notable ~~T~~trees are typically mature trees with significant structural form and health. Smaller and less prominent trees may be significant if they rank highly with respect to a number of the criteria, or if they commemorate a notable person or significant event. Notable trees are a component of amenity values and the quality of the environment that the RMA seeks to maintain and enhance.

Objectives

TREES-O1	**Notable ~~T~~trees**
The significant values of ~~N~~notable ~~T~~trees are identified and protected.	

Policies

TREES-P1	**Identify ~~N~~notable ~~T~~trees**
Identify ~~N~~notable ~~T~~trees that are significant within the ~~Timaru~~ District in SCHED5 - Schedule of Notable Trees for both individual and group of trees.	
TREES-P2	**Maintenance of ~~N~~notable ~~T~~trees**

Enable the minor pruning and trimming of branches where the works will:

1. retain or improve the health of the ~~N~~notable ~~T~~tree; and
2. allow the regular maintenance of the ~~N~~notable ~~T~~tree; and

Control any other maintenance works to ensure that the works will:

3. maintain the health, form and shape of the notable tree; and
4. be supervised or undertaken by a *qualified arborist*.

TREES-P3	**New activity and development within root protection area of ~~N~~notable ~~T~~trees**

Only allow new activity and development within the root protection area of a ~~N~~notable ~~T~~tree where:

1. it is demonstrated that the new activity/development will not be detrimental to the long-term health and significance of the tree, as described in SCHED5 - Schedule of Notable Trees; and
2. there is a functional need for the development to occur within the root protection area and there are no other alternative locations available; or
3. the activity or development is necessary to maintain regionally significant infrastructure.

TREES-P4	**Removal of ~~N~~notable ~~T~~trees**

Only allow the removal of a ~~N~~notable ~~T~~tree where:

1. the ~~N~~notable ~~T~~tree is an imminent threat to the safety of people and property; or
2. it is necessary to maintain regionally significant infrastructure and the relocation of the notable tree is not possible; or
3. it is dead, or is in terminal decline as assessed by a *qualified arborist*; or

4. it can be safely relocated to another location without compromising the health and the significance of the notable tree; and
5. the removal is undertaken without adversely affecting other ~~N~~notable ~~T~~trees.

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.

TREES-R1	**Minor pruning and trimming of branches less than 50mm diameter at severance[1] associated with the maintenance of ~~N~~notable ~~T~~trees**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** ~~It involves minor pruning and trimming of branches in the bottom third of the notable tree only and is undertaken using non-mechanical means only (handsaw, secateurs or loppers).~~ No more than 10% ~~per cent~~ of live growth of the notable tree may be removed in any one calendar year~~.~~; and **PER-2** The works must be supervised or undertaken by a qualified arborist; and **PER-3** All trimming or alteration must retain the natural shape, form and branch habit of the notable tree.[2]	**Activity status when compliance not achieved ~~with PER-1~~[3]: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the need for maintenance, and extent of the minor pruning and trimming; and 2. whether the significance of the notable tree described in SCHED5 - Schedule of Notable Trees is maintained; and 3. whether the maintenance will ensure that the long~~-~~term health of the notable tree is provided for; and 4. duration, timing, frequency, extent and staging of work.
TREES-R2	**All other maintenance of notable trees**	
All ~~Z~~zones	**Activity status: Controlled** **Where:** **CON-1** The works are supervised or undertaken by a qualified arborist and do not include topping or removal of more than one third of the foliage of any notable tree.	**Activity status when compliance not achieved with CON-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. need for, and extent of the maintenance; and 2. mitigation of risks to safety of persons and property; and

[1] Connexa [176.68], Spark [208.68], Chorus [209.68] and Vodafone [210.68]
[2] Connexa [176.68], Spark [208.68], Chorus [209.68] and Vodafone [210.68]
[3] Connexa [176.68], Spark [208.68], Chorus [209.68] and Vodafone [210.68]

	Matters of control are restricted to: 1. duration, timing, frequency, extent and staging of work; and 2. methods to maintain form and shapeliness; and 3. methods to ensure that the long-term health of the notable tree will be provided for; and 4. whether the significance of the notable tree described in SCHED5 - Schedule of Notable Trees is maintained.	3. whether the significance of the notable tree described in SCHED5 - Schedule of Notable Trees is maintained; and 4. whether the maintenance will ensure that the long-term health of the notable tree is provided for; and 5. duration, timing, frequency, extent and staging of work; and 6. the need for supervision.
TREES-R3	**New activity and development within the root protection area of a notable tree**	
All ~~Z~~zones	**Activity status: Permitted** **Where:** **PER-1** The activity or development is not for any of the following: 1. any earthworks including trenching; or 2. establishment of new impervious surface; or 3. new buildings; or 4. new structures including fences and signs (temporary and permanent)~~.~~; or 5. the release, injection or placement of toxic chemicals or toxic substances.[4]	**Activity status when compliance ~~is~~ not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether there is a functional need for the activity/development; and 2. whether the works will be supervised or undertaken by a *qualified arborist*; and 3. whether the works are necessary to maintain regionally significant infrastructure; and 4. the extent of any earthworks; and 5. importance of the activity/development to the community; and 6. whether the significance of the notable tree described in SCHED5 - Schedule of Notable Trees is maintained; and 7. impact of the works on the long-term health of the notable tree and the measures used to protect and maintain the health of the tree; and 8. duration, timing, frequency, extent and staging of work; and 9. extent of landscaping including planting and paving.
TREES-R3A	**New customer connection within the root protection area of a notable tree**	
All ~~Z~~zones	**Activity status: ~~Controlled~~ Permitted** **Where:** **~~CON-1~~[5] PER-1** The new customer connection achieves the following:	**Activity status when compliance ~~is~~ not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether there is a functional need for the activity/development; and 2. whether the works will be supervised or undertaken by a qualified arborist; and

[4] Tree Council [220.1]
[5] Connexa [176.69], Spark [208.69], Chorus [209.69] and Vodafone [210.69]

	1. the excavation is undertaken by drilling machines at a depth of 1m or greater, hand-digging, air spade, or hydro vac, within the root protection area; and 2. the surface area of a single excavation does not exceed 1m²; and 3. works involving root pruning are not on roots greater than 35mm in diameter at severance; and 4. works do not disturb more than 10% ~~per cent~~ of the ~~protected~~ root protection area ~~zone~~; and 5. any machines used must operate on top of paved surfaces and/or ground protection measures. 6. works are undertaken under the direction of a qualified arborist.[6]	3. whether the works are necessary to maintain regionally significant infrastructure; and 4. the extent of any earthworks; and 5. importance of the activity/development to the community; and 6. whether the significance of the notable tree described in SCHED5 - Schedule of Notable Trees is maintained; and 7. impact of the works on the long-term health of the notable tree and the measures used to protect and maintain the health of the notable tree; and 8. duration, timing, frequency, extent and staging of work; and 9. extent of landscaping including planting and paving.
TREES-R4	**Removal or relocation of notable trees**	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when compliance ~~is~~ not achieved: Not applicable**

[6] Connexa [176.69], Spark [208.69], Chorus [209.69] and Vodafone [210.69]

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

SITES AND AREAS OF SIGNIFICANCE TO MĀORI

Introduction

The hapū who hold mana whenua in the ~~Timaru~~ District are Kāti Huirapa. The rohe of Kāti Huirapa extends over the area from the Rakaia River in the north to the Waitaki River in the south. The Papatipu Rūnaka that represents Kāti Huirapa is Te Rūnanga o Arowhenua.

As part of fulfilling its obligations under sections 6(e), 6(f), 7(a) and 8 of the RMA, the Council has developed this chapter (and provisions in other chapters) together with rūnaka for the purpose of managing activities that have potential adverse effects on the values of sites and areas that are significant to Kāti Huirapa (SASM).

Where an activity is proposed within a SASM which requires resource consent under another chapter in the District Plan, the objectives and policies in this chapter may also be relevant to consideration of that activity. There are also rules in other chapters, including the Natural Character, Natural Features and Landscapes, Coastal Environment and Earthworks chapters which manage activities that occur in SASMs. Thise ~~SASM~~ chapter should therefore be read alongside other sections of the District Plan which also consider the effects on SASM~~s~~.[1]

Kāti Huirapa worked and travelled extensively across South Canterbury and, as a result, they have historical and cultural connections with land and waterways throughout the ~~Timaru~~ District. To appropriately reflect the depth and breadth of their relationship with the D~~d~~istrict, the approach taken is to firstly identify areas of association, referred to as 'wāhi tūpuna'. This term describes an area with significant associations to cultural traditions, history or identity. Typically, wāhi tūpuna encompass multiple related sites with connections to cultural beliefs, values and uses.

Some smaller areas have been identified because they have highly significant values that Kāti Huirapa consider require special protection. These are categorised as:

- 1. Wāhi taoka — places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations. Examples include repo raupō, wai puna and mahika kai; and/or
- 2. Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tākata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, Kā tuhituhi o neherā and tauraka waka.

Significant waterways and their margins are also separately identified and are similarly categorised as wai taoka or wai tapu.

In parallel with the process of identifying SASM ~~significant sites and areas~~, threats to the values of the sites and areas from a range of land use activities have been considered. Based on this, the approach to the management of activities agreed with Kāti Huirapa is a layered approach with the following characteristics:

1. identification of broad wāhi tūpuna areas within which provisions are used to identify activities that pose particularly serious threats to values and make them subject to a different consent threshold or a more onerous activity status in these areas, or to trigger consultation with mana whenua when resource consent is already needed for some other reason; and

[1] Clause 10(2)(b) relating to TRoNT [185.1, 185.3, 185.7], Westgarth et al [200.7]

2. identification of particularly important or vulnerable areas as wāhi tapu, wāhi taoka, wai tapu and/or wai taoka where resource consent is needed for a range of activities that could adversely affect cultural values of these areas; and

3. across the D~~d~~istrict as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to rūnaka.

With respect to access to SASM ~~sites and areas of significance~~, it should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.[2]

Note: *Wai t~~T~~aoka overlay consists of an area overlay and a line overlay.*

Objectives	
SASM-O1	**Decision making**
Kāti Huirapa are actively involved in decision making that affects the values of the identified SASM ~~Sites and Areas of Significance to Kāti Huirapa~~.	
SASM-O2	**Access and use**
~~Kāti Huirapa's are able to~~[3] A~~a~~ccess to, ~~maintain~~ and use of, resources and areas of cultural value by Kāti Huirapa, within identified SASM ~~Sites and Areas of Significance to Kāti Huirapa~~, for customary use and cultural purposes,[4] is maintained and, where appropriate, enhanced[5].	
SASM-O3	**Protection of Sites and Areas of Significance to Kāti Huirapa**
The values of identified SASM ~~areas and sites of significance to Kāti Huirapa~~ are recognised and protected from inappropriate subdivision, use and development.	

Policies	
SASM-P1	**Involvement of Kāti Huirapa in resource management decisions**
Work with Kāti Huirapa to identify and list SASM ~~Sites and Areas of Significance to Kāti Huirapa~~ in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, and recognise and provide for the exercise of ra~~ng~~kitirataka[6] by Kāti Huirapa in decisions made in relation to these sites and areas.	
SASM-P2	**Consultation and engagement with Kāti Huirapa**
Encourage ~~and facilitate~~ consultation and engagement between landowners/~~ and~~ applicants ~~with~~ and Kāti Huirapa to: 1. facilitate a better understanding of the values of the SASM ~~sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa and the potential impact of activities on the site or area; and[7] 2. recognise that consultation prior to applying for consent and/or undertaking activities within ~~or adjacent to~~[8] the identified SASM ~~sites and areas~~ listed in SCHED6 — Schedule of Sites and	

[2] Federated Farmers [182.82, 182.95] - Evidence of Rachel Thomas and Greg Anderson, paras 22-24
[3] Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]
[4] Clause 10(2)(b) relating to Te Rūnanga o Ngāi Tahu [185.95]
[5] Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]
[6] Clause 16(2)
[7] Rangitata Dairies [44.12, 44.13]
[8] Bonifacio, P [36.18]

Areas of Significance to Kāti Huirapa, ~~as being~~ is the most appropriate way to obtain understanding of the potential impact of any activity on the site or area; and

3. ensure that where an activity requiring resource consent is proposed within any SASM ~~sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area.[9]

SASM-P3	Use of sites and areas for cultural practices

Enable Kāti Huirapa to undertake customary harvest and other cultural practices in identified SASM ~~sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka.

SASM-P4	Cultural access

Maintain existing access, and encourage landowners and applicants to explore opportunities and methods to enhance access, for Kāti Huirapa to the identified SASM ~~sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa for customary use and cultural purposes.[10]

SASM-P5	Protection of values of Sites and Areas of Significance to Kāti Huirapa

Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay[11] ~~Protect the identified values of the sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, protect the identified values of the site or area, through:

1. requiring adherence to[12] ~~an~~ the Accidental Discovery Protocol set out in Appendix 4 ~~accidental discovery protocol~~ for any earthworks[13]; and
2. avoiding adverse effects on identified values[14] which would compromise the[15]:
   ~~1.~~ a. retention of connections to whakapapa, history and cultural tradition; and
   ~~2.~~ b. protection of mauri and intangible values; and
~~3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and~~[16]
   ~~4.~~ c. protection of site integrity; and
   ~~5.~~ d. ~~ensuring~~ sustainability of ecosystems supporting taoka species and mahika kai resources;

unless it can be demonstrated that[17]:

i. due to the functional needs or operational needs[18] of the activity, it is not possible[19] ~~practicable~~[20] to avoid all adverse effects[21]; and

ii. any residual effects that cannot be ~~practicably~~ avoided are mitigated, as far as possible[22] ~~practicable~~[23], in a way that protects, maintains or enhances the overall values of the site or area[24]; or

[9] Clause 10(2)(b) relating to Westgarth et al [200.6]
[10] Te Rūnanga o Ngāi Tahu [185.95]
[11] Shifted from SASM-P8
[12] Heritage NZ [114.33]
[13] Shifted from SASM-P8
[14] Shifted from SASM-P8
[15] Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]
[16] Clause 10(2)(b) relating to Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82, 182.88], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]
[17] Shifted from SASM-P8
[18] Transpower [159.67]
[19] Evidence of Rachael Pull, paras 104-106
[20] ~~Transpower [159.67]~~
[21] Shifted from SASM-P8
[22] Evidence of Rachael Pull, paras 104-106
[23] ~~Transpower [159.67]~~
[24] Shifted from SASM-P8

iii. for infrastructure, adverse effects are managed in accordance with EI-P2 ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~[25], or for the National Grid, EI-PX ~~Managing adverse effects of the National Grid~~[26].

SASM-P6	Protecting cultural values in wāhi tūpuna areas

Recognise the significance to Kāti Huirapa of the wāhi tūpuna areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa and protect the identified values of these areas by avoiding significant adverse effects of activities in, or in close proximity to, wāhi tūpuna areas on the connections of Kāti Huirapa to these areas and the ability of the areas to support taoka species and mahika kai.

SASM-P7	Sustainability of ecosystems that support taoka and mahika kai

Within identified SASM ~~sites and areas~~ listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa that support taoka species and mahika kai resources:

1. avoid adverse effects on taoka species and access for mahika kai except in relation to infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~[27][28], or for the National Grid, EI-PX ~~Managing adverse effects of the National Grid~~[29]; and
2. enable the maintenance and enhancement of these areas.

~~SASM-P8~~	~~Protection of wāhi taoka, wāhi tapu, wai taoka and wai tapu sites and areas~~[30]

~~Where an activity is proposed within any of the wāhi taoka sites, wāhi tapu sites, wai taoka areas and wai tapu areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, ensure that:~~

1. ~~there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area, including the connections of Kāti Huirapa to the site or area, the mauri of the site or area, site integrity, and the ability of the site or area to support taoka species and mahika kai; and~~
2. ~~an accidental discovery protocol is prepared and adopted for any earthworks; and~~
3. ~~any adverse effects on identified values are avoided unless it can be demonstrated that:~~
   a. ~~due to the functional needs of the activity, it is not possible to avoid all adverse effects; and~~
   b. ~~any residual effects that cannot be practicably avoided are mitigated, as far as possible, in a way that protects, maintains or enhances the overall values of the site or area; and~~
   c. ~~where any historical loss of values can be remediated.~~

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.*

[25] TDC [42.43], OWL [181.59] and KiwiRail [187.53]
[26] Transpower [159.67]
[27] TDC [42.43], OWL [181.59] and KiwiRail [187.53]
[28] TDC [42.43], OWL [181.59] and KiwiRail [187.53]
[29] Transpower [159.67]
[30] Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]

SASM-R1	Earthworks not including quarrying and mining	
1. Within the General Rural Zone or Rural Lifestyle Zone and within one or more of the following:[31] **Wāhi ~~T~~tūpuna ~~O~~overlay (outside an ONL or VAL overlay)**[32] **~~(excluding the Māori Purpose Zone)~~** **Wāhi taoka overlay** **Wai taoka overlay (outside the bed of a river or**[33] **a**	***Note:*** *~~F~~For earthworks associated with quarrying and mining, see SASM-R5.* **Activity status: Permitted** **Where:** **PER-1** The activity is either: 1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / network[37] utilities, do not exceed a maximum area of ~~750~~[38]2000m^2 in any 12-month period per site[39]; or 2. earthworks for the purpose of maintaining, repairing[40] or replacing[41] existing fences[42], roads, tracks, pipelines[43], buildings[44], or natural hazard mitigation works, and are within the footprint or the area of ground previously[45] modified ~~ground comprised~~[46] by the existing fence,[47] road, track, pipeline, building[48] or natural hazard mitigation works; ~~or~~ 3. ~~earthworks authorized by the Canterbury Regional Council for maintenance of existing rock weirs and river works to the same level and extent as occurring as at 1 January 2000;~~[49] and	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. ~~whether a cultural impact assessment has been undertaken and~~[51] the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values ~~as identified through engagement with Te Rūnanga o Arowhenua~~[52]; and 4. ~~effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and~~[53] 5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on

[31] Fonterra [165.79], Silver Ferm Farms [172.46] and Alliance Group [173.45, 173.46], Westgarth et al [200.7], Aitken et al [237.14]
[32] Westgarth et al [200.7]
[33] RDRML [234.1]
[37] Broughs Gully [167.48]
[38] Bonifacio, P [36.21], Rooney Holdings [174.28], GJH Rooney [191.28], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]
[39] Z Energy [116.12], Te Rūnanga o Ngāi Tahu [185.98]
[40] Pye Group [35.1], Connolly, S [136.1]
[41] Rangitata Dairies [44.14]
[42] Pye Group [35.1]
[43] Pye Group [35.1], Rangitata Dairies [44.14]
[44] Te Kotare [115.28], Waipopo Huts [189.40]
[45] Clause 16(2)
[46] Clause 16(2)
[47] Clause 10(2)(b) relating to Pye Group [35.1]
[48] Clause 10(2)(b) relating to Pye Group [35.1], Rangitata Dairies [44.14]
[49] RDRML [234.1]
[51] Clause 16(2)
[52] Clause 16(2)
[53] Clause 16(2)

riparian margin)[34] **Wai tapu overlay (outside the bed of a river or**[35] **a riparian margin)**[36]	**PER-2** Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, t~~T~~he earthworks are undertaken in accordance with the Accidental Discovery Protocol ~~commitment form,~~ contained within APP4 - ~~Form confirming a commitment to adhering to an~~ Accidental Discovery Protocol~~, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks~~.[50]	the values associated with the SASM ~~site or area of significance~~; and 6. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;[54] and 7. ~~whether~~ the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~;[55] commensurate with the scale and nature of the proposal; and ~~8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and~~[56] 9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and 10. in respect of network[57] utilities, the extent to which the proposed network[58] utility has functional needs or operational needs[59] for its location; and 11. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and

[34] Westgarth et al [200.7]
[35] RDRML [234.1]
[36] Westgarth et al [200.7]
[50] Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]
[54] Clause 16(2)
[55] Clause 16(2)
[56] Clause 16(2)
[57] Broughs Gully [167.48]
[58] Broughs Gully [167.48]
[59] Transpower [159.69]

		communities if the work is not undertaken[60]. ***Note:*** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*
~~**2. Wāhi Taoka and Wai Taoka Overlay**~~[61]	~~**Activity status: Permitted**~~ ~~**Where:**~~ ~~**PER-1**~~ ~~The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:~~ ~~1. existing fencing; or~~ ~~2. existing tracks or roads; or~~ ~~3. existing reticulated stock water systems including troughs; or~~ ~~4. existing natural hazard mitigation works; and~~ ~~**PER-2**~~ ~~The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and~~ ~~**PER-3**~~ ~~Any replacement item is of the same nature, character and scale of the item being replaced; and~~ ~~**PER-4**~~ ~~The Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks~~	~~**Activity status when compliance not achieved: Restricted Discretionary**~~ ~~**Matters of discretion are restricted to:**~~ ~~1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and~~ ~~2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and~~ ~~3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and~~ ~~4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and~~ ~~5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and~~ ~~6. the appropriateness of any mitigation measures proposed; and~~ ~~7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:~~ ~~1. affirm the connection between mana whenua and place; or~~

[60] Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80.
[61] Westgarth et al [200.7]

		~~2. enhance the cultural values of the site/area; or~~ ~~3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and~~ ~~8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and~~ ~~9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and~~ ~~10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.~~ ~~***Note:** Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*~~
3. Wāhi tapu ~~and wai tapu~~[62] overlays~~	**Activity status: Permitted ~~Restricted~~ ~~Discretionary~~** **Where:** **~~RDIS~~PER-1** The earthworks are undertaken in accordance with the Accidental Discovery Protocol contained within APP4; and **PER-2** ~~All earthworks, including those associated with and under new buildings/structures, and including those necessary for the installation of infrastructure/ utilities~~ Within SASM-1a, SASM-4a and SASM-4c, the earthworks are for the purpose of maintaining, repairing or replacing existing fences, roads, tracks, pipelines, buildings, rock weirs or natural hazard mitigation works, and are within the footprint or the area of ground previously modified by the existing fence,[63] road, track, pipeline, building or natural hazard mitigation works.[64]	**Activity status when compliance not achieved: ~~Not applicable~~ Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and 4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM ~~site or area of significance~~; and 5. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and

[62] Rooney Holdings [174.28], GJH Rooney [191.28], Westgarth et al [200.7], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]
[63] Clause 10(2)(b) relating to Pye Group [35.1]
[64] Bonifacio, P [36.21] Rangitata Dairies [44.14], Hart, J [58.4], Connolly, S [136.1], Rooney Holdings [174.28], GJH Rooney [191.28], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

	~~**Matters of discretion are restricted to:**~~ ~~1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and~~ ~~2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and~~ ~~3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and~~ ~~4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and~~ ~~5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and~~ ~~6. the appropriateness of any mitigation measures proposed; and~~ ~~7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:~~ ~~a. affirm the connection between mana whenua and place; or~~ ~~b. enhance the cultural values of the site/area; or~~ ~~c. provide for the relationship of Kāti Huirapa with their taoka;~~ ~~commensurate with the scale and nature of the proposal; and~~ ~~8. any opportunities to maintain or enhance the ability of Kāti Huirapa to~~	6. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~ commensurate with the scale and nature of the proposal; 7. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and 8. in respect of network[65] utilities, the extent to which the proposed network[66] utility has functional needs or operational needs[67] for its location; and 9. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken[68]. ***Note:*** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*

[65] Broughs Gully [167.48]
[66] Broughs Gully [167.48]
[67] Transpower [159.69]
[68] Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80

	~~access and use the Site or Area of Significance; and~~ ~~9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and~~ ~~10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.~~ ~~***Note:** Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*~~	
SASM-R2	**Buildings and structures, including additions and alterations to existing buildings and structures and network utilities**	
1. Wāhi taoka ~~O~~overlay <u>(outside of residential zones, commercial and mixed use zones, the General Industrial Zone or the Port Zone)</u>[69]	**Activity status: Permitted** **Where:** **PER-1** ~~For buildings or structures located outside of the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone~~[70]~~, the following limitations apply~~[71]: 1. The maximum height of buildings and structures does not exceed ~~5~~9[72]m above ground level; and 2. Buildings and structures are not located within 20m vertical or 100m horizontal of any ridgeline; and ~~3. Buildings and structures are not located at any point above 900m above sea level; and~~[73] 4. The maximum footprint of any building or structure does not exceed 300m^2. ~~***Note:** For buildings or structures located within the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, there is no limitation.*~~[74]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. ~~whether a cultural impact assessment has been undertaken and~~[75] the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values ~~as identified through engagement with Te Rūnanga o Arowhenua~~[76]; and 4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the <u>SASM</u> ~~site or area of significance~~; and 5. the appropriateness of any mitigation measures proposed<u>, including the</u>

[69] Clause 16(2)
[70] Clause 16(2)
[71] Clause 16(2)
[72] Bonifacio, P [36.22], Federated Farmers [182.93], Beattie, D M [238.2]
[73] Bonifacio, P [36.22]
[74] Clause 16(2)
[75] Clause 16(2)
[76] Clause 16(2)

		need for an accidental discovery protocol[77]; and 6. ~~whether~~ the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~;[78] commensurate with the scale and nature of the proposal; and ~~7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and~~[79] 8. in respect of network[80] utilities, the extent to which the proposed network[81] utility has functional needs or operational needs[82] for its location; and 9. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken[83]. ***Note:*** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*
2. Wāhi tapu ~~and wai tapu~~[84] overlays~~.~~	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of	**Activity status when compliance not achieved: Not applicable**

[77] Clause 16(2)
[78] Clause 16(2)
[79] Clause 16(2)
[80] Broughs Gully [167.48]
[81] Broughs Gully [167.48]
[82] Transpower [159.69]
[83] Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80
[84] Westgarth et al [200.7]

(excluding SASM1c, SASM2 and SASM3a, SASM8 and SASM9)[85]	that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. ~~whether a cultural impact assessment has been undertaken and~~[86] the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values ~~as identified through engagement with Te Rūnanga o Arowhenua~~[87]; and 4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the SASM ~~site or area of significance~~; and 5. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol[88]; and 6. ~~whether~~ the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taonga; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~;[89] commensurate with the scale and nature of the proposal; and ~~7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and~~[90]	

[85] Hart, J [58.5]
[86] Clause 16(2)
[87] Clause 16(2)
[88] Clause 16(2)
[89] Clause 16(2)
[90] Clause 16(2)

	8. in respect of network[91] utilities, the extent to which the proposed network[92] utility has functional needs or operational needs[93] for its location; and 9. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken. [94] ***Note:*** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*	
~~**SASM-R3**~~	~~**Indigenous vegetation clearance**~~[95]	
~~**Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays**~~	~~**Activity status: Permitted**~~ ~~**Where:**~~ ~~**PER-1**~~ ~~The indigenous vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses; or~~ ~~**PER-2**~~ ~~The indigenous vegetation to be cleared is causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or~~ ~~**PER-3**~~ ~~The indigenous vegetation clearance is for the purpose of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or network utilities; or~~ ~~**PER-4**~~ ~~The indigenous vegetation has been planted and managed specifically for the purpose of harvesting; or~~	~~**Activity status when compliance not achieved: Restricted Discretionary**~~ ~~**Matters of discretion are restricted to:**~~ ~~1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and~~ ~~2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and~~ ~~3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and~~ ~~4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and~~

[91] Broughs Gully [167.48]
[92] Broughs Gully [167.48]
[93] Transpower [159.69]
[94] Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80
[95] Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

	~~**PER-5**~~ ~~The indigenous vegetation has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes or as a shelterbelt; or~~ ~~**PER-6**~~ ~~The indigenous vegetation clearance is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement; or~~ ~~**PER-7**~~ ~~The indigenous vegetation clearance is for natural hazard mitigation works and is authorised under ECO-R2 (either as a permitted activity, or through a resource consent having been obtained).~~	~~5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and~~ ~~6. the appropriateness of any mitigation measures proposed; and~~ ~~7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:~~ ~~a. affirm the connection between mana whenua and place; or~~ ~~b. enhance the cultural values of the site/area; or~~ ~~c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and~~ ~~8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and~~ ~~9. where the works will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and~~ ~~10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.~~ ~~***Note:** Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*~~
SASM-R4	**Temporary events**	
Wāhi tapu, and wai tapu overlays <u>(excluding SASM1c, SASM2 and SASM3a)</u>[96]	**Activity status: Permitted** **Where:** **PER-1** Any temporary ~~event where this is limited to a~~[97] cultural event ~~undertaken in accordance with tikanga~~[98]<u>; or</u> <u>**PER-2** Any planned social occasion; or</u>[99]	**Activity status when compliance not achieved: ~~Non-complying~~ <u>Restricted discretionary</u>[101]** <u>**Matters of discretion are restricted to:**</u> <u>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u>

[96] Hart, J [58.6], Beattie, D M [238.3]
[97] Clause 16(2)
[98] Clause 16(2)
[99] Hart, J [58.6], Beattie, D M [238.3]
[101] Hart, J [58.6], Beattie, D M [238.3]

	PER-~~2~~3 Any temporary event within SASM8 or SASM9 that is undertaken outside a Significant Natural Area (SNA).[100]	2. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and 4. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and 5. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~; commensurate with the scale and nature of the proposal. ***Note:*** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*
SASM-R5	**Mining and quarrying activities**[102]	
1. Wāhi tūpuna ~~O~~overlay (outside an ONL or VAL overlay)[103]	**Activity status: Permitted** **Where:** **PER-1** The mining and/or quarrying activity[104] do not exceed a maximum area of 750m^2 per site[105]; and **PER-2** Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, t~~T~~he earthworks	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. ~~whether a cultural impact assessment has been undertaken and~~[107] the proposal's consistency

[100] Hart, J [58.6]
[102] Road Metals [169.17, 169.18] and Fulton Hogan [170.18, 170.19]
[103] Westgarth et al [200.7]
[104] Road Metals [169.17, 169.18] and Fulton Hogan [170.18, 170.19]
[105] Te Rūnanga o Ngāi Tahu [185.102]
[107] Clause 16(2)

	are undertaken in accordance with the Accidental Discovery Protocol ~~commitment form,~~ contained within APP4 - ~~Form confirming a commitment to adhering to an~~ Accidental Discovery Protocol~~, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks~~.[106]	with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values ~~as identified through engagement with Te Rūnanga o Arowhenua~~[108]; and ~~4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and~~[109] 5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM ~~site or area of significance~~; and 6. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;[110] and 7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~;[111] commensurate with the scale and nature of the proposal; and ~~8. any opportunities to maintain or enhance the ability of Kāti Huirapa~~

[106] Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]
[108] Clause 16(2)
[109] Clause 16(2)
[110] Clause 16(2)
[111] Clause 16(2)

		~~to access and use the Site or Area of Significance; and~~[112] 9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses~~; and~~ ~~10. in respect of utilities, the extent to which the proposed utility has functional needs for its location~~.[113] ***Note:*** *Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.*
~~3~~2. Wāhi taoka, wāhi tapu, and wai tapu overlays	**Activity status: Non-Complying**	**Activity status whenre compliance not achieved: Not applicable**
SASM-R5A	**Mining and quarrying activities outside the bed of a river**[114]	
~~2.~~ Wai taoka Ooverlay	**Activity status: ~~Permitted~~ Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and 4. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; 5. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to:	**~~Activity status when compliance not achieved with PER-1: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and~~ ~~2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and~~ ~~3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and~~ ~~4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:~~

[112] Clause 16(2)
[113] Clause 16(2)
[114] Clause 10(2)(b) relating to Road Metals [169.17], Fulton Hogan [170.19], ECan [183.67]

	a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taonga; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~; commensurate with the scale and nature of the proposal; and 6. where the mining or quarrying activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses **Note:** Quarrying activities within the bed of a river are managed under the Canterbury Land and Water ~~r~~Regional ~~p~~Plan. ~~**Where:**~~ ~~**PER-1**~~ ~~The quarrying is from the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained); and~~[115] ~~**PER-2**~~ ~~Excavated materials are removed from the bed the bed of the within 10 days.~~[116]	~~a. affirm the connection between mana whenua and place; or~~ ~~b. enhance the cultural values of the site/area; or~~ ~~c. provide for the relationship of Kāti Huirapa with their taonga; commensurate with the scale and nature of the proposal; and~~ ~~5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.~~ ~~**Activity status when compliance not achieved with PER-2: Discretionary**~~
~~**SASM-R6**~~	~~**Intensively farmed stock**~~[117]	
~~**1. Wai taoka Overlay**~~	~~**Activity status: Restricted discretionary**~~ ~~**Matters of discretion are restricted to:**~~ ~~1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and~~ ~~2. whether a cultural impact assessment has been undertaken and the proposal's consistency with~~	~~**Activity status where compliance not achieved: Not applicable**~~

[115] ECan [183.67]
[116] Road Metals [169.17], Fulton Hogan [170.19]
[117] EJAPS [4.2], Hargreaves, T [29.2], Pye Group [35.2], Bonifacio, P [36.24], Stack, D [50.8], Hart, J [58.7], Rangitata Dairies [44.15], Moore, D and J [100.6], Fenlea Farms [171.31], Alliance Group [173.49], Rooney, A J [177.13], KJ Rooney [197.6], Beattie, D M [238.4]

	~~the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and~~ ~~3. the potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and~~ ~~4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:~~ ~~a. affirm the connection between mana whenua and place; or~~ ~~b. enhance the cultural values of the site/area; or~~ ~~c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and~~ ~~5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.~~	
~~**2. Wāhi taoka, wāhi tapu, and wai tapu overlays**~~	~~**Activity status: Non-complying**~~	~~**Activity status where compliance not achieved: Not applicable**~~
~~**SASM-R7**~~	~~**Subdivision**~~[118]	
~~**Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays**~~	~~**Activity status: Discretionary**~~	~~**Activity status where compliance not achieved: not applicable**~~
SASM-R8	~~**Shelterbelts or w**~~[119] **Woodlots or ~~plantation~~ commercial**[120] **forestry**	
Wāhi tapu ~~O~~overlay — SASM8 and SASM9 only	**Activity status: ~~Non-complying~~ Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to	**Activity status when ~~re~~ compliance not achieved: not applicable**

[118] Speirs, B [66.48]
[119] Hart, J [58.2, 58.8], Peel Forest [105.11], McArthur, K and J [113.8], Federated Farmers [182.99], Beattie, D M [238.5]
[120] TRoNT [185.105] - Evidence of Rachael Pull, paras 112-114

	which the proposal responds to, or incorporates the outcomes of that consultation; and 2. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and 4. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; 5. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the SASM ~~site/area~~; or c. provide for the relationship of Kāti Huirapa with their taonga; or d. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~; commensurate with the scale and nature of the proposal; and 6. where the woodlots or commercial forestry activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.	

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

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Introduction

The District contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered indigenous species. Many of these habitats are endemic, comprising forests, shrubland, herbfields, drylands, tussock grasslands, and waterbody margins.[1]

The Council has a responsibility to maintain 'indigenous biodiversity' generally and in particular to recognise and provide for the protection of 'significant indigenous vegetation' and 'significant habitats of indigenous fauna'. The identified significant indigenous vegetation and habitats are collectively referred to as Significant Natural Areas (SNA~~'~~s) having been assessed and listed in the District Plan. In addition, there are likely to be a range of other areas not yet assessed, ~~but containing significant values~~ that meet the APP5 Criteria for identifying Significant Natural Areas.[2]

Objectives	
ECO-O1	**Protection of significant indigenous biodiversity**
~~The values of~~ Areas of s~~S~~ignificant[3] indigenous vegetation and significant habitats of indigenous fauna across the District are protected.[4]	
ECO-O2	**Maintenance and enhancement of indigenous biodiversity**
The indigenous biodiversity of the District is maintained or enhanced.	
ECO-O3	**Recognition of Ngāi Tahu**
The relationship of Ngāi Tahu whanui with indigenous biodiversity is recognised and provided for.	
Policies	
ECO-P1	**Assessment and identification of significant indigenous biodiversity**
Identify SNAs ~~Significant Natural Areas~~ by: 1. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and 2. including SNAs ~~Significant Natural Areas~~ on the planning maps and in SCHED7 - Schedule of Significant Natural Areas.	
ECO-P2	**Appropriate indigenous vegetation clearance in Significant Natural Areas**
Provide for the clearance of indigenous vegetation in SNAs ~~Significant Natural Areas~~ where it is appropriate for health and safety,[5] wellbeing or customary reasons, or to allow for ongoing farming practi~~s~~ces[6], by enabling clearance: 1. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or 2. where it is causing imminent danger to human life, structures, or network utilities, or affecting the safe operation of network utilities[7]; or	

[1] Forest and Bird [156.97], Dir. General Conservation [166.30]
[2] Forest and Bird [156.97], Dir. General Conservation [166.30]
[3] ECan [183.68] - Evidence of Deidre Francis
[4] Forest and Bird [156.98]
[5] Forest and Bird [156.102]
[6] Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]
[7] Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

3. where necessary to manage plant or animal pests or unwanted organisms; or
4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or
5. for the operation, maintenance, ~~or~~ repair or minor upgrade[8] of the National Grid; or
6. for the operation or maintenance of the electricity distribution network, rail network[9] and public roads; or
7. arising from continued[10] grazing within areas of improved pasture which form part of SNAs ~~Significant Natural Areas~~[11].

ECO-P3	Protection of indigenous biodiversity in sensitive areas

Protect indigenous biodiversity by managing the clearance of indigenous vegetation in the following sensitive areas:

1. riparian margins ~~areas, wetlands~~[12] and springs; and
2. ~~coastal areas; and~~[13]
3. areas at higher altitude; and
4. areas on steep slopes.

ECO-P4	Protection for long-tailed bats

Protect long-tailed bats by:

1. ~~I~~identifying important habitat for long-tailed bats as a Long-Tailed Bat Habitat[14] Protection Area ~~o~~Overlay on the planning maps; and
2. maintaining the habitat for long-tailed bats within this ~~o~~Overlay.

ECO-P5	Protection of Significant Natural Areas

Except as provided for in ECO-P2[15], a~~A~~void the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:

1. are outside the coastal environment and[16] can be undertaken in a way that protects the identified ecological values; ~~and~~ or[17]
2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 ~~Managing adverse effects of Rregionally Ssignificant Iinfrastructure and other infrastructure~~ or for the National Grid, EI-PX ~~Managing adverse effects of the National Grid~~[18].

ECO-PX	Maintaining ~~I~~indigenous ~~B~~biodiversity[19]

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

ECO-P6	Avoidance of risk species

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

[8] Transpower [159.70]
[9] Alpine [55.4], KiwiRail [187.54]
[10] Speaking Notes of Forest and Bird, paras 8-13.
[11] Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]
[12] Clause 10(2)(b) relating to Federated Farmers [182.117]
[13] Clause 10(2)(b) relating to Forest and Bird [156.5]
[14] Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]
[15] ECan [183.75]
[16] Forest and Bird [156.5]
[17] Clause 10(2)(b)
[18] Transpower [159.71]
[19] Frank, H [90.23], Forest and Bird [156.3, 156.106, 156.107], Dir. General Conservation [166.29]

ECO-PY	Indigenous ~~B~~biodiversity in the ~~C~~coastal ~~E~~environment[20]

In the coastal environment, except as provided for in ECO-P2, avoid adverse effects of activities on:

1. indigenous taxa that are listed as threatened or at-risk in the New Zealand Threat Classification System lists; and
2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; and
3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and
4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; and
5. areas containing nationally significant examples of indigenous community types; and
6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

8. areas of predominantly indigenous vegetation in the coastal environment; and
9. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and
10. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; and
11. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; and
12. habitats, including areas and routes, important to migratory species; and
13. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

ECO-PZ	Restoration of ~~I~~indigenous ~~B~~biodiversity[21]

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

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

Rules

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

[20] Forest and Bird [156.5]
[21] Dir. General Conservation [166.38]

ECO-R1	Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, ~~or~~ ECO-R3 for National Grid activities or ECO-RX for restoration or enhancement of a Significant Natural Area)[22]	
1 Significant Natural Areas Overlay	**Activity status: Permitted** **Where:** **PER-1** The vegetation to be cleared is causing an imminent danger to human life, structures, or network utilities, or affecting the safe operation of network utilities,[23] and the clearance of indigenous vegetation is undertaken in accordance with advice from a suitably qualified arborist; or **PER-2** The clearance of indigenous vegetation is carried out by the relevant Road Requiring Authority or an agent authorised by them[24]: 1. to install, maintain or repair[25] road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m^2 within a single SNA; or 2. to maintain existing roadside drainage; or **PER-2A** The clearance of indigenous vegetation is for the purpose of maintaining the rail network and the clearance is less than 5m^2 within a single SNA; or[26] **PER-3** The ~~vegetation~~ clearance of indigenous vegetation is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, in accordance with tikaka ~~where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District~~	**Activity status when~~re~~ compliance not achieved: Non-complying**

[22] Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]
[23] Road Metals [169.20], Fulton Hogan [170.21]
[24] Road Metals [169.20] and Fulton Hogan [170.21]
[25] Road Metals [169.20] and Fulton Hogan [170.21]
[26] KiwiRail [187.56]

	~~Council prior to such activities occurring)~~[27]; or **PER-4** The clearance of indigenous vegetation ~~clearance~~ is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or **PER-5** The clearance of indigenous vegetation is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement~~.~~; or **PER-6** The clearance of indigenous vegetation ~~occurs due as part of~~ is caused by[28] grazing, (but not over-grazing/trampling), within an area of improved pasture, where grazing has previously been undertaken[29].[30] ***~~Advice Note~~*** This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry (NESCF).[31]	
2 **~~Within 50m of any wetland~~ Riparian margins (excluding a river that is a High**	**Activity status: Permitted** **Where:** **PER-1** The vegetation to be cleared is causing an imminent danger to human life, structures, or network utilities, or affecting the safe operation of network utilities,[35] and the	**Activity status when~~re~~ compliance not achieved: Restricted discretionary** **Matters of discretion are restricted to:** 1. whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the extent ~~ability~~ to which the proposal

[27] Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3
[28] Speaking notes of Forest and Bird, para 26.
[29] Speaking notes of Forest and Bird, para 26.
[30] Hart, J R [149.2], Speaking notes of Forest and Bird, para 26.
[31] Port Blakely [94.7]
[35] Cluase 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

Naturalness Waterbody~~B~~][32] **In the Coastal Environment~~,~~** **~~within 20m of mean high water springs~~**[33] **~~Within 20m of the bank of any waterbody~~**[34] **Within 20m of any waipuna (spring)** **At an altitude of 900m or higher** **Land with an average slope of 30° or greater**	clearance is undertaken in accordance with advice from a suitably qualified arborist; or **PER-2** The clearance of indigenous vegetation is within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, railway tracks, stock water or irrigation systems,[36] walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, ~~or~~ network utilities~~,~~ or regionally significant infrastructure,[37]or for an upgrade in seal cover of an existing road[38]; or **PER-3** The ~~vegetation~~ clearance of indigenous vegetation is carried out by Ngai Tahu whanui for the purposes of mahinga kai or other customary uses, in accordance with tikaka ~~where it has been certified by Te Runanga o Arowhenua that the activity will meet tikaka protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring~~)[39]; or **PER-4** The clearance is of indigenous vegetation that: ~~a. has been planted and managed specifically for the purpose of harvesting, or~~ ~~b. has grown up under an area of lawfully established plantation forestry, or~~[40] ~~c.~~ 1. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or	~~retain~~ protects[45] any significant biodiversity ~~vegetation~~[46]; and 2. the condition and character of the indigenous vegetation; and 3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species; and 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and 5. any adverse effects on the mauri of the site, rakatirataka, kaitiakitaka, mahika kai, tikaka, or wāhi tapu or wāhi tāoka values[47]; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and 12. any benefits that the activity provides to the local community and beyond; and

[32] Clause 10(2)(b) relating to Federated Farmers [182.117]
[33] Clause 10(2)(b) relating to Forest and Bird [156.5]
[34] Clause 10(2)(b) relating to Federated Farmers [182.117]
[36] Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]
[37] Waka Kotahi [143.84]
[38] KiwiRail [187.59]
[39] Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3
[40] Port Blakely [94.7]
[45] Dir. General Conservation [166.41]
[46] Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45
[47] TRoNT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 3.

~~d.~~ 2. is within an area of improved pasture and:

i. is caused by grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or

ii. is for the purpose of maintaining improved pasture outside any originally rare ecosystems within the upper Rangitata and provided the clearance is not of any 'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists); or[41]

PER-5
The clearance of indigenous vegetation is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993~~,~~; or

PER-6
The clearance of indigenous vegetation ~~where this~~ occurs as part of indigenous biodiversity restoration or enhancement, including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin[42]~~,~~; or

PER-7
The ~~vegetation~~ clearance of indigenous vegetation is within a riparian margin and is associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.[43]

~~Advice Note~~
This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF~~National~~

13. within the coastal environment, the management of effects in accordance with ECO-PY~~-~~[48]; and
14. where the clearance of indigenous vegetation is within a riparian margin[49]:
    a. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and
    b. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and
    c. the extent to which alternative practicable options have been considered and their feasibility; and
    d. the extent to which any restoration or enhancement of the natural character of the area is proposed; and
    e. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and
    f. whether there is a functional need, or in relation to infrastructure an operational need,[50] for the activity to locate in a riparian margin; and
15. where the proposed clearance is located within a site identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa:
    a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
    b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas

[41] Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29] - Evidence of Elizabeth Williams, paras 46-52; Speaking notes of Forest and Bird, para 27
[42] Shifted from NATC-R1 PER-6 (Clause 10(2)(b) relating to Federated Farmers [182.117])
[43] Te Kotare [115.29], Waipopo Huts [189.41]
[48] Clause 10(2)(b) relating to Forest and Bird [156.5]
[49] Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])
[50] Transpower [159.78]

	~~Environmental Standard for Commercial Forestry.~~[44]	of Significance to Kāti Huirapa; and c. the nature of any effects on mahika kai and other customary uses; and d. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and e. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the SASM~~site or area of significance~~; and f. the appropriateness of any mitigation measures proposed; and g. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM~~site/area~~, and any potential to: i. affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM~~site/area~~; or iii. provide for the relationship of Kāti Huirapa with their taonga; or iv. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~; commensurate with the scale and nature of the proposal.[51]
3. Riparian margins of a High Naturalness Waterbody~~B~~[52]	**Activity status: Discretionary** This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF ~~National Environmental Standard for Commercial Forestry.~~[53]	**Activity status when~~nre~~ compliance not achieved: Not applicable**

[44] Port Blakely [94.7]
[51] Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]
[52] Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])
[53] Port Blakely [94.7]

4. All areas not specified in 1. ~~–~~ to 3. above[54]	**Activity status: Permitted** **Where:** **PER-1** The clearance of indigenous vegetation is for the purpose of: 1. the maintenance, repair or replacement of: a. existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities ~~and is limited to the area within 2m of these~~[55]~~.~~; and b. any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works~~.~~; and c. existing buildings~~, and is limited to within 2m from any existing exterior wall~~[56]~~.~~; and 2. clearing vegetation that is causing an imminent danger to human life, structures, infrastructure, or important infrastructure~~.~~; and 3. mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikak~~n~~ga protocols~~.~~; and 4. clearing vegetation that has been managed as part of a domestic or public garden, for amenity purposes, or as a shelterbelt; and 5. protecting, maintaining, restoring, and accessing ecological values, and is carried out in accordance with: a. a Reserve Management Plan approved under the Reserves Act 1977; and	**Activity status when ~~re~~ compliance not achieved: Restricted discretionary** **Matters of discretion are restricted to:** 1. whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ~~ability to retain any significant vegetation~~ extent to which the proposal protects any significant biodiversity[60]; and 2. the condition and character of the indigenous vegetation; and 3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species or is more than 25 years old; and 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and 5. any adverse effects on the mauri of the site, rakatirataka, kaitiakitaka, mahika kai, tikaka, or[61] wāhi tapu or wāhi tāoka values; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of

[54] Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]
[55] Statement of Rachel Thomas and Greg Anderson, para 29
[56] Statement of Rachel Thomas and Greg Anderson, para 29
[60] Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45
[61] TRoNT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 3.

b. a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977~~.~~; and

c. a national park management plan or conservation management plan or strategy prepared under the Conservation Act 1987~~.~~; and

6. maintaining cultivated land, where cultivation has been undertaken within the past 15 years[57]~~.~~; and
7. grazing, that is not over-grazing/trampling, within an area of improved pasture~~.~~; and
8. maintaining improved pasture by way of oversowing and/or topdressing:
   a. outside any ~~depositional landforms~~ originally rare ecosystems within the upper Rangitata; and
   b. provided the clearance is not of any 'threatened' or 'at-risk' indigenous species (in the New Zealand Threat Classification System lists);[58] and
9. biosecurity, and is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, including the clearance of material infected by unwanted organisms.

~~Advice Note~~
This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the NESCF ~~National Environmental Standard for Commercial Forestry~~.[59]

significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and

12. any benefits that the activity provides to the local community and beyond; and
13. where the proposed clearance is located within a site identified in in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa:
    a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
    b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and
    c. the nature of any effects on mahika kai and other customary uses; and
    d. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and
    e. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the SASM ~~site or area of significance~~; and
    f. the appropriateness of any mitigation measures proposed; and
    g. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to:

[57] ECan [183.8] - Evidence of Deidre Francis, paras 47–58; Evidence of Jean Jack, paras 24-29
[58] Evidence of Elizabeth Williams, paras 46-50
[59] Port Blakely [94.7]

		i. affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM ~~site/area~~; or iii. provide for the relationship of Kāti Huirapa with their taonga; or iv. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~; commensurate with the scale and nature of the proposal.[62]
ECO-R2	**Clearance of indigenous vegetation for natural hazard mitigation works**	
Significant Natural Areas Overlay **~~Within 50m of any wetland~~ Riparian margins (excluding a river that is a High Naturalness Waterbody~~B~~)**[63] **In the Coastal Environment~~, within 20m of Mean High Water Springs~~**[64] **~~Within 20m of the bank of any waterbody~~**[65] **Within 20m of any waipuna (spring)**	**Activity status: Permitted** **Where:** **PER-1** The indigenous vegetation removed is only pohuehue (*muehlenbeckia australis, muehlenbeckia axillaris* or *muehlenbeckia complexia* ~~only~~); and **PER-2** The vegetation clearance is carried out solely by the CRC ~~Regional Council~~, ~~Timaru District~~ Council, or an agent authorised by one of these parties.	**Activity status when~~re~~ compliance not achieved with PER-1: Controlled** **Matters of control are restricted to:** 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and 3. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 4. methods proposed to monitor or inspect the works undertaken; and 5. the ability to apply a management plan approach to the works and the content of any management plan; and 6. the timing of works to minimise adverse effects on significant indigenous species. **Activity status when~~re~~ compliance not achieved with PER-2 and the clearance is outside a SNA ~~Significant Natural Area~~: Restricted discretionary**[66] **Matters of discretion are restricted to:** 1. whether the indigenous vegetation is significant (when assessed

[62] Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]
[63] Clause 10(2)(b) relating to Federated Farmers [182.117]
[64] Clause 10(2)(b) relating to Forest and Bird [156.5]
[65] Clause 10(2)(b) relating to Federated Farmers [182.117]
[66] Alliance Group [173.58]

At an altitude of 900m or higher **Land with an average slope of 30° or greater**		against the APP5 – Criteria for Identifying Significant Natural Areas) ~~and the ability to retain any significant vegetation~~ extent to which the proposal protects any significant biodiversity[67]; and 2. the condition and character of the indigenous vegetation; and 3. whether the indigenous vegetation provides habitat for threatened, at-risk or locally uncommon species; and 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance of indigenous vegetation; and 5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and 12. any benefits that the activity provides to the local community and beyond~~.~~; and 13. where the clearance is within a riparian margin:[68] a. the extent of any adverse effects on the overall natural character of

[67] Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45
[68] Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

		an area by reference to the values listed in NATC-P1; and b. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and c. the extent to which alternative practicable options have been considered and their feasibility; and d. the extent to which any restoration or enhancement of the natural character of the area is proposed; and~~;~~ e. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and f. whether there is a functional need, or in relation to infrastructure an operational need,[69] for the activity to locate in a riparian margin. **Activity status when~~re~~ compliance is not achieved with PER-2 and the clearance is within a SNA ~~Significant Natural Area~~: Non-complying**
ECO-R3	**Clearance of indigenous vegetation associated with the National Grid or electricity distribution network[70]**	
Significant Natural Areas Overlay **~~Within 50m of any wetland~~ Riparian margins (excluding a river that is a High Naturalness Waterbody~~B~~)[71]** **In the Coastal Environment~~,~~**	**Activity status: Permitted** **Where:** **PER-1** The ~~vegetation~~ clearance of indigenous vegetation is to provide for the operation, maintenance or repair of the National Grid or electricity distribution network[74], including maintenance of existing access to National Grid support structures; and **PER-2** The vegetation clearance is carried out by or on behalf of Transpower New Zealand Limited or Alpine Energy Limited[75].	**Activity status when~~re~~ compliance not achieved with PER-1: Restricted discretionary** **Matters of discretion are restricted to:** 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. the necessity for the clearance and any alternate options that have been considered; and 3. the mitigation measures proposed to ensure that the values of the SNA are protected as far as practicable; and

[69] Transpower [159.78]
[70] Alpine Energy [55.5]
[71] Clause 10(2)(b) relating to Federated Farmers [182.117]
[74] Alpine Energy [55.5]
[75] Alpine Energy [55.5]

~~**within 20m of Mean High Water Springs**~~[72] ~~**Within 20m of the bank of any waterbody**~~[73] **Within 20m of any waipuna (spring)** **At an altitude of 900m or higher** **Land with an average slope of 30° or greater**		4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species~~.~~; and 9. where the clearance is within a riparian margin: [76] a. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and b. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and c. the extent to which alternative practicable options have been considered and their feasibility; and d. the extent to which any restoration or enhancement of the natural character of the area is proposed; and e. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and f. whether there is a functional need, or in relation to infrastructure an operational need,[77] for the activity to locate in a riparian margin. **Activity status when~~re~~ compliance not achieved with PER-2: Non-complying**

[72] Clause 10(2)(b) relating to Forest and Bird [156.5]
[73] Clause 10(2)(b) relating to Federated Farmers [182.117]
[76] Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])
[77] Transpower [159.78]

Riparian margins of a~~n~~ High Naturalness Waterbody~~B~~[78]	**Activity status: Discretionary**	**Activity status whe~~n~~re compliance not achieved: Not applicable**
ECO-R4	**Clearance of trees in the Long-Tailed Bat Habitat[79] Protection Area Overlay**	
Long-~~t~~Tailed Bat Habitat[80] Protection Area Overlay	**Activity status: Permitted** **Where:** **PER-1** The trees being cleared: 1. were planted for timber production (plantation forest and woodlots); or 2. are within a domestic garden; or 3. are causing an imminent danger to human life, structures, or network utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or **PER-2** The tree is: 1. a native tree with a trunk circumference of less than 31.5cm, when measured at 1.5m above ground level; or 2. an exotic tree, excluding willow, with a trunk circumference of less than 70cm, when measured at 1.5m above ground level ~~greater~~[81]; or 3. any willow tree with a trunk circumference of less than 120cm, when measured at 1.5m above ground level~~.~~; or **PER-3** Where PER-1 and PER-2 are not complied with, and: 1. ~~T~~the trees being cleared present a risk to the integrity of the public flood or erosion protection schemes	**Activity status whe~~n~~re compliance not achieved: Restricted discretionary** **Matters of discretion are restricted to:** 1. whether, upon specialist assessment by a suitably qualified and experienced expert ~~ecologist, or demonstrated~~ (which may be supported through use of an automatic bat monitor),[83] the tree/s proposed to be removed is habitat for long-tailed bats; and 2. the extent to which the removal of tree/s would impact on the ability of the long-tailed bat habitat[84] protection area to provide for the habitat needs of the bats; and 3. the extent to which the long-tailed bat habitat[85] protection area has been previously modified by the removal of bat habitat; and 4. the reasons for removal of the tree and any alternatives considered; and 5. any measures to avoid or mitigate the adverse effects.

[78] Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])
[79] Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]
[80] Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]
[81] Clause 16
[83] Port Blakely [94.8], Zolve [164.2]
[84] Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]
[85] Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

	administered by the CRC~~ Regional Council~~; and 2. ~~T~~the works are completed by the CRC~~ Regional Council~~ or an agent authorised by the CRC~~ Regional Council~~; and 3. ~~T~~the works are assessed as being consistent with the Department of Conservation's Bat Roost Protocols (October 2024) by a suitably qualified and experienced expert; and 4. ~~A~~a written record of the assessment under PER-3.3, is provided to ~~Timaru District~~ Council and the Department of Conservation 10 working days prior to carrying out the works.[82]	
ECO-R5	**Earthworks in a Significant Natural Area (except as provided for ECO-RX for restoration or enhancement of a Significant Natural Area)[86]**	
Significant Natural Areas Overlay	**Activity status: Permitted ~~Restricted discretionary~~[87]** **Where:** **~~RDIS~~PER-1** The earthworks are within 2m, and are required for the ~~purpose, of~~[88] the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or network utilities. This rule does not apply to earthworks within the beds of rivers.[89] ~~**Matters of discretion are restricted to:**~~ ~~1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and~~ ~~2. the necessity for the earthworks and any alternate options that have been considered~~	**Activity status when~~re~~ compliance not achieved: ~~Restricted d~~Discretionary [90]** **Where:** **DIS-1** The earthworks are to provide for activities associated with the National Grid and are carried out by or on behalf of Transpower New Zealand Limited; or **DIS-2** The earthworks are for flood protection works and are carried out solely by the CRC~~ Regional Council~~, ~~Timaru District~~ Council, or an agent authorised by one of these parties. **Activity status when~~re~~ compliance not achieved: Non-complying**

[82] ECan [183.79] - Summary of Evidence Statement of Jolene Irvine
[86] Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]
[87] Transpower [159.73], Federated Farmers [182.109]
[88] Speaking notes of Forest & Bird, para 32
[89] Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[90] Forest and Bird [156.113], Federated Farmers [182.109]

	~~3. the mitigation measures proposed to ensure that the values of the SNA are maintained; and~~ ~~4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and~~ ~~5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and~~ ~~6. methods proposed to monitor or inspect the works undertaken; and~~ ~~7. the ability to apply a management plan approach to the works and the content of any management plan; and~~ 8. ~~the timing of works to minimise adverse effects on significant indigenous species.~~	
ECO-RX	**Clearance of indigenous vegetation and earthworks in a Significant Natural Area associated with the restoration or enhancement of the Significant Natural Area**[91]	
Significant Natural Areas Overlay	**Activity status: Restricted discretionary** **Matters of discretion are restricted to:** 1. the extent to which the values of the SNA ~~Significant Natural Area~~ will be restored or enhanced as part of the overall project; and 2. the necessity for the clearance or earthworks and any alternate options that have been considered; and 3. the mitigation measures proposed to ensure that the values of the SNA are protected; and 4. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and 5. methods proposed to monitor or inspect the works undertaken; and 6. the ability to apply a management plan approach to the works and the content of any management plan; and 7. the timing of works to minimise adverse effects on significant indigenous species.	**Activity status where ~~re~~ compliance not achieved: Not Applicable**
ECO-R6	**Subdivision of land containing a Significant Natural Area**	
~~**Sites containing**~~	**Activity Status: Discretionary**	**Activity status where ~~re~~ compliance not achieved: Not Applicable**

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

~~a~~ **Significant Natural Areas Overlay**		
ECO-R7	**Planting of potential pest species**	
All ~~Z~~zones	**Activity status: Non-complying** **Where:** **NC-1** The planting involves any of the following species: a. *Acer pesudoplatanus* (sycamore) b. *Ammophila arenaria* (marram) c. *Berberis glaucocarpa* (barberry) d. *Buddleja davidii* (buddleia) e. *Cotoneaster simonsii* (Khasia berry) f. *Crataegus monoqyna* (hawthorn) g. *Erica lusitanica* (Spanish heath) h. *Fraxinus excelsior* (Ash) i. *Glechoma hederacea* (ground ivy) j. *Ilex aquifolium* (holly) k. *Salix cinerea* (grey willow) l. *Betula pendula* (Silver birch) m. *Ribes sanguineum* (Red-flowering currant) n. *Dryopteris filix-mas* (Male fern) o. *Populus alba* (White poplar) *p.* Sorbus aucuparia (rowan) *q. Cotoneaster franchetii;* *r. Cotoneaster glaucophyllus;* *s. Cotoneaster lacteus;* *t. Cotoneaster microphylla*[92] ; or **NC-2** The planting is undertaken above 300m asl and involves any of the following species: a. *Lupinus arboreus* (tree lupin); or b. *Lupinus polyphyllus* (Russell lupin); or c. *Salix fragilis* (crack willow). ~~d. *Sorbus aucuparia* (rowan).~~[93] ***Note**: Reference should also be made to species included in the Canterbury Regional Pest Management Plan. Under sections 52 and 53 of the Biosecurity Act 1993, any person is prevented from selling, propagating or distributing any pest species listed in that Plan.*	**Activity status when ~~n~~re ~~c~~compliance not achieved: Not Applicable**

[92] Frank, H [90.10]
[93] Frank, H [90.10]

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

NATURAL CHARACTER

Introduction

The Council has a responsibility to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins; and the protection of them from inappropriate subdivision, use and development.

A range of land use and subdivision activities can have adverse effects on the natural character of rivers and wetlands. These include, but are not limited to subdivision; the construction of buildings and structures; earthworks and cultivation; ~~and~~ the planting ~~and removal~~ of vegetation and the ~~removal~~ clearance of indigenous vegetation.[1] The provisions of this chapter seek to manage those activities within the riparian margins of rivers and wetlands to ensure that the elements, patterns, processes and experiential qualities that contribute to the natural character values of the District's rivers and wetlands are preserved. These riparian margins are defined, and the provisions in this chapter apply within these defined riparian areas. There are also provisions in the Ecosystems and Indigenous Biodiversity Chapter which apply to the clearance of indigenous vegetation within riparian areas.[2]

The provisions also seek to provide for land use activities which either enhance natural character values such as restoration planting and pest management practices; and/or enable the customary harvest of vegetation for mahika kai. Restoration and enhancement of natural character values is also encouraged and supported through plan rules or non-statutory methods.

Within the District, some specific areas have been identified in the Canterbury Land and Water Regional Plan as HNWB ~~High Naturalness Water Bodies (HNWB)~~, including the Havelock and Clyde Rivers, the upper Ōrāri River, Milford Lagoon and Ōrakipaoa Creek. The Rangitata River is also subject to[3] the Water Conservation (Rangitata River) Order 2006 that identifies parts of the river as having outstanding characteristics and features. These parts of the river and its tributaries are identified in schedule 1 and 2 of the Water Conservation Order as having wild, scenic and other natural characteristics and amenity and intrinsic values. Accordingly, those parts of the Rangitata River and its tributaries, and the HNWB water ~~bodies~~ have been classified as HNWB ~~High Naturalness Water Bodies~~ in this District Plan.

The extent of these HNWB are shown on the planning maps. Because of their higher level of natural character values, a greater level of protection is provided through the provisions applying within the margins of these HNWB. All other waterbodies and wetlands within the D~~d~~istrict have varying degrees of natural character.

The rules within this ~~C~~chapter enable the identification and assessment of natural character values on a case-by-case basis for activities requiring consent across the D~~d~~istrict. Provisions related to the preservation of the natural character of the coastal environment are included in the Coastal Environment Chapter.

The rules within this chapter also apply to ~~R~~regionally S~~s~~ignificant ~~I~~infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure Chapter apply to the consideration of any resource consent required under the rules in this ~~C~~chapter for ~~R~~regionally S~~s~~ignificant ~~I~~infrastructure.

[1] Clause 10(2)(b) relating to Federated Farmers [182.117]
[2] Clause 10(2)(b) relating to Federated Farmers [182.117]
[3] Clause 16(2)

Objectives

NATC-O1 Protection of natural character

The natural character of the ~~Timaru~~ District's wetlands and rivers and their margins is preserved and protected from inappropriate subdivision, use and development, and where possible restored and/or[4] enhanced.

Policies

NATC-P1 Natural character values

~~Recognise that natural character values of wetlands and rivers and their margins are derived from:~~

~~1. the extent to which these are in, or close to, their natural state in terms of:~~
   ~~a. the occurrence of natural elements, patterns and processes; and;~~
   ~~b. riparian and aquatic ecology and biodiversity; and~~
   ~~c. ecological, geomorphic and hydrological processes; and~~
   ~~d. the absence of human modification; and~~
~~2. people's experience of the above elements, patterns and processes; and~~
3. ~~the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the water body to support taoka species and mahika kai activities.~~

Recognise the contribution of the following natural elements, patterns, processes and experiential qualities to the natural character values of wetlands, rivers, and their margins:

1. landforms and landscapes, biophysical, geologic, and morphological aspects; and
2. hydrological and fluvial processes, including erosion and sedimentation; and
3. indigenous biodiversity, habitats, and ecosystems; and
4. water flow and levels, colour and clarity, and water quality; and
5. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the waterbody to support taoka species and mahika kai activities~~.~~; and
6. absence of man-made modification to their natural state; and
7. people's experience of the above elements, patterns, and processes.[5]

NATC-P2 Restoration and enhancement

Provide for and encourage the restoration and/or enhancement of the natural character of wetlands and rivers where:

1. the natural character is degraded, and restoration and/or enhancement will achieve long-term improvement in natural character values; and/or
2. it will assist in the establishment or restoration of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas; and/or
3. they provide existing trout or salmon habitat; and/or
4. it will enhance the taoka species and mahika kai and the ability of Kāti Huirapa to exercise kaitiaitaka; and/or
5. it will improve or establish connections between habitats and create corridors for indigenous species and their movement between areas; and/or
6. riparian margins provide a buffer from activities that may adversely affect the natural character values of the river or wetland; and/or
7. riparian margins provide spawning or other significant habitats for at-risk or threatened species.

[4] Forest and Bird [156.119]
[5] Forest and Bird [156.120]

NATC-P3	Incentives

Encourage and support the restoration and enhancements of natural character values through such measures as:

1. reducing or waiving consent application costs; and/or
2. providing funding, grants and other incentives; and/or
3. providing expert advice.

NATC-P4	Preservation of natural character from inappropriate subdivision, use and development

Preserves~~s~~[6] the natural character values of riparian margins by only allowing subdivision, use and development that:

1. avoids, or if avoidance is not practicable ~~possible~~[7], minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1; and
2. maintains natural character values which have been modified but are highly valued; and
3. restores or enhances natural character values in circumstances identified in NATC-P2; and
4. avoids or, where that is not practicable ~~possible~~[8], does not exacerbate bank erosion~~.~~; or
5. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX ~~Managing adverse effects of the National Grid~~[9].[10]

NATC-P5	Anticipated activities in riparian margins

Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:

1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised; and
2. ~~vegetation clearance to remove pest species~~[11]
3. ~~vegetation clearance for mahika kai purposes;~~ [12]
4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and
5. earthworks that are for the purpose of:
   a. maintenance and repair of existing fences, tracks, roads, railways,[13] stock water systems, irrigation systems[14] or regionally significant infrastructure[15]~~.~~; or
   b. the operation, maintenance, repair or minor up grade of the National Grid;[16] or
   c. for limited new fencing and tracks.

NATC-P6	Buildings and structures in riparian margins

Ensure that the location, scale, design, and form of buildings and structures in riparian margins preserves natural character values.

[6] Clause 16(2)
[7] Transpower [159.74]
[8] Transpower [159.74]
[9] Transpower [159.74]
[10] TDC [42.35], Waka Kotahi [143.86], Transpower [159.74], OWL [181.75]
[11] Federated Farmers [182.117]
[12] Clause 10(2)(b) relating to Federated Farmers [182.117]
[13] KiwiRail [187.58],
[14] Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]
[15] Waka Kotahi [143.87], Transpower [159.75]
[16] Transpower [159.75]

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.*

~~NATC-R1~~	~~Vegetation clearance~~[17]	
~~Riparian margins of a river that is not an HNWB~~	~~Activity status: Permitted~~ ~~Where:~~ ~~PER-1~~ ~~The vegetation clearance only involves plant species identified in ECO-R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or~~ ~~PER-2~~ ~~The vegetation clearance is for customary harvest provided for in ECO-R1.1 PER-3; or~~ ~~PER-3~~ ~~The vegetation clearance is for the operation, maintenance or repair of the National Grid; or~~ ~~PER-4~~ ~~The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads; or~~ ~~PER-5~~ ~~The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or~~ ~~PER-6~~ ~~The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022.~~	~~Activity status when compliance not achieved with PER-1: Controlled~~ ~~Where:~~ ~~CON-1~~ ~~The vegetation clearance is only for the purpose of natural hazard mitigation works and is carried out solely by the Canterbury Regional Council, Timaru District Council, or an agent authorised on their behalf.~~ ~~Matters of control are restricted to:~~ ~~1. methods proposed to avoid or mitigate any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and~~ ~~2. any measures proposed to assist with the preservation, maintenance, restoration or enhancement of the natural character values of the area; and~~ ~~3. the extent to which alternative practicable options have been considered and their feasibility; and~~ ~~4. mitigation measures proposed to avoid or mitigate bank erosion; and~~ ~~Activity status when compliance not achieved with PER-2, PER-3, PER-4, PER-5, PER-6 or CON-1: Restricted Discretionary~~ ~~Matters of discretion are restricted to:~~ ~~1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and~~ ~~2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character~~

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

		~~values of the area, particularly in and along an HNWB; and~~ ~~3. the extent to which alternative practicable options have been considered and their feasibility; and~~ ~~4. the extent to which any restoration or enhancement of the natural character of the area is proposed; and~~ ~~5. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and~~ ~~6. whether there is a functional need for the activity to locate in a riparian margin.~~
~~**Riparian margins of an HNWB**~~	~~**Activity status: Discretionary**~~	~~**Activity status where compliance not achieved: Not applicable**~~
NATC-R2	**Vegetation planting**	
Riparian margins	**Activity status: Permitted** **Where:** **PER-1** The planting: 1. includes indigenous species only; and 2. is to restore or enhance the natural character or ecological values of the riparian margin; or **PER-2** The planting is within areas of cultivation that existed prior to 22 September 2022.	**Activity status when compliance not achieved with PER-1: Controlled** **CON-1** The vegetation planting is for the purposes of natural hazard mitigation works~~;~~ and is undertaken by (or on behalf of) a local authority only~~;~~ **Matters of control are restricted to:** 1. measures to minimise adverse effects on the overall natural character of an area by reference to the values listed in ~~Policy~~ NATC-P1; and 2. measures to restore or enhance the natural character of the area.
		Activity status when compliance not achieved with PER-2 or CON-1: Restricted Discretionary **Matters of discretion are restricted to:** 1. the type and extent of planting proposed and the impact of this on natural character values; and 2. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in ~~Policy~~ NATC-P1; and 3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in

		HNWB ~~high naturalness water bodies~~; and 4. the extent to which alternative practicable options have been considered and their feasibility; and 5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 6. whether there is a functional need, or in relation to infrastructure an operational need,[18] for the activity to locate in a riparian margin; and 7. any benefits that the activity provides to the local community and beyond.[19]
NATC-R3	**Earthworks**	
1. Riparian margins of a river that is not a~~n~~ High Naturalness Waterbody ~~B~~	**Activity status: Permitted** **Where:** **PER-1** The earthworks are required for the maintenance and repair of existing fences, tracks, roads, railways[20], stock water systems, irrigation systems[21] or natural hazard mitigation works; or ~~**PER-2**~~ ~~The earthworks are required to construct a new fence; or~~[22] **PER-3** The earthworks are required to construct a new track up to 3m in width; or	**Activity status when compliance not achieved: Controlled** **Where:** **CON-1** The earthworks are for the purposes of natural hazard mitigation works, and are undertaken by (or on behalf of) a local authority. **Matters of control are restricted to:** 1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures.

[18] Transpower [159.78]
[19] Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.
[20] KiwiRail [187.60]
[21] Rangitata Dairies [44.10], Connolly, S [136.2]
[22] Clause 16(2)

	PER-4 The earthworks are required for the operation, maintenance or repair of ~~the National Grid~~ regionally significant infrastructure; or.[2324] **PER-5** The earthworks are associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.[25] ***~~Advice Note~~*** This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry (NESCF).[26]	**Activity status when compliance not achieved with CON-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 5. whether there is a functional need, or in relation to infrastructure an operational need,[27] for the activity to locate in a riparian margin; and 6. the extent to which appropriate erosion and sediment control measures are to be implemented; and 7. any benefits that the activity provides to the local community and beyond;[28]and 8. where the building or structure is within a wai tapu overlay: a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and c. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and

[23] Evidence of Julia Crossman, paras 2.2 and 3.5
[24] Waka Kotahi [143.89]
[25] Te Kotare [115.30], Waipopo Huts [189.42]
[26] Port Blakely [94.10]
[27] Transpower [159.78]
[28] Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54

		d. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM ~~site or area of significance~~; and e. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and f. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: i. affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM ~~site/area~~; or iii. provide for the relationship of Kāti Huirapa with their taoka; or maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~ commensurate with the scale and nature of the proposal; g. where earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and h. in respect of network utilities, the extent to which the proposed utility has functional needs or operational needs for its location.[29]
2 Riparian margins of a~~n~~ High Naturalness Waterbody ~~B~~	**Activity status: Permitted** **Where:** **PER-1** The earthworks are required for the maintenance and repair of existing fences, tracks, roads, railways[30], stock water systems, irrigation systems[31] or natural hazard mitigation works; or **PER-2**	**Activity status when compliance not achieved: Controlled** **Where:** **CON-1** The earthworks are for the purposes of natural hazard mitigation works~~;~~, and are undertaken by (or on behalf of) a local authority. **Matters of control are restricted to:**

[29] Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E
[30] KiwiRail [187.60]
[31] Rangitata Dairies [44.10], Connolly, S [136.2]

	The earthworks are required for the operation, maintenance or repair of ~~National Grid~~ regionally significant infrastructure[32]. ***~~Advice Note~~*** This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the NESCF ~~National Environmental Standard for Commercial Forestry.~~[33]	1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in ~~Policy~~ NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures. **Activity status when compliance not achieved with CON-1: Discretionary**
NATC-R4	**Construction of fences**	
Riparian margins of a river that is not a~~n~~ High Naturalness Waterbody ~~B~~	**Activity status: Permitted** **Where:** **PER-1** The fence is a post and wire, or post and netting[34] fence only.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in ~~Policy~~ NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options and designs have been considered and their feasibility; and 4. whether there is a functional need for the fence to locate in a riparian margin.
Riparian margins of a~~n~~ High Naturalness Waterbody ~~B~~	**Activity status: Discretionary**	**Activity status whe~~re~~ compliance not achieved: Not applicable**
NATC-R5	**Buildings and structures excluding fences**	
Riparian margins of a river that is not a~~n~~ High Naturalness	**Activity status: ~~Restricted Discretionary~~ Permitted[35]** **Where:** **PER-1**	**Activity status when compliance not achieved: ~~Not applicable~~ Restricted Discretionary** **Matters of discretion are restricted to:**

[32] Clause 10(2)(b) relating to Waka Kotahi [143.87, 143.89], Transpower [159.75]
[33] Port Blakely [94.10]
[34] Speirs, B [66.24]
[35] Te Kotare [115.31] and Waipopo Huts [189.43]

Waterbody B	The building or structure is a replacement of, or expansion to, an existing building or structure, and the footprint of the building or structure does not increase by more than 50m^2 or 25% (whichever is the lesser) from that existing at [date rule becomes operative]. **Matters of discretion are restricted to:** 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and 3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and 4. the extent to which alternative practicable options have been considered and their feasibility; and 5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 6. whether there is a functional need for the activity to locate in a riparian margin.	1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and 3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and 4. the extent to which alternative practicable options have been considered and their feasibility; and 5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 6. whether there is a functional need, or in relation to infrastructure an operational need,[36] for the activity to locate in a riparian margin; and 7. any benefits that the activity provides to the local community and beyond; and[37] 8. where the building or structure is within a wai tapu overlay: a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and c. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and d. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM site or area of significance; and e. the appropriateness of any mitigation measures proposed,

[36] Transpower [159.78]
[37] Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54

		including the need for an accidental discovery protocol; and f. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: i.affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM ~~site/area~~; or iii. provide for the relationship of Kāti Huirapa with their taoka; or iv. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~ commensurate with the scale and nature of the proposal;[38] and g. in respect of network utilities, the extent to which the proposed utility has functional needs or operational needs for its location.[39]
Riparian margins of a~~n~~ High Naturalness Waterbody ~~B~~	**Activity status: Discretionary**	**Activity status when compliance not achieved: Not applicable**
NATC-R6	**Subdivision of land containing a riparian margin**	
All zones except the General Rural Zone and Rural Lifestyle Zone~~s~~	**Activity status: Discretionary**	**Activity status whe~~re~~ compliance not achieved: Not applicable**

[38] Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E
[39] Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54

NATURAL FEATURES AND LANDSCAPES

Introduction

The Natural Features and Landscapes Cchapter contains provisions that relate to the Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs), and Visual Amenity Landscapes (VALs), which are identified as overlays on the Pplanning Mmaps. The identification of these landscapes is in response to section 6(b) of the RMA, which requires ONFs outstanding natural features and ONLs landscapes to be protected from inappropriate subdivision, use and development, and to sections 7(c) and (f) of the RMA, which requires amenity values and the quality of the environment to be maintained and enhanced.

These overlays apply to areas which have been assessed and identified as having high levels of biophysical, sensory or associative landscape values, which makes them either outstanding (ONFs or ONLs) or deserving of identification as a VAL. These overlays also include land which provides habitat to indigenous flora or fauna, areas which have highly legible geological features, and sites that are of significance to mana whenua (SASM). The process supporting the identification of these overlays and the associated values is described in the Landscape and Coastal Natural Character Assessment, June 2020.

The District's ONLs are identified in SCHED8 — Schedule of outstanding natural landscapes and ONFs are identified in SCHED9 — Schedule of outstanding natural features which commonly have a high degree of naturalness. VALs are identified in SCHED10 — Schedule of visual amenity landscapes and tend to be more modified landscapes, with high aesthetic and scenic values.

The rules in this chapter set out how activities are managed in these overlays. The policies and matters of discretion provide direction on the criteria against which proposals requiring resource consent must be assessed. A non-complying activity status has been used where activities are not considered appropriate within these overlays, in particular where activities will have a significant impact on the identified values.

The rules within this chapter also apply to regionally significant infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure eChapter apply to the consideration of any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure.

Objectives	
NFL-O1	**Outstanding Natural Features and Outstanding Natural Landscapes**
The landscape values and characteristics[1] of the ONFs ~~Outstanding Natural Features~~ and ONLs ~~Outstanding Natural Landscapes~~ of the ~~Timaru~~ District are protected from inappropriate subdivision, use and development.	
NFL-O2	**Visual Amenity Landscapes**
The landscape values and characteristics ~~and visual amenity values~~[2] of the VALs ~~visual amenity landscapes~~ of the ~~Timaru~~ District are maintained or enhanced.	

Policies	
NFL-P1	**Identification of Outstanding Natural Features, Outstanding Natural Landscapes and Visual Amenity Landscapes**

[1] Clause 16(2)
[2] Te Rūnanga o Ngāi Tahu [185.81] - Statement of Rachael Pull, Appendix A

Identify the District's landscapes by:

1. assessing the values and characteristics of the District's landscapes according to the following criteria:
   a. biophysical (abiotic, biotic); and
   b. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and
   c. associative (shared and recognised values, mana whenua values, historic heritage associations); and
2. identifying landscapes, based on their values and characteristics, on the planning maps as ONFs, ONLs or VALs ~~Outstanding Natural Features, Outstanding Natural Landscapes or Visual Amenity Landscapes~~; and
3. describing the values and characteristics of each ONF, ONL or VAL ~~Outstanding Natural Feature, Outstanding Natural Landscape or Visual Amenity Landscapes~~ within SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features and SCHED10 – Schedule of Visual Amenity Landscapes.

NFL-P2	Enabling appropriate use and development

Enable certain activities in VALs, ONFs and ONLs ~~Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes~~, including buildings and structures associated with existing ~~non-intensive~~[3] primary production, small scale earthworks, maintenance of existing tracks and fences, operation and maintenance of regionally significant infrastructure,[4] and underground network utilities, that are consistent with:

1. protecting the identified values and characteristics of the ONLs ~~Outstanding Natural Landscapes~~ and ONFs ~~Outstanding Natural Features~~ described in SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features; and
2. maintaining or enhancing the identified values and characteristics of the VALs ~~Visual Amenity Landscapes~~ described in SCHED10 — Schedule of Visual Amenity Landscapes.

NFL-P3	Maintaining and enhancing Visual Amenity Landscapes

Only allow subdivision, use and development within VALs ~~visual amenity landscapes~~, that is not provided for[5] in NFL-P2, where it can be demonstrated[6]:

1. how the identified values and characteristics of the VALs ~~visual amenity landscapes~~ described in SCHED10 — Schedule of visual amenity landscapes will be maintained or enhanced; and
2. that the ~~capacity of the~~ landscape has the capacity to absorb the change; and
3. that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines; or

X. for ~~R~~regionally ~~S~~significant ~~I~~infrastructure, that adverse effects are managed in accordance with EI-P2 ~~Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~, or for the National Grid, EI-PX ~~Managing adverse effects of the National Grid~~[7];[8]

while taking into account:

4. the scale of modification to the landscape; and
5. any potential cumulative effects; and
6. the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping~~; and~~

~~7. EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~.[9]

[3] Federated Farmers [182.124]
[4] Waka Kotahi [143.90]
[5] Clause 16(2)
[6] Clause 16(2)
[7] Transpower [159.79]
[8] Transpower [159.79]
[9] Transpower [159.79]

NFL-P4	Protecting Outstanding Natural Features and Outstanding Natural Landscapes

Avoid subdivision, use and development within ONFs and ONLs ~~outstanding natural features and outstanding natural landscapes~~ that area~~a~~[10] not provided in NFL-P2, unless it:

1. demonstrates how the identified values and characteristics of the ONLs and ONFs ~~outstanding natural landscapes and outstanding natural features~~ described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features will be protected; and
2. is located within a part of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ that has capacity to absorb change; and
3. can be visually integrated into the landscape and will not break the skyline or ridgelines; and
4. will maintain natural landforms, natural processes and vegetation areas and patterns, or

X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX ~~Managing adverse effects of the National Grid~~"[11,12]

while taking into account:

5. the scale of modification to the landscape; and
6. any potential cumulative effects; and
7. the measures proposed to mitigate the effects on the values and characteristics, including:
    a. the location, design and scale of any buildings or structures, or earthworks; and
    b. the intensity of any activity; and
    c. the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing~~; and~~
    ~~d. EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~.

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.*

[10] Dir. General Conservation [166.60]
[11] Transpower [159.79]
[12] Waka Kotahi [143.91], Transpower [159.80]

NFL-R1	Buildings, structures (other than fences) and irrigators and associated earthworks	
1. Outstanding Natural Features ~~ONF~~ O~~o~~verlay **Outstanding Natural Landscapes O~~o~~verlay**	**Activity status: Permitted** **Where:** **PER-1** The building or structure is either: 1. a farm building or structure associated with an existing ~~non-intensive~~ primary production activity[13], including residential units permitted in the applicable zones, and including earthworks associated with the building/structure; or 2. a public amenity building, including earthworks associated the building; or **PER-2** The structure is an irrigator that is not a travelling, mobile or pivot irrigator; and ~~**PER-3**~~ ~~The activity does not require the clearance of any indigenous vegetation.~~[14] **PER-4** NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with. This rule does not apply to temporary buildings and structures within the beds of rivers.[15]	**Activity status when compliance not achieved with ~~either of~~ PER-1 or PER-2 ~~or PER-3~~[16]: Restricted Discretionary** **Where:** **RDIS-1** The activity is located within PREC4 - ~~h~~Holiday ~~h~~Huts ~~p~~Precinct; or **RDIS-2** The structure is an[17] irrigator; or. **RDIS-3** The building or structure does not comply with NFL-S2.1.3, but is not located at any point above 900m above sea level. **For RDIS-1, matters of discretion are ~~limited~~ restricted to:** 1. the scale, design and form of the building or structure; and 2. the consistency of the building or~~f~~ the structure with the character and qualities of the PREC4 - Holiday ~~h~~Holiday ~~h~~Huts ~~p~~Precinct~~,~~; and 3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 4. the extent to which the proposal will result in potential for adverse cumulative effects; and 5. the extent the proposal is consistent with maintaining the qualities of the ONF or ONL ~~Outstanding Natural Feature or Outstanding Natural Landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and 6. any mitigation measures proposed. **For RDIS-2, matters of discretion are ~~limited~~ restricted to:**

[13] Federated Farmers [182.127]
[14] Federated Farmers [182.127]
[15] Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[16] Federated Farmers [182.127]
[17] Clause 16(2)

		1. the extent the proposal is consistent with maintaining the qualities of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and 2. any alternative options or locations available; and 3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 4. the extent to which the proposal will result in potential for adverse cumulative effects; and 5. the extent to which the proposal has functional needs or operational needs for its location; and 6. any mitigation measures proposed. **For RDIS-3, matters of discretion are ~~limited~~ restricted to:** 1. the extent the proposal is consistent with maintaining the qualities of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and 4. any alternative options or locations available; and 5. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 6. the extent to which the proposal will result in potential for adverse cumulative effects; and 7. the extent to which the proposal has functional needs or operational needs for its location; and 8. any mitigation measures proposed.

		Activity status when compliance not achieved with PER-4, ~~or neither~~ RDIS-1, ~~or~~ RDIS-2 or RDIS-3: Non-complying
2. Visual Amenity Landscape Oe~~o~~verlay ~~but~~ excludinge[18] the area of *VAL-3 Geraldine Downs* that is within the Rural ~~l~~Lifestyle ~~z~~Zone	**Activity status: Permitted** **Where:** **PER-1** The building or structure is either: 1. a farm building/structure/irrigator associated with an existing ~~non-intensive~~ primary production activity[19], including residential units, and including earthworks under the building/structure; or 2. a public amenity building, including earthworks under the building; and **PER-2** NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with. This rule does not apply to temporary buildings and structures within the beds of rivers.[20]	**Activity status when compliance is not achieved with PER-2: Restricted Discretionary** **Matters of discretion are limited to:** 1. the matters of discretion of any infringed standard. **Activity status when compliance is not achieved with PER-1: Discretionary**
3. The area of *VAL-3 Geraldine Downs* that is within the Rural ~~l~~Lifestyle ~~z~~Zone	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with. **Matters of discretion are limited to:** 1. effects on the identified values and characteristics for the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 2. any alternative locations or controls available; and 3. the matters of discretion of any relevant standard; and 4. any mitigation measures proposed.	**Activity status when compliance is not achieved with RDIS-1: Restricted Discretionary** **Matters of discretion are limited to:** 1. the matters of discretion of any infringed standard; and 2. matters of discretion listed for RDIS-1.

[18] Clause 16(2)
[19] Federated Farmers [182.127]
[20] Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

	This rule does not apply to temporary buildings and structures within the beds of rivers.[21]	
NFL-R2	**Earthworks not listed in NFL-R1, NFL-R3 or NFL-R4**	
1. Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	**Activity status: Permitted** **Where:** **PER-1** The earthworks are for the purpose of maintenance and repair of any of the following: 1. existing fencing; or 2. existing farm tracks; or 3. existing walking/cycling tracks; or 4. existing roads; or 5. existing reticulated stock water systems including water troughs; or 6. existing natural hazard mitigation works; or ~~7. existing rock weirs; or~~ **PER-2** The earthworks are for the purpose of sealing existing roads; and **PER-3** NFL-S6 is complied with. This rule does not apply to earthworks within the beds of rivers.[22]	**Activity status when compliance not achieved: Discretionary** ***Note:** Where the earthworks are also located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.*[23]
2. Visual Amenity Landscape Overlay	**Activity status: Permitted** **Where:** **PER-1** The earthworks are for the purpose of maintenance and repair of any of the following: 1. existing fencing; or 2. existing farm tracks; or 3. existing walking/cycling tracks; or 4. existing roads; or 5. existing reticulated stock water systems including troughs; or	**Activity status when compliance is not achieved with PER-3: Restricted Discretionary** **Matters of discretion are limited to:** 1. the matters of discretion of any infringed standard. **Activity status when compliance is not achieved with either PER-1 or PER-2: Discretionary** ***Note:** Where the earthworks are also located within the wāhi tūpuna overlay, engagement with Te Rūnanga o*

[21] Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[22] Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[23] Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

	6. existing natural hazard mitigation works; or **PER-2** The earthworks are for the purpose of sealing existing roads; and **PER-3** NFL-S6 is complied with. This rule does not apply to earthworks within the beds of rivers.[24]	*Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.*[25]
NFL-R3	**Network utilities including associated earthworks**	
1. **Outstanding Natural Features Overlay** **Outstanding Natural Landscapes Overlay** **~~VAL overlay~~**[26]	**Activity status: Permitted** **Where:** **PER-1** The work involves the maintenance, upgrading or removal of existing network utilities; or **PER-2** The installation of new or upgrading of underground network utilities where~~:~~ ~~1. within the ONF and ONL overlays,~~ the installation does not include more than 1,000m^2 of temporary trenching/earthworks~~; and~~ ; or ~~2. within the VAL overlay, the installation does not include more than 1,500m^2 of temporary trenching / earthworks in any 12-month period~~; ~~and~~ or ~~3. the installation does not require the clearance of any indigenous vegetation.~~ [27] **PER-3** Telecommunications activities which are located within a formed road reserve, where: 1. the height of any pole does not exceed 8m; and 2. any panel antenna is no higher than 3.5m above the height of the pole; and	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground network utility line and support structure; and 2. the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and 3. effects on landscape values, and qualities of the ~~visual amenity landscape,~~ ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes or~~,~~ SCHED9 — Schedule of outstanding natural features ~~or SCHED10 — Schedule of visual amenity landscapes~~; and 4. alternative location and/or routes and designs available; and 5. any operational needs or functional needs or constraints; and 6. the benefits that the network utility provides to the local community and beyond; and 7. ~~M~~mitigation measures.

[24] Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[25] Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E
[26] Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25.
[27] Clause 10(2)(b) relating to Federated Farmers [182.127]

	3. NFL-S5 is complied with.[28] PER-2 of this rule does not apply to network utilities within the beds of rivers.[29]	
2. **Visual Amenity Landscape Overlay**	**Activity status: Permitted** **Where:** **PER-1** The work involves the maintenance, upgrading or removal of existing network utilities; or **PER-2** The installation of new or upgrading of underground network utilities where the installation does not include more than 1,500m^2 of temporary trenching/earthworks in any 12-month period; or **PER-3** Telecommunications activities, where: 1. the height of any pole and attached antenna (excluding lightning rods or GPS antenna) does not exceed 13m in any Rural Lifestyle Zone or 20m in any General Rural Zone; and 2. the diameter of the pole and all attachments does not exceed 1m; and 3. NFL-S5 is complied with.[30] PER-2 of this rule does not apply to network utilities within the beds of rivers.[31]	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground network utility line and support structure; and 2. the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and 3. effects on landscape values, and qualities of the VAL ~~visual amenity landscape~~ as described in SCHED10 — Schedule of visual amenity landscapes; and 4. alternative location and/or routes and designs available; and 5. any operational needs or functional needs or constraints; and 6. the benefits that the network utility provides to the local community and beyond; and 7. ~~M~~mitigation measures.
NFL-R4	**Construction of fences, including earthworks**	
Outstanding Natural Features Overlay **Outstanding Natural**	**Activity status: Permitted** **Where:** **PER-1** The fence is a post and wire, or post and netting[32] fence; and	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard; and 2. effects on landscape values, and qualities of the VAL, ONF or ONL

[28] Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75]
[29] Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[30] Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25
[31] Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]
[32] Zolve [164.5], Federated Farmers [182.130]

Landscapes Ooverlay **Visual Amenity Landscape Ooverlay**	~~**PER-2**~~ ~~There is no clearance of indigenous vegetation associated with the construction of the fence; and~~[33] **PER-3** NFL-S6 is complied with.	~~visual amenity landscape, outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features or SCHED10 — Schedule of visual amenity landscapes; and 3. alternative designs, options or locations available; and 4. any mitigation measures.
NFL-R5	**Tree planting, other than plantation forestry**	
1. Outstanding Natural Features Ooverlay **Outstanding Natural Landscapes Ooverlay**	**Activity status: Permitted** **Where:** **PER-1** The tree planting is for amenity planting and is located within 100m of an existing residential unit; or **PER-2** The tree planting is of indigenous species and for restoration or conservation purposes.	**Activity status when compliance not achieved: Controlled**[34] **Where:** **CON-1** The tree planting is for a shelterbelt within ONL-1 (Upper Rangitata Catchment) and is located below 500m above sea level. **Matters of control are restricted to:** 1. effects on landscape values, and qualities of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 – Schedule of outstanding natural landscapes, SCHED9 – Schedule of outstanding natural features; and 2. measures proposed to control any potential wilding spread. **Activity status whenre~~re~~ compliance not achieved with CON-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. effects on landscape values, and qualities of the ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features; and 2. alternative planting options and locations available.

[33] Clause 10(2)(b) relating to Federated Farmers [182.127]
[34] Federated Farmers [182.131]

2. Visual Amenity Landscape Overlay	**Activity status: Permitted** **Where:** **PER-1** The tree planting is for amenity planting and is located within 100m of an existing residential unit; or **PER-2** The tree planting is of indigenous species and for restoration or conservation purposes.	**Activity status when compliance not achieved: Controlled** **Where:** **CON-1** The tree planting is for erosion control or shelterbelts. **Matters of control are restricted to:** 1. effects on landscape values, and qualities of the VAL ~~visual amenity landscape~~ as described in SCHED10 — Schedule of Visual Amenity Landscapes; and 2. alternatives locations or species available.
		Activity status when compliance not achieved with CON-1: Restricted Discretionary **Matters of discretion restricted to:** 1. effects on landscape values, and qualities of the VAL ~~visual amenity landscape~~, as described in SCHED10 — Schedule of Visual Amenity Landscapes; and 2. alternative planting options and locations available.
NFL-R6	**Primary production not otherwise listed in ~~the Rules section of~~ this chapter**	
1. ~~ONF overlay~~[35] **Outstanding Natural Landscapes Overlay**	***Note:*** *Associated buildings and structures are provided in NFL-R1.* **Activity status: Permitted** **Where:** **PER-1** ~~The activity does not require the clearance of any indigenous vegetation.~~[36] **~~PER-2~~** The activity does not introduce any: 1. new areas of irrigation beyond those existing as of 22 September 2022~~.~~; and/or	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. ~~T~~the effects on landscape values, and qualities of ~~the visual amenity landscape,~~[37] ONF or ONL ~~outstanding natural feature or outstanding natural landscape~~ as described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features; and 2. any mitigation measures.

[35] Federated Farmers [182.132]
[36] Clause 10(2)(b) relating to Federated Farmers [182.127]
[37] Clause 16(2)

	2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022.	~~**Activity status when compliance not achieved with PER-2: Non-complying**~~
2. Outstanding Natural Features Overlay[38]	***Note:*** *Associated buildings and structures are provided in NFL-R1.* **Activity status: Permitted** **Where:** **PER-1** The activity does not introduce any: 1. new areas of irrigation beyond those existing as of 22 September 2022, and/or 2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022	**Activity status when ~~n~~re compliance not achieved with PER-1: Non-complying**
NFL-R7	**Afforestation**	
1. Visual Amenity Landscape Overlay	**Activity status: Controlled** **Matters of control are restricted to:** 1. the effects on visual amenity ~~landscape~~ values~~, and qualities~~ of the VAL ~~Visual Amenity Landscape~~ described in SCHED10 — Schedule of visual amenity landscapes, including any future effects from plantation forestry activities~~; and~~ 2. ~~the location and extent of the afforestation; and~~ 3. ~~any mitigation measures~~.[39]	**Activity status when compliance not achieved: Not applicable**
2. Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	**Activity status: Non-complying**	**Activity ~~S~~status when compliance not achieved: Not applicable**

[38] Federated Farmers [182.132]
[39] Port Blakely [94.11]

~~NFL-R8~~	~~New roads, farm tracks and walking and cycling tracks~~	
~~ONF overlay~~ ~~ONL overlay~~ ~~VAL overlay~~	~~Activity status: Restricted Discretionary~~ ~~Matters of discretion are restricted to:~~ ~~1. effects on landscape values, and qualities of the Visual Amenity Landscape, Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of Outstanding Natural Features or SCHED10 — Schedule of visual amenity landscapes; and~~ ~~2. alternative routes and designs available; and~~ ~~3. any mitigation measures.~~[40]	~~Activity status when compliance not achieved: Not applicable~~
NFL-R9	**Subdivision (excluding boundary adjustments)**[41]	
Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay** **Visual Amenity Landscape Overlay**	**Activity status: Discretionary**	**Activity status when compliance not achieved: Not applicable**
NFL-R10	**Mining and quarrying**	
Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	**Activity status: Non-complying** This rule does not apply to mining and quarrying within the beds of rivers.[42] ***Note:*** *Where the mining or quarrying is located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to*	**Activity status when compliance not achieved: Not applicable**

[40] Rooney Holdings [174.38], Federated Farmers [182.133], Rooney, GJH [191.38], Rooney Group [249.38], Rooney Farms [250.38], Rooney Earthmoving [251.38], TDL [252.38]
[41] Rooney Holdings [174.39], Rooney, GJH [191.39], Rooney Group [249.39], Rooney Farms [250.39], Rooney Earthmoving [251.39], TDL [252.39] - Evidence of Nathan Hole, paras 49 - 52
[42] Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

Visual Amenity Landscape Overlay	*understand the effects of the activity on the identified values of the SASM ~~site or area~~.*[43]	

Standards

NFL-S1	Maximum height	
1. Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	The maximum height of buildings and structures, above ground level shall be 5m.	**Matters of discretion are restricted to:** **Not applicable**
2. Visual Amenity Landscape Overlay	The maximum height of buildings and structures, above ground level shall be: 1. 8m for farm buildings and structures; or 2. 8m for any residential unit in VAL-3 Geraldine Downs; or 3. 5m for any other building or structure.	**Matters of discretion are restricted to:** 1. whether the proposal is consistent with maintaining or enhancing the qualities of the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, and design proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional needs or operational needs for its height; and 7. any mitigation measures.
NFL-S2	**Location of buildings, structures and irrigators**	
1. Outstanding Natural Features Overlay **Outstanding Natural**	Buildings and structures within ONF and ONL Overlay shall not be located: 1. within a 20m vertical or 100m horizontal distance of any ridgeline; or 2. for structures, at any point above 900m above sea level; or 3. for buildings, at any point above 500m above sea level[44].	**Matters of discretion are restricted to:** **Not applicable**

[43] Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E
[44] Frank, H [90.16]

Landscapes Overlay		
2. Visual Amenity Landscape Overlay	Buildings, structures and irrigators within a VAL shall not be located: 1. within a 20m vertical or 100m horizontal distance of any ridgeline; or 2. at any point above 900m above sea level.	**Matters of discretion are restricted to:** 1. whether the proposal is consistent with maintaining or enhancing the qualities of the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional needs or operational needs for its location; any 7. mitigation measures.
NFL-S3	**Proximity of new residential units, farm buildings and structures to existing buildings**	
1. Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	New residential units, farm buildings and structures must be located within 50m of an existing farm building or residential unit.	**Matters of discretion are restricted to:** **Not applicable**
2. Visual Amenity Landscape Overlay	New residential units, farm buildings and structures must be located within 100m of an existing farm building or residential unit.	**Matters of discretion are restricted to:** 1. whether the proposal is consistent with maintaining or enhancing the qualities of the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and

		3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional needs or operational needs for its location; and 7. any mitigation measures.
NFL-S4	**Footprint of buildings and structures and length of irrigators**	
1. Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	1. The maximum footprint of any building or structure shall be: a. 40m^2 for public amenity buildings; b. 300m^2 for farm buildings or residential units; and c. 100m^2 for any other building or structure.	**Matters of discretion are restricted to:** **Not applicable**
2. Visual Amenity Landscape Overlay	1. The maximum footprint of any building or structure shall be: a. 40m^2 for public amenity buildings; and b. 500m^2 for farm buildings or residential units; and c. 200m^2 for any other building or structure.	**Matters of discretion are restricted to:** 1. whether the proposal is consistent with maintaining or enhancing the qualities of the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form and design proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional needs or operational needs for its scale; and 7. any mitigation measures.
NFL-S5	**Colours and materials**	
1. Outstanding Natural Features Overlay	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%.	**Matters of discretion are restricted to:** **Not applicable**

Outstanding Natural Landscapes Overlay		
2. Visual Amenity Landscape Overlay	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%, except that this standard shall not apply to any farm buildings and structures using unpainted corrugated iron.[45]	**Matters of discretion are restricted to:** 1. whether the proposal is consistent with maintaining or enhancing the qualities of the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the finish (materials and colours) proposed.
NFL-S6	**Earthworks**	
1. Outstanding Natural Features Overlay **Outstanding Natural Landscapes Overlay**	Earthworks shall comply with all of the following: 1. the depth of the earthworks shall not exceed ~~1~~2[46]m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,000m^2 in any 12 month period.	**Matters of discretion are restricted to:** **Not applicable**
2. Visual Amenity Landscape Overlay	Earthworks shall comply with ~~all of~~ the following: 1. the depth of the earthworks shall not exceed ~~1~~2[47]m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,500m^2; in any 12 month period and 4. there shall be no change from unsealed surfacing of roads and tracks to sealed surfaces.	**Matters of discretion are restricted to:** 1. the location, design, scale, timing and nature of any earthworks; and 2. the visibility of the earthworks on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 3. whether the proposal is consistent with maintaining the qualities of the VAL ~~visual amenity landscape~~ described in SCHED10 — Schedule of visual amenity landscapes; and 4. any alternative options or locations available; and 5. the any proposed mitigation measures.

[45] Rooney Holdings [174.42], Rooney, GJH [191.42], Rooney Group [249.42], Rooney Farms [250.42], Rooney Earthmoving [251.42], TDL [252.42]
[46] TDC [42.36]
[47] Clause 10(2)(b) relating to TDC [42.36]

PUBLIC ACCESS

Introduction

This chapter sets out the circumstances and places where Council will seek to require or encourage the provision of public access to and along the District's ~~coastal marine area~~ CMA and margins of specified wetlands and rivers. The maintenance and enhancement of public access to and along the CMA ~~coastal marine area~~ and margins of wetlands, lakes and rivers is identified as a matter of national importance by the RMA. Providing public access enables leisure, recreation activities and conservation activities to occur and also allows people to enjoy the natural character and intrinsic qualities of these areas. Public access to these areas is also highly important to Māori. The objectives and policies in this chapter also apply to subdivision that results in the creation of esplanade reserves and esplanade strips that are for the purpose of providing public access. Council has identified in SCHED11 — Schedule of Public Access Provisions ~~that identifies~~ parts of the CMA ~~coastal marine area~~ and margins of specified wetlands and rivers where public access should be provided.

Advisory note:

It should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.[1]

Objective

PA-O1	Public access
Public access to and along the CMA ~~coastal marine area~~ and the margins of identified wetlands and rivers is maintained and enhanced, and only restricted where ~~desirable~~ appropriate[2].	

Policies

PA-P1	Benefits of public access

Recognise the benefits of providing public access to and along the CMA ~~coastal marine area~~ and the margins of wetlands and rivers identified SCHED11 — Schedule of Public Access Provisions and the planning maps, including:

1. providing for the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu and toaka, including for mahika kai; and
2. providing public access to enable leisure, recreation activity, conservation activity and enjoyment of the natural character and intrinsic qualities of these areas.

PA-P2	Requirements for public access

Require public access to be provided to and along the CMA ~~coastal marine area~~ and the margins of wetlands and rivers as identified in SCHED11 — Schedule of Public Access Provisions and planning maps where:

1. there is benefit in providing public access as outlined in PA-P1; or
2. it would
    a. enable the creation of new public walking or cycling tracks; or
    b. extend existing public walking or cycling tracks; or
    c. improve connections between existing/proposed public walking or cycling tracks; or
3. it would improve connections to and between public spaces; and
4. the site or development is large enough to adequately accommodate public access without significantly constraining the site's development potential; and
5. enabling public access would not significantly constrain the operation of legally established

[1] McArthur, K J [113.12]
[2] OWL [181.66]

activities occurring on the site; and
6. there are no significant public safety risks created by the public access; and
7. there is no existing suitable public access points in the vicinity of the site, or the development will place additional demands for public access that is not capable of being met by any existing public access in the vicinity of the site; and
8. Council has budget to compensate the landowner for the public access strip.

PA-P3	Design and construction of public access

Ensure that all public access routes are designed in accordance with Council standards for recreational areas.

PA-P4	Limiting public access

Only allow an exemption for the requirement to provide public access or limiting an existing public access, on a temporary or permanent basis, for one or more of the following reasons:
1. in order to protect:
   a. sensitive indigenous species and their habitats; or
   b. sites and activities of cultural value to mana whenua; or
   c. historic heritage; or
   d. public health or safety; or
   e. the natural character values of the CMA ~~coastal marine area~~, wetland or rivers; or
   f. the stability, performance, maintenance and operation of regionally significant infrastructure; or
   g. the natural buffers to coastal erosion or river flooding; or
   h. dunes and estuaries and other sensitive natural areas; or[3]
2. in order to enable temporary activities including temporary events.

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.*

PA-R1	Any new land use, subdivision or development	
All sites overlaid or adjoining waterways identified in the Public Access Provision Overlay	**Activity status: Permitted** **Where:** **PER-1** The activity is located in the General Residential Zone and includes the creation of five or less residential units and/or residential allotments, and does not require a discretionary or non-complying activity resource consent in any other chapters of the District Plan; or **PER-2** The activity is located in the General	**Activity status when~~re~~ compliance not achieved: Controlled ~~Activity~~** **Where:** **CON-1** 1. Public access is proposed in accordance with the Public Access Provision Overlay identified on the planning maps and ~~26187,~~ SCHED11 - Schedule of public access provisions. **Matters of control are restricted to:** 1. the purpose of the public access; and 2. the location, design and width of the

[3] Dir. General Conservation [166.78]

	Industrial Zone and is on a site that is less than 5,000m^2 and does not require a discretionary or non-complying activity resource consent in any other chapters of the District Plan~~,~~; or **PER-~~2~~3**[4] The activity is located in other zones and does not require a discretionary or non-complying activity resource consent in any other chapters of the District Plan~~,~~; or **PER-4** The site has previously obtained resource consent under this rule.[5]	proposed public access having regard to Council's public access standards for recreation areas and the need to protect the matters listed under PA-P4.1; and 3. measures to ensure the health and safety of users of the proposed public access; and 4. measures to ensure security of private land from users of the proposed public access; and 5. any necessary restrictions on public access having regard to ~~policy~~ PA-P4; and 6. the legal instrument to ensure public access and the details of that instrument. **Activity status whenre~~re~~ compliance not achieved with CON-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. whether public access should be provided or not, having regard to: a. the benefits of public access as outlined in PA-P1; and b. whether a significant public safety risk is created as a result of the public access; and c. whether there is any existing public access~~es~~ in the vicinity of the site and the suitability of that~~ese~~ access~~es~~ to provide public access~~es~~ now and in the future; and d. whether the development will place additional demand~~s~~ for public access that is not capable of being met by any existing public access in the vicinity of the site; and e. whether the site or development is large enough to adequately accommodate public access without significantly constraining the site's development potential; and f. whether enabling public access would significantly constrain the operation of legally established activities occurring on the site; and g. whether Council has budget to

[4] Clause 16(2)
[5] Silver Fern Farms [172.68] and Alliance Group [173.72]

		compensate the landowner for the public access strip~~.~~: and 2. ~~I~~if public access is required, the matters listed for control under CON-1.

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

~~VERSATILE SOIL~~ HIGHLY PRODUCTIVE LAND

Introduction

~~Versatile soils are~~ Highly productive land is[1] an important natural resource within the District. Sustainable management under the RMA includes managing the use, development, and protection of natural resources in a way that sustains the potential of these resources to meet the needs of future generations and safeguards the life-supporting capacity of soil.

This chapter provides provisions for managing subdivision, land use and development within the areas of the ~~d~~District that meet the definition of highly productive land[2] ~~Versatile Soils Overlay~~, to ensure that the ongoing ability to use the land productively for land based[3] primary production (~~except intensive primary production~~)[4] is not compromised. ~~The focus within this chapter is on non-intensive primary production, as intensive primary production activities may compromise the productive potential of the soil.~~[5]

Objectives	
HPL~~VS~~-O1	**Protection of ~~versatile soils~~ highly productive land** [6]
~~Versatile soils~~ Highly productive land[7] remains[8] available for ~~non-intensive~~ land-based[9] primary production and ~~are~~ is[10] protected from inappropriate subdivision, use and development.	
Policies	
HPL~~VS~~ -P1	**Identification of ~~versatile soils~~ highly productive land**
~~Identify~~ Recognise land in the General Rural Zone ~~and the Rural Lifestyle Zone classified as Class 1 or 2 under the land use capability classification system as versatile soil~~ as highly productive land if it meets the definition of highly productive land.[11]	
HPL~~VS~~ -P2	**Maintaining availability of ~~versatile soils~~ highly productive land**
Maintain the availability of highly productive land ~~versatile soils~~ for ~~non-intensive~~ land-based[12] primary production ~~within the Versatile Soils Overlay~~[13] by: 1. limiting areas covered by buildings or other impervious surfaces; and 2. encouraging opportunities that maintain or increase the productive capacity of highly productive land, such as[14] land use practices that reduce the potential for erosion; and 3. requiring earthworks be undertaken in a manner that restores the productive[15] properties of the soil to the levels they were prior to the earthworks being undertaken; and	

[1] Hort NZ [245.62]
[2] Hort NZ [245.62]
[3] NZ Pork [247.10]
[4] NZ Pork [247.10]
[5] NZ Pork [247.10]
[6] Hort NZ [245.62]
[7] Hort NZ [245.62]
[8] Consequential amendment to Hort NZ [245.62]
[9] NZ Pork [247.11] and Silver Fern Farms [172.69]
[10] Consequential amendment to Hort NZ [245.62]
[11] Hort NZ [245.62]
[12] NZ Pork [247.11] and Silver Fern Farms [172.69]
[13] Hort NZ [245.62]
[14] Fonterra [165.80]
[15] Silver Fern Farms [172.71]

~~4.~~ ensuring any subdivision results in allotment sizes which retain the productive capacity for ~~non-intensive~~ land-based[16] primary production; and

~~5. only allowing activities that foreclose the ability to use versatile soils for non-intensive primary production where:~~

~~a. the activity is necessary to support non-intensive primary production; or~~

~~b. or~~

~~c. it is provided for by VS-P3~~

5. prioritising the use of highly productive land for land-based primary production over other uses; and[17]

6. avoiding inappropriate subdivision, use and development of highly productive land, except as provided for by the National Policy Statement for Highly Productive Land 2022 (NPSHPL).[18]

HPL~~VS~~ -P3	Expansion of urban areas

Avoid the expansion of urban areas into areas of *highly productive land* ~~the Versatile Soils Overlay~~ unless ~~a it is demonstrated through a Future Development Area plan process that~~:

~~1. there is a shortage of capacity within existing urban area to meet projected demand; and~~

~~2. the irreversible loss of versatile soils for non-intensive primary production is outweighed by the wider public benefits of the proposal; and~~

~~3. alternative locations and options, including intensification of existing urban areas, to meet the required demand, are less feasible.~~

1. the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the ~~d~~District; and
2. there are no other reasonably practicable and feasible options for providing the required development capacity; and
3. the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of *highly productive land* for land-based primary production, taking into account both tangible and intangible values; and
4. the spatial extent of any urban zone covering *highly productive land* is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.[19]

HPL~~VS~~ -P4	Rural Lifestyle Zone expansion

Avoid the expansion of the Rural Lifestyle Zone into ~~the Versatile Soils Overlay~~ areas of *highly productive land*.[20]

HPL~~VS~~ -P5	Existing activities

Enable the maintenance, operation or upgrade of ~~any~~ existing activities~~y~~ on *highly productive land*, while minimising the loss of *highly productive land*.[21]

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*

[16] NZ Pork [247.11] and Silver Fern Farms [172.69]
[17] Fonterra [165.80]
[18] Fonterra [165.80]
[19] Fonterra [165.80]
[20] Hort NZ [245.62]
[21] Hort NZ [245.62]

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.

HPL~~VS~~ - R1	Buildings and impervious surfaces	
Highly Productive Land ~~Versatile Soil Overlay~~[22]	**Activity status: Permitted** **Where:** **PER-1** The maximum area covered by buildings and impervious surfaces must not exceed 10% of that portion of the site ~~within the~~ defined as highly productive land ~~overlay~~ or 2,000m^2 ~~within the overlay~~, whichever is the lesser. Except this does not apply to buildings and impervious surfaces for the widening or upgrading (including sealing) of an existing road within a ~~the existing~~ road reserve.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent to which the buildings or impervious surfaces are necessary to support ~~non-intensive~~ land-based[23] primary production~~.~~; and 2. the extent to which alternate locations outside the ~~Versatile soil~~ highly productive land[24] ~~overly~~ are available on the site and have been considered~~.~~; and 3. the extent to which the activity will result in adverse effects on the versatility of the soils which are irreversible~~.~~; and 4. the extent to which the buildings or impervious surfaces will achieve the requirements of the NPSHPL.[25]

[22] Hort NZ [245.62]
[23] Hort NZ [245.62]
[24] Hort NZ [245.62]
[25] Fonterra [165.80]

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

SUBDIVISION

Introduction

Subdivision is the process of dividing a site or building into one or more additional legal allotments or changing the location of the existing legal boundaries. Subdivision design influences future patterns of land use and can have a significant impact on the character of the environment and associated amenity values. It enables the intensification of land uses that in turn increases the level of activity, density of built form, traffic generation and demand on infrastructure services. It is important that the design of a subdivision:

- provides allotments that are an appropriate size and shape to accommodate the anticipated land uses;
- appropriately responds to any important natural, physical, cultural, historical or ecological features, values or constraints within or adjoining the site;
- appropriately responds to any potential impacts on infrastructure and risks from natural hazards;
- provides appropriate legal and physical access;
- provides appropriate connections to transport infrastructure and network utility services; and
- integrates with surrounding neighbourhoods.

The subdivision process also provides for the creation of esplanade reserves or esplanade strips adjacent to the coast and rivers to enable public access, recreation or the management of conservation values.

This chapter contains objectives, policies and rules for subdivision. The following chapters also contain rules that relate to subdivision:

- ~~Coastal Environment~~
- ~~Drinking Water Protection~~
- ~~Ecosystems and indigenous biodiversity~~
- ~~Energy and Infrastructures~~[1]
- Financial contributions
- ~~Historic Heritage~~
- ~~Natural Hazards~~[2]
- Noise
- Public Access
- ~~Sites and Areas Significant to Māori~~
- ~~Versatile Soils~~[3]
- Future Development Area; and
- Development Area

Other district-wide chapters may also contain provisions that are relevant to subdivision, for example, the Earthworks Chapter contains rules that will require consent for earthworks associated with subdivision.

The Future Development Area~~s~~ ~~e~~Chapter and its associated overlay indicates the locations for future growth and when that growth can occur. The ~~D~~development ~~A~~area chapters state~~s~~ requirements for new subdivision and development to ensure the areas ~~is~~ are ~~development~~ developed[4] appropriately.

[1] Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]
[2] Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]
[3] Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]
[4] Clause 16(2), Schedule 1 of the RMA

Objectives

SUB-O1 General subdivision design

New subdivisions will:

1. accord with the purpose, character and qualities of the zone; and
2. respond positively to the physical and associative[5] characteristics of the site and its context; and
3. maintain and enhance~~s~~[6] amenity values and the quality of the environment; and[7]
4. be accessible, connected and integrated with surrounding neighbourhoods; and
5. protect ~~significant~~ identified[8] natural and cultural values; and
6. respond appropriately to natural hazards, risks and site constraints; and
7. have infrastructure and facilities appropriate for the intended use; and
8. avoid where possible, and otherwise remedy or mitigate ~~have minimal~~[9] adverse effects on regionally[10] significant infrastructure or ~~intensive~~[11] primary production; and
9. provide for the health, wellbeing and safety of people; and[12]
10. not intentionally prevent, hinder or limit the use or[13] development of adjoining or adjacent land, including by way of reverse sensitivity effects[14].

SUB-O2 Infrastructure

Infrastructure required to serve subdivision is provided in an integrated, efficient and co-ordinated manner.

SUB-O3 Rural subdivision

Subdivision in the rural zones will:

1. ~~minimise~~ avoid[15] the fragmentation of productive land in the General Rural Zone; and
2. maintain the low~~-~~density open character of the General Rural Zone; and
3. maintain a contrast between the rural environment and adjoining urban, Rural Lifestyle Zone and Settlement Z~~z~~one~~s~~; and
4. avoid where possible, and otherwise[16] minimise reverse sensitivity effects on ~~intensive~~[17] primary production.

SUB-O4 Residential subdivision

Subdivision in residential zones will:

1. respond positively to the site's and area's[18] natural and physical features that provide amenity and contribute to local character and sense of place; and
2. ensure safe, connected, and accessible neighbourhoods; and
3. provide for consolidation of residential zones outside of the Gleniti Low Density Residential Specific Control Area~~s~~ and PREC1 - Old North General Residential Precinct; and
4. provide appropriate levels of accessible, well-designed[19] open space.

[5] TRoNT [185.58]
[6] Clause 16(2), Schedule 1 of the RMA
[7] Clause 16(2), Schedule 1 of the RMA
[8] TRoNT [185.58]
[9] Clause 10(2)(b), Schedule 1 of the RMA relying on Fonterra [165.83], Hort NZ [245.65], NZPIB [247.15]
[10] Clause 16(2), Schedule 1 of the RMA
[11] Clause 10(2)(b), Schedule 1 of the RMA relying on Fonterra [165.83], Road Metals [169.30], FH [170.30], Hort NZ [245.65]
[12] Clause 16(2), Schedule 1 of the RMA
[13] Fonterra [165.82]
[14] Fonterra [165.82]
[15] NZPIB [247.15]
[16] Fonterra [165.83], Hort NZ [245.65], NZPIB [247.15]
[17] Fonterra [165.83], Road Metals [169.30], FH [170.30], Hort NZ [245.65]
[18] Clause 16(2), Schedule 1 of the RMA
[19] Clause 16(2), Schedule 1 of the RMA

SUB-O5	Public access and esplanade reserves and ~~E~~esplanade strips
Public access and esplanade reserves and esplanade strips created through subdivision will: 1. contribute to the protection of conservation values; and 2. provide for public access to and along identified rivers and the sea, except where in accordance with PA-P4[20]; and 3. provide public recreational uses along the waterways and coast where the use is compatible with conservation values.	

Policies

All Subdivisions

SUB-P1	Subdivision
Require subdivision design to accord with the purpose, character and qualities of the applicable zone.	
SUB-P2	**Subdivision of land within sensitive environments**
Only allow subdivision containing identified sensitive environments that will: 1. not compromise the identified natural and cultural values; and 2. protect people and property from the identified natural hazards and risks; and 3. achieve objectives and policies of the relevant chapter(s) in Part 2 – District-Wide Matters.	
SUB-P3	**Disruptive ~~S~~subdivision**
Avoid subdivisions that ~~are intended to~~[21] prevent, hinder or limit the development of adjoining or adjacent land, unless it is done to comply with a Council approved DAP ~~Development Area Plan~~.	
SUB-P4	**Quality of the environment and amenity**
Require subdivision to maintain and enhance amenity values and the quality of the environment by ensuring subdivision design: 1. responds positively to ~~the associational,~~[22] natural and physical features and their associative values[23] such as underlying landscape, topography and established trees and vegetation that provide amenity, contribute to local character and sense of place; and 2. aligns streets to focus on significant views or landmarks; and 3. provide street trees and landscaping; and 4. avoids, remedies or mitigates adverse effects on the water quality, soil resources and important ecosystems.	

[20] TDC [42.37]
[21] Fonterra [165.84]
[22] TRoNT [185.60]
[23] TRoNT [185.60]

SUB-P5	Reverse ~~S~~sensitivity

Only allow subdivision that does not result in reverse sensitivity effects that would compromise the safe and efficient[24] operation of regionally significant infrastructure/facilities ~~and~~, lifeline utilities[25], ~~legally~~[26] lawfully[27] established ~~intensive~~[28] primary production, or industrial activities[29].

SUB-P6	Infrastructure

Ensure subdivision is serviced sustainably with infrastructure by requiring:

1. infrastructure to be installed at the time of subdivision, except for on-site infrastructure that cannot be constructed until the buildings are designed; and
2. certainty that infrastructure networks have sufficient capacity to accommodate the additional development, or requiring any necessary upgrades to be completed at the time of subdivision; and
3. allotments to connect to the Council's reticulated systems where available; and
4. incorporation of water sensitive design measures and on-site stormwater infrastructure; and
5. new infrastructure to comply with the Energy and Infrastructure Chapter; and
6. infrastructure to be provided efficiently and integrated with existing or planned infrastructure; and[30]
7. the consideration of multi-nodal transport links (including active transport links) and connected transport networks that allow ease of movement to, from and within the area; and[31]
8. sufficient legal and physical access to each allotment; and
9. ~~requiring~~[32] allotments to have access to a water supply suitable for firefighting; and
10. infrastructure to maintain or enhance Kāti Huirapa values onsite and downstream[33].

SUB-P7	Esplanade reserves and ~~esplanade~~ strips

1. Identify margins of the coast or rivers in SCHED12 - Schedule of Esplanade Provisions where the provision of an esplanade reserve or esplanade strip would contribute to enabling public access, recreational use, and/or contribute to the protection of conservation values by;
   a. maintaining or enhancing the natural functioning of the adjacent sea, river, or lake; or
   b. maintaining or enhancing water quality; or
   c. maintaining or enhancing aquatic habitats; or
   d. protecting the natural values associated with the esplanade reserve or esplanade strip; or
   e. mitigate natural hazards; and

2. Require esplanade reserves or esplanade strips to be created when land is subdivided on the margins of the coast and rivers listed in SCHED12 -Schedule of Esplanade Provisions); and

3. Only allow the minimum width of a required esplanade reserve or esplanade strip to be reduced, or the requirement for an esplanade reserve or esplanade strip to be waived where:
   a. it is impractical to provide all or part of the required esplanade reserve or esplanade strip due to the physical characteristics and/or constraints of the site; or
   b. providing the esplanade reserve or esplanade strip at the required minimum width would create a risk to public health or safety; or
   c. the purpose of the required esplanade reserve or esplanade strip can be appropriately provided for by alternative means, including within the allotments created by subdivision; or

[24] KiwiRail [187.162]
[25] RNZ [152.48]
[26] Fonterra [165.85], Road Metals [169.31], FH [170.31]
[27] Road Metals [169.31], FH [170.31]
[28] Fonterra [165.185], Road Metals [169.31], FH [170.31], Hort NZ [245.68]
[29] SFF [172.74], Alliance [173.74]
[30] Clause 16(2), Schedule 1 of the RMA
[31] Clause 16(2), Schedule 1 of the RMA
[32] Clause 16(2), Schedule 1 of the RMA
[33] TRoNT [185.61]

d. the reduced width is sufficient to protect the identified public access, recreation, or conservation values, or to provide for natural hazard mitigation works; or
e. the costs of acquiring and/or maintaining the required esplanade reserve or esplanade strip would outweigh the potential public benefit; and

4. encourage access strips to be provided to connect esplanade reserves and esplanade strips with public open spaces, roads, pedestrian paths or cycleways.

***Note**: The policies in the Public Access ~~c~~Chapter are also relevant to any resource consent application to waive or reduce the width of a required esplanade reserve or esplanade strip.*

Residential Subdivision

SUB-P8	Public open space

Consider requiring the creation of public open spaces at the time of subdivision in residential zones. The following matters are relevant to that consideration:

1. the size of the open space needed for the catchment it serves; and
2. proximity of the land and opportunities to integrate the open space with existing or planned open space networks, parks, esplanade strips, residential area and transport networks, including walkways and cycleways; and
3. Council's capacity to pay for maintenance and improvements; and
4. suitability of the land to be developed for the required purpose, including any potential for enhancement and considering the soils, gradient, and topography; and
5. landscape features and quality of the land, including surface water~~-~~bodies, and the potential for views into or from the site; and
6. ecosystems and biodiversity associated with the land and surrounding area, including any significant indigenous biodiversity, mature vegetation, or existing shelter~~-~~belts; and
7. historic heritage and cultural significance of the land; and
8. safety of users, including the absence of hazards and any vulnerability to natural hazards.

SUB-P9	Residential subdivision

Require residential subdivision to accord with the purpose, character and qualities of the zone, and maintain and enhance amenity values, by ensuring:

1. the subdivision design contributes to local character and sense of place; and
2. natural features and waterbodies are incorporated into the design; and
3. earthworks and land disturbance is minimised by designing building platforms that integrate into the natural landform; and
4. open space and street planting are incorporated into the design of larger scale subdivisions; and
5. streets are aligned with, and open spaces are designed to focus on, significant views or landmarks; and
6. the subdivision design maximises sunlight access, outlook and amenity including opportunities for future buildings to maximise solar gain, reduce energy and water consumption, and use renewable energy; and
7. conflict between residential activities and adjoining land uses are minimised.

SUB-P10	Safe, connected and accessible neighbourhoods

Require residential subdivision to ensure safe, connected and accessible neighbourhoods by:

1. minimising the proliferation of vehicle crossings that could affect the safety of the transport network; and
2. limiting cul-de-sacs unless there are legal, physical or topographical constraints that inhibit connections to other roads; and

3. providing a road and access design that creates a safe and accessible environment for pedestrians, cyclists, children, elderly and the disabled; and
4. providing spaces that encourage social interaction and neighbourhood cohesion; and
5. providing a variety of travel modes and connections to roads, public transport, nearby shops, schools, employment open spaces and other activities; and
6. providing ~~the~~[34] passive surveillance of street, parks, walkways and public areas and by ensuring the principles of the APP3 – National Guidelines for Crime Prevention Through Environmental Design in New Zealand (CPTED) are incorporated into the design.

SUB-P11	Residential ~~i~~intensification

Provide for consolidation of residential zones outside of the Gleniti Low Density Residential Specific Control Area~~s~~ and PREC1 - Old North General Residential Precinct by:

1. enabling a variety of residential units within the constraints of the allotment size anticipated by the zone; and[35]
2. not specifying a minimum allotment size in the Medium Density Zone for joint subdivision and land use applications to ensure flexibility and comprehensive consideration of applications; and
3. providing for two ~~household~~ residential units per site in the General ~~r~~Residential ~~z~~Zone and three residential units per site in the Medium Density Residential Zone; and
4. allowing non-compliance with minimum allotment ~~lot~~ design standards for allotments created around existing residential units; and
5. avoiding the creation of more than one large allotment in the Medium ~~d~~Density ~~r~~Residential ~~z~~Zone unless intensification is prevented by natural or physical site constraints.

SUB-P12	Non-compliant allotment size

Avoid subdivision in the General Residential Zone~~s~~ that does not comply with the minimum allotment design and parameters unless:

1. the subdivision design maintains the residential character and amenity values of the area; and
2. it can be demonstrated that it is consistent with the character and qualities of development envisaged by General Residential Zone; and
3. it does not individually or cumulatively affect the ability of the properties in the Z~~z~~one, specific control area or precinct to be developed or serviced now or in the future to the density anticipated in the Z~~z~~one, specific control area or precinct.

Subdivision in Development Areas

SUB-P13	Development Area Plans

Require subdivisions to be in general accordance ~~comply~~[36] with the relevant DAP ~~Development Area Plan~~, unless it can be demonstrated that an alternative proposal can ~~better~~[37] achieve the objectives of the Development Area ~~Plan~~[38].

Rural Subdivisions

SUB-P14	Rural allotments

Avoid subdivision that creates allotments that are less than the required minimum allotment size within the General Rural Zone and Rural Lifestyle Zone unless:

[34] Clause 16(2), Schedule 1 of the RMA
[35] Clause 16(2), Schedule 1 of the RMA
[36] BGDL [167.13]
[37] BGDL [167.13]
[38] Clause 16(2), Schedule 1 of the RMA

1. the subdivided allotments are solely for the purpose of network utilities, esplanade reserves or esplanade strips, roads, walkways, cycleways or access; or
2. the non-compliance is minor and the subdivision maintains the residential unit ~~dwelling~~ density anticipated for the zone; ~~and~~ or[39]
3. the subdivision is necessary for natural hazard mitigation works; or
4. the subdivision is necessary to protect the values of sensitive environments.

SUB-P15	Rural Lifestyle Zone

Require subdivision in the Rural Lifestyle Zone to:
1. maintain the character and qualities of the Rural Lifestyle Zone; and
2. connect to the Council reticulated drinking water network; and
3. require connection to the Council reticulated wastewater networks where available, or if not available, provide a suitable site area for on-site disposal; and
4. maintain larger allotment sizes in the Geraldine Downs to protect its landscape character and amenity values.

Rules

Note: *All subdivision activity requires resource consent. 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.*

SUB-R1	Boundary adjustments	
All zones	**Activity status: Controlled** **Where:** **CON-1** SUB-S1 is complied with; and **CON-2** SUB-S2 to SUB-S7 are complied with. **Matters of control are restricted to:** 1. ~~T~~the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site's and surrounding areas natural and	**Activity status when compliance not achieved with CON-2: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of control listed in CON-1 and CON-2; and 2. the matters of discretion of any infringed standard. **Activity status when compliance not achieved with CON-1: ~~Non-Complying~~ Discretionary**[40]

[39] Clause 16(2), Schedule 1 of the RMA
[40] Speirs, B [66.56], MFL [60.26]

	physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 8. the requirement for any consent notices, covenants, easements, esplanades or public access; and 9. measures to avoid, remedy or mitigate adverse effects: a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and 10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and 11. the suitability of any future development that would be enabled as a result of the subdivision; and 12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land~~.~~; and 13. measures to manage adverse effects.	
SUB-R2	**Subdivision that creates new allotments solely for the purpose of network utilities, the ~~n~~National ~~g~~Grid or roads**	
All zones	**Activity status: Controlled** **Where:** **CON-1** SUB-S2, SUB-S7 and SUB-S8 are complied with. **Matters of control are restricted to:** 1. ~~T~~the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves,	**Activity status when compliance not achieved: Restricted Discretionary** **Where:** **RDIS -1** Compliance is not achieved with CON-1. **Matters of discretion are restricted to:** 1. the matters of control relevant to CON-1; and 2. the matters of discretion of any infringed standard.

	landscaping and connections to the surrounding area; and 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 8. the requirement for any consent notices, covenants, easements, esplanades or public access; and 9. measures to avoid, remedy or mitigate adverse effects: a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and 10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and 11. the suitability of any future development that would be enabled as a result of the subdivision; and 12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; and[41] 13. measures to manage adverse effects.	
SUB-R3	**Subdivision not listed in SUB-R1 and SUB-R2**	
All zones	**Activity status: Restricted Discretionary** **Where:**	**Activity status when compliance not achieved with RDIS-1: Restricted Discretionary**

[41] Clause 16(2), Schedule 1 of the RMA

	RDIS-1 SUB-S2 ~~=~~ to SUB-S7 are complied with; and **RDIS-2** SUB-S1 is complied with. **Matters of discretion are restricted to:** 1. ~~T~~the location, size and design of allotments, building platforms, roads, accessways, right of ways, vehicle crossings, open space, reserves, landscaping and connections to the surrounding area; and 2. the ability to accommodate permitted and/or intended land uses; and 3. the compatibility with the purpose, character and qualities of the zone; and 4. the response to the site's and surrounding areas natural and physical features, character, amenity, constraints and vegetation; and 5. the provision, location, design, specification, construction, connection and timing of infrastructure, transport links, water sensitive design measures and firefighting water supply; and 6. the extent to which infrastructure has capacity to service the subdivision; and 7. legal and physical access arrangements; and 8. the requirement for any consent notices, covenants, easements, esplanades or public access; and 9. measures to avoid, remedy or mitigate adverse effects: a. of any natural hazards or other risks; and b. on any sensitive environments, waterbodies, ecosystems or notable trees; and c. on infrastructure; and d. on existing or permitted adjoining or adjacent land uses; and 10. the ability of any existing activity on the site to comply with the District Plan and/or existing resource consent; and	**Matters of discretion are restricted to:** 1. the matters of discretion listed in RDIS-1; and 2. the matters of discretion of any infringed standard. **Activity status when compliance not achieved with RDIS-2: Non-complying**

	11. the suitability of any future development that would be enabled as a result of the subdivision; and 12. whether it is appropriate that the subdivision prevents, hinders or limits the development of adjoining or adjacent land; and[42] 13. measures to manage adverse effects; and 14. the impact of the subdivision on the on-going delivery of existing public flood or erosion protection or drainage works.[43]	
SUB-R4	**Subdivision of land within ~~and~~ the National Grid Subdivision Corridor[44]**	
All ~~Z~~zones	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** All resulting allotments can accommodate a building platform for the likely principal building(s) and any building(s) for sensitive activities outside the National Grid Yard (other than where the allotments are for roads, access ways and network utilities)~~.~~; and **RDIS-2** Existing vehicle access ~~way~~ to National Grid assets is maintained. **Matters ~~over which~~ of discretion are ~~is~~ restricted to:** 1. the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; and 2. the location of any future building platform as it relates to the National Grid Yard; and 3. the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and	**Activity status when compliance not achieved: Non-complying**

[42] Clause 16(2), Schedule 1 of the RMA
[43] ECan [183.104]
[44] Clause 10(2)(b), Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

	4. the nature and location of any vegetation to be planted in the vicinity of the National Grid; and 5. the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and 6. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and 7. the outcome of any consultation with the owner and operator of the National Grid.	
SUB-R5	**Subdivision ~~and~~ within ~~N~~natural ~~H~~hazard~~s~~ overlays[45]**	
1 Flood Assessment Area Overlay outside the Port Zone[46]	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** A Flood ~~Risk~~ Assessment Certificate for the subdivision is issued in accordance with NH-S1; and **RDIS-2** ~~The site is not subject to high hazard flooding as stated in a Flood Risk Certificate issued under RDIS-1.~~ A building platform is identified on the subdivision plan and it is not located within a high hazard area as stated in a Flood Assessment Certificate issued in accordance with NH-S1.[47] **Matters of discretion are restricted to:** 1. the design and layout of the subdivision, including effects on public spaces and development sites, and on overland flow path(s); and 2. the provision for any overland flow paths to remain or the provision of secondary flow paths; and 3. any potential effects of diverting or blocking overland flow path(s) on	**Activity status when~~re~~ compliance not achieved with RDIS-2: ~~Not applicable if located within an urban zoned area~~ Restricted Discretionary** **Where:** **RDIS-3** **The subdivision is within an urban zoned area.** [49] **~~non-complying if located outside of an urban zoned area~~** **Activity status when~~re~~ compliance not achieved with RDIS-1 or RDIS-3: Non-complying**

[45] Speirs, B [66.45]
[46] Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter
[47] ECan [183.47]
[49] ECan [183.47]

	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 ~~z~~Zone, and the views of mana whenua, if provided.[48]	
1A[50] **Flood Assessment Area Overlay within the Port Zone** **Sea Water Inundation Overlay within the Port Zone** **Coastal Erosion Overlay within the Port Zone** [51]	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 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.[52]	**Activity status whenre ~~re~~ compliance not achieved: Not applicable**

[48] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]
[50] Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter
[51] 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.
[52] PrimePort [175 - various] and Timaru District Holdings [186 - various]

2 Liquefaction Awareness Areas Overlay	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 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 ~~R~~regionally ~~S~~significant ~~i~~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 when~~re~~ compliance not achieved: Not applicable**
3 Earthquake Fault (~~s~~Subdivision) Awareness Areas Overlay	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The subdivision design ensures that any future building or structure will be located at least 20m ~~metres~~ away from any detailed area of fault or fold deformation. **Matters of discretion are restricted to:** 1. 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. **Note:** *The investigation report is also to be supplied to CRC ~~Canterbury Regional Council~~.*	**Activity status when~~re~~ compliance not achieved: Discretionary**
4 Coastal Erosion Overlay	**Activity status: Restricted Discretionary** **Where:**	**Activity status when compliance not achieved: Non-complying**

outside the Port Zone[53]	**RDIS-1** A building platform is identified on the subdivision plan and it is not located within the Coastal Erosion Overlay. **Matters of discretion are restricted to:** 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.[54]	
~~**High Hazard Area Overlay**~~	~~**Activity status: Non-complying**~~	~~**Activity status where compliance not achieved: Not applicable**~~[55]
SUB-R6	**Subdivision of land containing a ~~H~~historic ~~H~~heritage ~~i~~item**[56]	
All ~~Z~~zones	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
SUB-R7	**Subdivision of land within a ~~H~~historic ~~H~~heritage ~~A~~area**[57]	
Historic Heritage Areas	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
SUB-R8	**Subdivision and ~~S~~sites and ~~A~~areas of ~~S~~significance to Māori**[58]	
Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: ~~n~~Not applicable**

[53] Clause 16(2) – rule restructure to combine the Port Zone and non-Port Zone subdivision rules in the subdivision chapter
[54] ECan [183.109]
[55] Kāinga Ora [229.39]
[56] Speirs, B [66.46]
[57] Speirs, B [66.47]
[58] Speirs, B [66.48]

SUB-R9	**Subdivision and ~~S~~significant ~~N~~natural ~~A~~areas[59]**	
Sites containing a Significant Natural Area	**Activity Status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not Applicable**
SUB-R10	**Subdivision within a ~~and R~~riparian ~~M~~margin~~s~~[60]**	
All zones except the General Rural Zone and Rural Lifestyle Zone~~s~~	**Activity status: Discretionary**	**Activity status when~~re~~ compliance not achieved: Not applicable**
SUB-R11	**Subdivision and ~~N~~natural ~~F~~features and ~~L~~landscapes[61]**	
Outstanding Natural Features ~~NF o~~Overlay **Outstanding Natural Landscapes ~~NL o~~Overlay** **Visual Amenity Landscapes ~~AL o~~Overlay**	**Activity status: Discretionary**	**Activity status when compliance not achieved: Not applicable**
SUB-R12	**Subdivision ~~and~~ within the ~~C~~coastal ~~E~~environment[62]**	
1 Coastal Environment Area Overlay	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The site is not located within the Coastal High Natural Character Area Overlay. **Matters of discretion are restricted to:** 1. any adverse impacts on the identified matters contained in CE-	**Activity status when compliance not achieved: ~~Not applicable~~ Discretionary** **Note:** Where a resource consent is required as a ~~D~~discretionary activity ~~under RDIS-1~~,[64] future building platforms must be indicated in the application and will be registered on the ~~Certificate~~ Record of Titles of resulting new allotments.

[59] Speirs, B [66.49]
[60] Speirs, B [66.50]
[61] Speirs, B [66.51]
[62] Speirs, B [66.53]
[64] Clause 16(2) for clarity

	P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9[63], and CE-P11; and 2. the extent to which the subdivision and future building and structure will result in adverse cumulative adverse effects.	
~~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;~~ ~~2. whether the proposal includes natural hazard mitigation;~~ ~~3. the extent to which future building or structure has a functional need or operational need for its location; and~~ ~~4. the extent of any positive benefits that will result from the proposal; and~~ ~~5. the extent to which the proposal creates natural hazard risks on adjacent properties; and~~ ~~6. the location of any proposed building that will accommodate a natural hazard sensitive activity.~~	**~~Activity status when compliance not achieved: Not applicable~~**
~~3 Coastal High Natural Character Area Overlay~~	**~~Activity status: Discretionary~~** ***~~Note~~**: Future building platform must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.*	**~~Activity status when compliance not achieved: Not applicable~~**
~~4 Coastal Erosion Overlay~~	**~~Activity status: Non-complying~~**	**~~Activity status when compliance not achieved: Not applicable~~**
SUB-R13	**Subdivision of ~~and~~ highly productive land ~~Versatile Soil~~[65]**	
All zones	**Activity status: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent to which the proposed subdivision and the layout of allotments will result in	**Activity status whe~~re~~n compliance not achieved: Not applicable**

[63] Clause 16(2) to address a policy omission
[65] Clause 10(2)(b) Schedule 1 of the RMA relying on Speirs, B [66.45 to 66.54]

	fragmentation of highly productive land ~~versatile soils~~; and 2. the extent to which the size and shape of any proposed allotments will allow for any highly productive land ~~versatile soils~~ to continue to be used for non-intensive primary production.	
SUB-R14	**Subdivision not connected to a community ~~sewage~~ wastewater treatment[66] system, expect that this shall not apply to boundary adjustments where no additional lots are created[67] ~~and Drinking Water Protection~~[68]**	
Drinking Water Protection Area - for a Community Drinking Water Supply **Drinking Water Protection Area - within 50m from a private drinking water supply**	**Activity status: Restricted Discretionary** **~~Where:~~** **~~RDIS-1~~** ~~The subdivision is connected to a community wastewater treatment system.~~[69] **Matters of ~~control~~ discretion are restricted to:** 1. any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and 2. the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and 3. r~~R~~isks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.	**Activity status when~~re~~ compliance not achieved: Not Applicable**

Standards	
SUB-S1	**Allotment sizes and dimensions**
1 **General Residential Zone**	1. Allotments must have a minimum net site area of 450m^2 in area; and 2. A~~a~~llotments must have a minimum dimension that can accommodate a circle with a 15m diameter, clear of any vehicle access, surface water~~-~~body or boundary setback; and

[66] TDC [41.42]
[67] Rooney, et al [174.61, 191.61, 249.61, 250.61, 251.61, 252.61]
[68] Speirs, B [66.54]
[69] Milward Finlay Lobb [60.29], Bruce Speirs [66.29], TDC [41.2]

	3. Wwithin the Gleniti Low Density Residential Specific Control Area, allotments must have a minimum net site area of 700m^2 in area; and 4. Wwithin PREC1 - Old North General Residential Precinct, allotments must have a minimum net site area of 1,500m^2 in area. Except that: 5. Cclauses 1 and 2 above do not apply to allotments created around an existing residential unit, in which case there is no minimum net site area or dimensions requirements.	
2 **Medium Density Residential Zone**	1. Allotments must have a minimum net site area of 300m^2 in area; and 2. Nno more than one allotment that is more than 500m^2 in net site area; and 3. Aallotments must have a[70] dimensions that can accommodate a circle with a minimum 13m diameter, clear of any vehicle access, surface water body or boundary setback. Except that 4. Nno minimum net site area or dimension applies to allotments created: a. around an existing residential unit; or b. a proposed residential unit that is part of a combined land use and subdivision consent application, or does not require a land use consent[71].	
3 **General Rural Zone**	1. Allotments must have a minimum net site area of 40ha in area.	
4 **Rural Lifestyle Zone**	If no development area plan is required, allotments must have a net site area no less than: 1. 5,000m^2 ~~sqm~~ for Lots 1 and 2 DP 444786; 2. 2ha in the 2ha Allotment Ssize sSpecific cControl aArea; 3. 10ha in the 10ha Allotment Ssize sSpecific cControl aArea; and 4. in any other areas, 5,000m^2 if there is a sewer connection to each residential allotment, otherwise 2ha.	
5 **Development Areas**	1. As specified in the relevant Development aArea cChapter.	
6 **General Industrial Zone**	1. Allotments must have legal access to[72] a minimum road frontage width of 7m.	
SUB-S2	**Stormwater treatment, catchment and disposal**	
All zones	1. Stormwater management must be provided in accordance with the Sstormwater Sstandards in the Stormwater mManagement cChapter; and 2. Allotments must be connected to a reticulated stormwater network where:	**Matters of discretion are restricted to:** 1. any relevant matters of discretion for non-compliance with the Sstormwater Sstandards in the Stormwater mManagement cChapter; and

[70] Clause 16(2), Schedule 1 of the RMA
[71] BGDL [167.17]
[72] RHL [174.54], Rooney, GJH [191.54], RGL [249.54], RFL [250.54], REL [251.54] and TDL [252.54]

	a. a conveyance structure that forms part of a reticulated stormwater network passes within 50m of the allotment boundary; and b. stormwater is able to be conveyed into the reticulated network under gravity; and c. the distance between the conveyance structure and the source of the stormwater is less than 100m; and d. the network utility operator has confirmed in writing that it will accept the stormwater from the allotment~~.~~; and 3. Each allotment required to connect to a reticulated stormwater network under SUB-S2.2 must be provided with a piped outfall connection laid at least 600mm into the net site area of the allotment~~.~~; and 4. Where an allotment will not be connected to a reticulated stormwater network, all stormwater must be disposed within the net site area of the allotment.	2. the extent to which stormwater runoff from the allotment may adversely affect adjoining properties; and 3. any adverse effect on the need for a reticulated stormwater network; and[73] 4. the need for the stormwater network to be upgraded or extended in order for the allotments to be served; and 5. the effects of the discharge on the values of Kāti Huirapa.[74]
SUB-S3	**Water supply**	
1 General Rural Zone	1. All allotments within a rural water supply scheme must have either: a. approval for the allotment to connect to a rural water supply scheme provided in writing from the relevant network utility operator; or b. evidence of an alternative water supply capable of providing a minimum of ~~56~~ 65[75] litres per hectare per day; or c. evidence the future use of the allotment does not require water supply, and a ~~consent notice~~ mechanism[76] is proposed alerting future purchasers.	**Matters of discretion are restricted to:** 1. the need for a ~~consent notice~~ mechanism[77] stating that the provision of water to the site is the owner's responsibility on a continuing basis.

[73] Clause 16(2), Schedule 1 of the RMA
[74] TRoNT [185.63]
[75] TDC [42.38]
[76] RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TDL [252.55]
[77] Clause 10(2)(b), Schedule 1 of the RMA relying on RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TDL [252.55]

	Notes: • *The documentation required to satisfy 1a or 1b or 1c must be provided to the Council.* • *This standard does not apply to allotments outside a rural water supply scheme.*	
2 Rural Lifestyle Zone	Each allotment must: 1. be within a reticulated drinking water supply network; and 2. be provided with confirmation in writing from the relevant network utility operator that it has capacity for an additional connection; and 3. be provided ~~be provided~~ with a connection laid at least 600mm into the allotment. ***Note:*** *This standard does not apply to allotments for a network utility, road, reserve or for access purposes.*	**Matters of discretion are restricted to:** 1. the suitability of the water supply for the intended activities on the site; and 2. the suitability of the water supply for firefighting purposes; and 3. any adverse effect on the water supply network; and[78] 4. the need for the reticulated water supply network to be extended or upgraded in order for the allotments to be served.
3. All other zones	1. In areas where a reticulated drinking water supply network is available and the network utility operator has confirmed in writing that it has capacity for an additional connection, all allotments must be provided with a connection laid at least 600mm into the net site area of the allotment~~.~~; and 2. Where a reticulated drinking water supply network is not available water supply must be available to each allotment by way of either: a. access to a private water bore with a minimum flow rate of 700ml/minute; or b. on-site storage of at least 45,000 litres of drinking water; ***Note:****This standard does not apply to allotments for a network utility, road, reserve or for access purposes.*	**Matters of discretion are restricted to:** 1. the suitability of the water supply for the intended activities on the site; and 2. the suitability of the water supply for firefighting purposes; and 3. any adverse effect on the water supply network; and 4. the need for the reticulated water supply network to be extended or upgraded in order for the allotments to be served.
SUB-S4	**Wastewater disposal**	
1. Residential zones	1. All allotments must be connected to a reticulated wastewater network, except for allotments for a network utility, road, reserve or for access purposes.	**Matters of discretion are restricted to:** 1. the need for a wastewater disposal system; and 2. the suitability of an alternative wastewater disposal system; and

[78] Clause 16(2), Schedule 1 of the RMA

Commercial and mixed use zones **General Industrial Zone** **Sport and Active Recreation ~~z~~Zone** **Port Zone**		3. the effects of the discharge on the values of Kāti Huirapa.[79]
2. Rural zones **Natural Open Space Zone** **Open Space Zone** **Māori Purpose Zone**	1. All allotments must be connected to a reticulated wastewater network where: a. a wastewater pipeline passes within 50m of the allotment boundary; and b. the distance between the pipeline and the building where wastewater is generated is less than 100m; and c. the network utility operator has confirmed that it will accept the wastewater from the property~~.~~; and 2. Where a connection to the Council's urban reticulated wastewater system is not available, the subdivision application must demonstrate that the discharge of wastewater to ground either complies with the Canterbury Regional Council ~~regional~~ P~~p~~lan, or has a CRC discharge consent.	1. the need for a waste water disposal system; and 2. the suitability of an alternative wastewater disposal system; and 3. the size of the allotment to accommodate a discharge to ground; and 4. the effects of the discharge on the values of Kāti Huirapa.[80]
SUB-S5	**Electricity supply and telecommunications**	
1[81] **All zones except the General Rural Zone**	All allotments, other than allotments for access, roads, network utilities or reserves, must be provided with connections at the boundary of the net area of the allotment to an electricity supply and telecommunication ~~system networks~~ service through an open access fibre network[82], unless evidence is provided that a suitable alternative supply	**Matters of discretion are restricted to:** 1. whether an electricity supply[84] and telecommunication service[85] ~~supply~~ are[86] needed for the intended use; and

[79] TRoNT [185.63]
[80] TRoNT [185.63]
[81] Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]
[82] Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]
[84] Clause 16(2), Schedule 1 of the RMA
[85] Clause 10(2)(b), Schedule 1 of the RMA relying on Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]
[86] Clause 16(2), Schedule 1 of the RMA

	can be provided, and a ~~consent notice~~ mechanism[83] is proposed alerting future purchasers. This standard does not apply to allotments for a network utility, road, reserve or for access purposes.	2. the suitability of the alternative provision of telecommunication service[87] and electrical supply; and 3. whether a ~~consent notice~~ mechanism[88] is required to alert any potential purchasers; and 4. whether sufficient land for telecommunications, and any associated ancillary services has been set aside; and 5. for a subdivision that creates more than 15 allotments, whether consultation with a telecommunications network utility operator is required~~.~~; and 6. whether any easements are necessary for the protection of electricity supply and telecommunications network utility services.[89]
2 General Rural Zone	All allotments, other than allotments for access, roads, network utilities or reserves, must be provided with connections at the boundary of the net area of the allotment to an electricity supply and telecommunication service connection (fibre, mobile or wireless including satellite), unless evidence is provided that a suitable alternative supply can be provided, and a mechanism is proposed alerting future purchasers. This standard does not apply to allotments for a network utility, road, reserve or for access purposes.	**Matters of discretion are restricted to:** 1. whether an electricity supply and telecommunication service are needed for the intended use; and 2. the suitability of the alternative provision of telecommunication service and electrical supply; and 3. whether a mechanism is required to alert any potential purchasers; and 4. whether any easements are necessary for the protection of electricity supply and telecommunications network utility services.[90]
SUB-S6	**Vehicular ~~A~~access**	
All zones	1. All allotments must be provided with legal and physical access to a road~~.~~; and 2. Any new vehicular ~~Vehicular~~[91] access must not be to a state highway, or across a railway line~~.~~; and	**Matters of discretion are restricted to:** 1. ~~T~~the need for legal and physical access to the site; and 2. the effects of any alternative access proposed;

[83] Clause 10(2)(b), Schedule 1 of the RMA relying on RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TDL [252.55]
[87] Clause 10(2)(b), Schedule 1 of the RMA relying on Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]
[88] Clause 10(2)(b), Schedule 1 of the RMA relying on RHL [174.55], Rooney, GJH [191.55], RGL [249.55], RFL [250.55], REL [251.55] and TDL [252.55]
[89] Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]
[90] Connexa [176.82], Spark [208.82], Chorus [209.82] and Vodafone [210.82]
[91] RHL [174.57], Rooney, GJH [191.57], RGL [249.57], RFL [250.57], REL [251.57] and TDL [252.57]

	3. The vehicular access shall be designed and constructed in accordance with the requirements in the Transport Cchapter.; and 4. For developments where a fire appliance is not able to reach either: a. the residential unit; or b. a firefighting water supply source from the public road, vehicle access for fire appliances must be provided in accordance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.	3. the safety and efficiency of the road; and 4. the outcome of any consultation with NZTA; and 5. the matters of discretion relevant to any Transport TRAN Cchapter standard breached.
SUB-S7	**Roads, cycleways and pedestrian access**	
1. All zones	All roads, cycleways and pedestrian accessess must be designed, constructed and vested in accordance with the Transport Sstandards in the Transport cChapter except where alternative standards are set out in a Development Area Plan plan area chapter.	**Matters of discretion are restricted to:** 1. the Transport TRAN cChapter matters of discretion relevant to the standard breached.
2. Geraldine Downs - Walking and Cycling tTracks sSpecific cControl aAreas	A 5m wide access allotment is vested to Timaru District Council in accordance with the Geraldine Downs wWalking and cCycling tTracks sSpecific cControl aArea as showing shown[92] on the planning map.	**Matters of discretion are restricted to:** 1. the extent to which the proposal would affect the ability for the Geraldine Downs WwalkingandCcycling tracks to be established.
SUB-S8	**Esplanade reserves and esplanade strips**	
All zones (except the Port Zone)	1. Where land is subdivided adjoining the coast, or any river listed in SCHED-12 — Esplanade Provisions, unless otherwise specified in the schedule, an esplanade reserve, esplanade strip or access strip (at Council's discretion) must be provided along the margins of the coast/river, with a minimum width of: a. 5m where an allotment(s) of 4ha or more is created; or b. 10m where an allotment(s) of less than 4ha is created; and 2. No esplanade reserve or esplanade strip is required where the public	**Matters of discretion are restricted to:** 1. the extent to which the purpose of the required esplanade reserve or esplanade strip can be achieved through alternative means; and 2. the extent to which a reduced width will impact on the ability to achieve the intended purpose of the esplanade reserve or esplanade strip; and[93] 3. the extent to which the ability to provide the required esplanade reserve or esplanade strip is constrained by the site's physical characteristics or constraints; and

[92] Clause 16(2), Schedule 1 of the RMA
[93] Clause 16(2), Schedule 1 of the RMA

	access or the conservation or recreation values identified in SCHED 12 Esplanade Provisions is secured by a marginal strip under Part IV of the Conservation Act 1987.	4. the extent to which provision of the required esplanade reserve or esplanade strip may adversely affect public health and safety; and 5. the costs of acquiring and maintaining the required esplanade reserve or esplanade strip, in comparison to the public benefit; and 6. the impact of taking the esplanade provision on Kāti Huirapa values.[94]

[94] TRoNT [185.64]

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

ACTIVITIES ON THE SURFACE OF WATER

Introduction

This chapter relates to activities that occur on the surface of rivers ~~water~~ within the District as the District does not contain lakes[1]. The activities managed by this chapter include the use of motorised and non-motorised craft on rivers for various purposes, and the construction of structures on the surface of rivers ~~water~~.

Activities occurring on the surface of ~~water~~ rivers[2] can have potential adverse effects on the ecological values, natural character values, recreational values and cultural values associated with the District's rivers. The provisions of this chapter seek to manage these adverse effects, while also providing for the sustainable use of motorised craft.

It is noted that speed and navigational safety associated with the use of watercraft is managed by the CRC ~~Environment Canterbury~~ Navigational Safety Bylaw. Water quality and aquatic biodiversity are managed through the Canterbury Land and Water Regional Plan. The noise effects associated with the use of motorised craft are managed under the Noise (NOISE) Chapter.

Please note, several of the rules below refer to flow levels of rivers. To find information on river flow levels please refer to the following CRC ~~Environment Canterbury~~ websites:

Ōrāri River at Gorge:

https://www.ecan.govt.nz/data/riverflow/sitedetails/69505

Ōpihi River at State Highway 1 ~~SH1~~:

https://www.ecan.govt.nz/data/riverflow/sitedetails/69607

Pareora/Pureora River at State Highway 1 ~~SH1~~:

https://www.ecan.govt.nz/data/riverflow/sitedetails/70103

Objectives	
ASW-O1	**Protecting the values of the District's rivers**
The ecological, recreational, natural character and cultural values of the District's rivers are protected from the adverse effects of inappropriate[3] activities on the surface of ~~water~~ rivers[4].	
Policies	
ASW-P1	**Recreational use of non-motorised craft**
Enable the non-commercial recreational use of non-motorised craft on rivers throughout the District at any time of the year.	
ASW-P2	**Use of motorised craft for specified activities**

[1] Clause 16(2) RMA
[2] Clause 16(2) RMA
[3] Jet Boating [48.1]
[4] Clause 16(2) RMA

Enable the use of motorised craft on the surface of the District's rivers at any time of the year for the purpose of carrying out specified environmental management, temporary military training activities (TMTA), and ~~or~~[5] search and rescue duties.

ASW-P3	Recreational use of motorised craft within specified areas of identified rivers

~~Provide for the non-commercial recreational use of motorised craft in areas identified in SCHED17 - Schedule of River Protection Areas where any adverse effects associated with their use are:~~

1. ~~avoided by stipulating the time of the year when the activities can occur and~~
2. ~~for Jet Boat NZ activities on the Ōpihi River, mitigated by limiting the duration, frequency and nature of those activities~~.[6]

Manage the adverse effects of non-commercial[7] recreational use of motorised craft in areas identified in SCHED17 - Schedule of River Protection Areas by:

1. providing for their use:
   a. within stipulated times of the year: and
   b. within stipulated minimum water flows: and
2. avoiding the use of motorised craft outside the stipulated times and minimum water flow levels within (1), where it would result in adverse effects on the ecological, recreational, natural character, or cultural values of the rivers.[8]

ASW-P4	Commercial activities and structures[9]

Only allow commercial activities and structures on the surface of the District's rivers where it can be demonstrated that the activity and/or structure will not result in any:

1. adverse effects on fish spawning in the areas identified in SCHED13 - Schedule of Fish Spawning Area; and
2. adverse effects on the habitat of breeding birds; and
3. adverse effects on any other flora and fauna within riparian margins; and
4. cumulative adverse effects with other structures and activities on the surface of the river; and
5. adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa ~~cultural and spiritual values~~[10] associated with the river; and
6. significant adverse effects on other recreational uses.

ASW-P5	Motorised craft within fish spawning areas

Avoid the use of motorised craft within fish spawning areas identified in SCHED13 - Schedule of Fish Spawning Area, except as provided for by ASW-R2.

ASW-P6	Other non-commercial activities

Avoid the use of non-commercial motorised craft not otherwise provided in ASW-P2 to ASW-P5, unless the use of motorised craft will not result in[11]:

1. ~~occurs outside of~~ adverse effects on fish spawning and bird breeding ~~season/s~~[12]; and
2. ~~occurs outside of bird breeding season/s; and~~[13]
3. ~~will not result in~~[14] adverse effects on other flora and fauna within riparian margins as a consequence of activities on the surface of the ~~water~~ river[15]; and

[5] Consequential amendment to NZDF [151.14]
[6] Jet Boating [48.2]
[7] Consequential amendment to Jet Boating [48.2]
[8] Jet Boating [48.2]
[9] Consequential amendment associated with Te Rūnanga o Ngāi Tahu [185.78]
[10] Te Rūnanga o Ngāi Tahu [185.77]
[11] Jet Boating [48.4]
[12] Jet Boating [48.4]
[13] Jet Boating [48.4]
[14] Jet Boating [48.4]
[15] Clause 16(2) RMA

4. ~~will not result in~~[16] cumulative adverse effects with other commercial activities on the surface of the river; and
5. ~~will not result in~~ adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa ~~cultural and spiritual values~~[17] associated with the river; and
6. ~~will not result in~~[18] significant adverse effects on other recreational uses.

Rules

Note: ~~*Activities not listed in the rules of this chapter are classified as a permitted under this chapter.*~~ *The rules within thi~~s~~ ~~ASW~~ chapter take precedence over the rules in Part 3 – Area-Specific Matters - Zone Chapters.*[19] *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.*

ASW-R1	**The use of non-motorised craft on all the District's rivers for non-commercial recreational uses**	
All rivers	**Activity status: Permitted**	**Activity status when compliance not achieved: Not Applicable**
ASW-R2	**The use of motorised craft for specific environmental management, temporary military training activities, and ~~or~~[20] search and rescue purposes**	
All rivers	**Activity status: Permitted** **Where:** **PER-1** The use is for search and rescue purposes; or **PER-2** The use is for scientific research; or **PER-3** The use is for resource management monitoring undertaken by CRC ~~Canterbury Regional Council~~ or ~~Timaru District~~ Council or their contractors; or **PER-4** The use is for undertaking a statutory responsibility by CRC ~~Canterbury Regional Council~~ or ~~Timaru District~~ Council or their contractors; or **PER-5**	**Activity status when compliance not achieved: Discretionary**

[16] Jet Boating [48.4]
[17] Te Rūnanga o Ngāi Tahu [185.77]
[18] Jet Boating [48.4]
[19] Clause 16(2) RMA
[20] Consequential amendment to NZDF [151.14]

	The use is for hydrological survey undertaken by the National Institute of Water and Atmospheric Research, CRC ~~Canterbury Regional Council~~ or ~~Timaru District~~ Council or their contractors; or **PER-6** The use is for the control and management of sports fish (as defined in the Conservation Act 1987) and game (as defined in the First Schedule of the Wildlife Act 1953) by the Fish and Game Council or its successors; or **PER-7** The use is for the control and management of indigenous fish and any other flora and fauna by Te Rūnanka o Arowhenua or the Department of Conservation (or its successors), for the purpose of exercising their respective duties and functions under the Conservation Act 1987, the Wildlife Act 1953 and the Fisheries Act 1983~~.~~; or **PER-8** The use is for TMTA ~~training military training activities~~ where the duration of the activity does not exceed a total of 31 calendar days per year, excluding set-up and pack-out activities; or[21] **PER-9** The use is for undertaking inspections of regionally significant infrastructure and resource consent monitoring by a network utility operator.[22]	
ASW-R3	**The recreational use of motorised craft on the Rangitata River**	
1. River Protection Area above Red Rocks (RPA-1)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between August and February (inclusive); and **PER-3**	**Activity status when compliance not achieved with PER-1: Discretionary** **Activity status when compliance not achieved with PER-2: Non-complying** **Activity status when compliance not achieved with PER-3: Prohibited**

[21] NZDF [151.14]
[22] OWL [181.72]

	The use is not within any of the fish spawning areas identified in SCHED~~14~~13[23] - Schedule of Fish Spawning Area.	
2. River Protection Area below Red Rocks (RPA-2)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity.	**Activity status when compliance not achieved with PER-1: Discretionary**
ASW-R4	**The recreational use of motorised craft on the Ōrāri River**	
River Protection Area ~~B~~between the mouth of the Ōrāri Gorge and the Factory Road Bridge (RPA-3)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between ~~March~~ January[24] and August (inclusive); and **PER-3** The flow at the Ōrāri Gorge is 20 cumecs or greater.	**Activity status when compliance not achieved with PER-1: Discretionary** **Activity status when compliance not achieved with PER-2 or PER-3: Non-complying**
ASW-R5	**The recreational use of motorised craft on the Ōpihi River**	
River Protection Area between State Highway 1 ~~SH1~~ Bridge and confluence of the Ōpihi and Opuha/ Ōpūaha Rivers (RPA-4)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between ~~March~~ January[25] and August (inclusive)[26]; and **PER-3**	**Activity status when~~n/c~~ compliance not achieved with PER-1 ~~and PER-2~~[29]: Discretionary** **Activity status when compliance not achieved with PER-2 or PER-3: Non-complying**[30]

[23] Dir. General Conservation [166.88]
[24] Jet Boating [48.6]
[25] Jet Boating [48.6]
[26] Gerard, R [40.3], Jet Boating [48.7] and Clearwater, R [243.3]
[29] Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]
[30] Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]

	The flow, when measured at the State Highway 1 Bridge, is 20 cumecs or greater.[27] ~~The use is a Jet Boat New Zealand (or its successor) organised event that complies with the following standards:~~ ~~• there are no more than two events per calendar year; and~~ ~~• the event occurs between September and February (inclusive); and~~ ~~• the event occurs between the hours of 10am and 3pm; and~~ • ~~the flow when measured at the State Highway 1 Bridge is 20 cumecs or greater~~.[28]	
ASW-R6	**The recreational use of motorised craft on the Pureora / Pareora River**	
River Protection Area between Evans Crossing and State Highway 1 Bridge (RPA-5)	**Activity status: PER** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between ~~March~~ January[31] and August (inclusive); and **PER-3** The flow when measured at the State Highway 1 Bridge is 20 cumecs or greater.	**Activity status when ~~n~~re compliance not achieved with PER-1: Discretionary** **Activity status when ~~n~~re compliance not achieved with PER-2 and PER-3: Non-complying**
ASW-R6A	**The recreational use of motorised craft on the Te Ngawai River**	
River Protection Area between the Timaru District boundary and confluence of the Te Ngawai and Ōpihi Rivers (RPA-6)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between June and July (inclusive); and **PER-3** The flow, when measured at the Cave, is 10 cumecs or greater.	**Activity status when compliance not achieved with PER-1: Discretionary** **Activity status when compliance not achieved with PER-2 or PER-3: Non-complying**[32]

[27] Gerard, R [40.3], Jet Boating [48.7] and Clearwater, R [243.3]
[28] Gerard, R [40.3], Jet Boating 48.7] and Clearwater, R [243.3]
[31] Jet Boating [48.6]
[32] Jet Boating [48.7]

ASW-R6B	**The recreational use of motorised craft on the Te Moana River**	
River Protection Area between the Sheep Dip Road Bridge and the confluence of the Te Moana and Waihi Rivers (RPA-7)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between June and July (inclusive); and **PER-3** The flow, when measured at Glentohi, is 10 cumecs or greater.	**Activity status when compliance not achieved with PER-1: Discretionary** **Activity status when compliance not achieved with PER-2 or PER-3: Non-complying**[33]
ASW-R6C	**The recreational use of motorised craft on the Waihi River**	
River Protection Area between the Timaru District boundary and the Te Awa Road Bridge (RPA-8)	**Activity status: Permitted** **Where:** **PER-1** The use is not for a commercial activity; and **PER-2** The use is undertaken between June and July (inclusive); and **PER-3** The flow, when measured at the DOC Reserve, is 10 cumecs or greater.	**Activity status when compliance not achieved with PER-1: Discretionary** **Activity status when compliance not achieved with PER-2 or PER-3: Non-complying**[34]
ASW-R7	**Other commercial activities on the surface of the District's rivers**	
All rivers	**Activity status: Discretionary**	**Activity status when~~n/a~~ compliance not achieved: Not Applicable**
ASW-R8	**Structures on the surface of the District's rivers**	
All rivers	**Activity status: Discretionary**	**Activity status when~~n/a~~ compliance not achieved: Not Applicable**
ASW-R9	**All other activities on the surface of the District's rivers**	
All rivers	**Activity status: Non-complying**	**Activity status when~~n/a~~ compliance not achieved: Not Applicable**

[33] Jet Boating [48.7]
[34] Jet Boating [48.7]

	Where: **NC-1** The ~~Any~~ activity is not listed in any other rules ~~above~~ in this chapter.	
ASW-R10	**Use of motorised craft within the fish spawning areas except as provided by ASW-R2**[35]	
Fish Spawning Area Overlay	**Activity status: Prohibited**	**Activity status when~~re~~ compliance not achieved: Not Applicable**

[35] Clause 16(2) RMA

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 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 ~~c~~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 hazard[3] 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 P~~p~~lan also apply to the Coastal Environment. For example, identified S~~s~~ignificant N~~n~~atural A~~a~~reas (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.~~[7][8]

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.~~[10][11]

Objectives	
CE-O1	**Coastal natural character**
The natural character of Timaru's ~~C~~coastal ~~E~~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 ~~C~~coastal ~~E~~environment**
The quality of the ~~C~~coastal ~~E~~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 and Kāti Huirapa are able to exercise kaitiakitaka and rakatirataka in accordance with MW2.2.5.[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~~ 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,~~[16] wherever appropriate.~~[17] [18]	
CE-O6	Existing urban activities
Recognise that parts of the coastal environment are highly modified, including by existing urban activities in urban zoned areas, ~~including the Port of Timaru,~~ and provide for these ongoing activities.[19]	
~~CE-O7~~	~~Adaptive management at the Port within the Port Zone~~[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-O8	Regionally ~~S~~significant ~~i~~nfrastructure and ~~L~~lifeline ~~U~~utilities[22]
The adverse effects of ~~R~~regionally ~~S~~significant ~~i~~nfrastructure and ~~L~~lifeline ~~U~~utilities are managed in accordance with EI-O2.	

Policies	
CE-P1	Identifying the ~~C~~coastal ~~E~~environment
Identify and map the inland extent of the ~~C~~coastal ~~E~~environment, 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 and map[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-P5 below and describe these in SCHED14 - Schedule of attributes/qualities of coastal high natural character areas.	
~~CE-P3~~	~~Identifying coastal hazards~~
~~Identify coastal hazard areas on the planning maps, and take a risk-based approach taking account of climate change,~~[24] ~~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.~~[25]	
~~CE-P4~~	~~Role of natural features and vegetation~~
~~Protect, and maintain restore or enhance natural defences where appropriate, including natural topographic features and vegetation, that assist in avoiding or mitigating the risk to human life and property from coastal hazards, and where practicable restore such features and vegetation.~~[26][27]	
CE-P5	Coastal natural character matters
Recognise that ~~the following matters contribute to~~ the coastal natural character of the terrestrial part of Timaru's coastal environment include matters such as:[28] 1. natural elements, processes and patterns; and 2. biophysical, ecological, geological and geomorphological aspects; and 3. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands; and 4. the natural movement of water and sediment; and 5. the natural darkness of the night sky; and 6. places or areas that are wild or scenic; and 7. places or areas with no or a low level of modification; and 8. experiential attributes, including the sounds and smell of the sea; and their context or setting.	
CE-P6	Kāti Huirapa values
Recognise and provide for Kāti Huirapa's relationship with the coastal environment by: 1. enabling Kāti Huirapa to undertake customary harvest and cultural use of natural resources in the coastal environment; and 2. protecting Kāti Huirapa values associated with the coastal environment.	

[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-P7	Restoration or rehabilitation of natural character

~~Enable~~ Promote and encourage the restoration or rehabilitation of the coastal natural character of the coastal environment and require consideration of opportunities for restoration or rehabilitation ~~enhancement~~ where a proposal has an adverse effect on coastal natural character qualities.[29]

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

Outside of urban zoned areas, ~~enable~~ ensure[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:

1. expansive views of the CMA ~~coastal marine area~~ and skyline; and
2. generally low levels of noise that is dominated by the sound of the sea; and
3. the ability to undertake recreational activities such as walking, cycling and fishing; and
4. opportunities to connect with the natural environment i.e. bird watching; and
5. opportunities to provide access to the CMA ~~coastal marine area~~; and
6. clean, fresh air that smells of the sea; and
7. areas of indigenous vegetation, particularly around the coastal lagoons; and
8. a dark night sky; and
9. the attributes/ values that are identified in any overlay relating to the site.[31]

CE-P9	Anticipated activities

~~Enable~~ Provide for[32] activities that are of a scale and type that:

1. will maintain the coastal natural character qualities identified in CE-P8; or
2. if located within urban zoned[33] areas, are consistent with the anticipated qualities of the applicable zone.

CE-P10	Preserving the natural character of the ~~C~~coastal ~~E~~environment

~~Enable~~ Manage [34]subdivision, use and development outside of areas of coastal high natural character so that:

1. it avoids significant adverse effects; and
2. it avoids, remedies or mitigates any other adverse effects on the qualities that contribute to the natural character of the ~~C~~coastal ~~E~~environment~~;~~, while recognising that:
   a. in rural zoned areas, rural industry,[35] ~~buildings and structures for~~ ~~non-intensive~~[36] primary production[37] and residential activities may be appropriate depending on their size, scale and nature and proximity to areas of High Natural Character;[38]and
   b. for existing urban zoned[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-PX ~~Managing the effects of the National Grid~~.[40]

CE-P11	Preserve the natural character qualities of areas with ~~C~~coastal ~~H~~high ~~N~~natural ~~C~~character

Only allow subdivision, use and development in areas of ~~C~~coastal ~~H~~high ~~N~~natural ~~C~~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-PX ~~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 ~~a~~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 ~~C~~coastal ~~H~~high ~~N~~natural ~~C~~character continues to:
   ~~d.~~ i.[43] recognise and provide for the on-going natural physical processes that have created the ~~C~~coastal ~~E~~environment; and
   ~~i~~ ii. retain the integrity of landforms and geological features; and
   ~~ii.~~ iii. retain a sense of remoteness and wildness; and
   ~~iii.~~ iv. retain areas of indigenous vegetation, and enhance these where possible; and
   ~~iv.~~ 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 zoned[44] 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 zoned[45] 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 works[49] 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 clear[50] risk to life or property from the natural hazard;
4. it minimises avoids[51] 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-significant[52] adverse effects are avoided, remedied or mitigated.[53]

CE-P15	PORTZ Port Zone [54]

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 Ccoastal Eenvironment. In the instance of any conflict between the two chapters, the provisions of this chapter takes precedence.*

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

For the purposes of the natural hazards provisions in this chapter, activities in the PORTZ Port Zone are only subject to rules CE-R1, CE-R2, CE-R3, CE-R4, CE-R6, CE-R9, CE-R14, CE-RXX, CE-RX, CE-RZ, CE-RA the PORTZ-specific rules and CE-R12. These PORTZ Port Zone specific rules do not

[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

~~*cover Major Hazardous Facilities and Hazardous Facilities in the PORTZ Port Zone, which are covered by the Hazardous Substances Chapter.*~~[56][57]

~~*For the purposes of CE-R9 Natural hazard mitigation works, the rules in the ECO, NATC, NFL and SASM chapters do not apply.*~~[58][59]

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-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.	**Activity status when compliance not achieved: Not applicable**
CE-R2	**~~Plantation~~ Commercial forestry**	
1 Coastal Environment Area Overlay	**Activity status: ~~Permitted~~ Restricted Discretionary** **Matters of discretion are restricted to:** 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.[60]	**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** With the exception of natural hazard mitigation works, the planting is limited to indigenous species.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. any adverse impacts on the identified matters contained in

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

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

[58] ECan [183.128]

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

[60] Forest and Bird [156.163]

		CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.
CE-R4	**Buildings and structures and extensions (excluding ~~R~~regionally ~~S~~significant ~~I~~infrastructure and fences)**	
1 Coastal Environment ~~A~~area ~~O~~overlay in ~~U~~urban ~~Z~~zoned[61] ~~A~~areas	**Activity status: Permitted**	**Activity status when compliance not achieved with: Not applicable**
2 Coastal Environment Area Overlay outside of ~~U~~urban ~~Z~~zoned ~~A~~areas [62]	**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-P5, CE-P6, CE-P7, CE-P8, and CE-P10; 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 10m^2 in area.~~[63]	**Activity status when compliance not achieved: ~~Non-complying~~ Restricted Discretionary** **Where:** **RDIS-1** Any extension to an existing building or structure or a new building or structure does not exceed 150m^2 in area.[64] **Matters of discretion are restricted to:** 1.any adverse impacts on the identified matters contained in CE-P4, CE-P5,

[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)
[64] Fenlea Farms [171.23]

		CE-P6, CE-P7, CE-P8, and CE-P10; 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.[65] **Activity status when compliance not achieved with RDIS-1: Non-complying**
4 **Sea Water Inundation Overlay within urban areas**	**Activity status: Permitted**[66] **Where:** **PER-1** The new building or extension has a maximum ground floor area per site of 25m² in any continuous 10-year period from 22 September 2022; or **PER-2** The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or **PER-3** The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk 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.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the building includes natural hazard mitigation such raised floor levels above the predicted inundation level, hazard tolerant materials, or is relocatable; 3. the extent to which the building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the extent to which the proposal will rely on or require additional community scale natural hazard mitigation works; and 7. the extent to which the proposal requires any increased reliance on emergency services.
5 **Sea Water Inundation Overlay outside of urban areas**	**Activity status: Permitted**[67] **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 **PER-2**	**Activity status when compliance not achieved: Non-complying**

[65] Fenlea Farms [171.23]

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

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

	The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or **PER-3** The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1.	
6 Coastal Erosion Overlay	**Activity status: Restricted Discretionary**[68] **Where** **RDIS-1** The activity includes an addition to an existing building or structure only; and **RDIS-2** The extension has a maximum floor area of 25m^2 established in any continuous 10-year period from 22 September 2022; or **RDIS-3** The extension is not to accommodate a natural hazard sensitive activity. **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.	**Activity status where compliance not achieved: Non complying**

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

CE-RX	Natural Hazard Sensitive Buildings[69] [70]	
4 1 Sea Water Inundation Overlay within urban zoned[71] areas	Activity status: Permitted Where: PER-1 The new building or extension has a maximum ground floor area per site of 25m^2 in any continuous 10-year period from 22 September 2022; or[72] PER-2 The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or[73] PER-3 1 The building or extension natural hazard sensitive building[74] has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment[75] 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.[76]	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the extent to which the proposal results in an increased risk to people and property; 2. whether the extent to which[77] 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. 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.[78]
5 2 Sea Water Inundation Overlay outside of	Activity status: Permitted Where: PER-1 The new building or extension has a maximum ground floor area per site of	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to:

[69] Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]
[70] Clause 16(2) as part of merging the coastal natural hazards provisions into the Natural Hazards chapter
[71] ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]
[72] Simo Enterprises [148.30] and Fenlea Farms [171.23]
[73] Fenlea Farms [171.23]
[74] Simo Enterprises [148.30] and Fenlea Farms [171.23] ECan [183.125]
[75] ECan [183.26]
[76] ECan [183.125]
[77] Clause 16(2)
[78] Te Rūnanga o Ngāi Tahu [185.19], Waipopo Huts [189.48], Te Kotare Trust [115.1]

urban zoned[79] areas	25m² in any continuous 10-year period from 22 September 2022; or [80] **PER-2** The ground floor of the new building or extension is not to accommodate a natural hazard sensitive activity; or[81] **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 Assessment[82] Certificate issued in accordance with NH-S1; and **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.[83]	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. **Activity status when compliance not achieved with PER-2: Non-complying**
6 3 Coastal Erosion Overlay	**Activity status: Restricted Discretionary** 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.[84] **Where** **RDIS-1** The activity is an addition or extension[85] to an existing building or structure only; and **RDIS-2** The addition or extension has a maximum floor area of 30[86]25m²	**Activity status where compliance not achieved: Non-complying**

[79] ECan [183.125], Silver Fern Farms [172.89], Lineage Logistics [107.9]
[80] Simo Enterprises [148.30] and Fenlea Farms [171.23]
[81] Fenlea Farms [171.23]
[82] ECan [183.26]
[83] ECan [183.125]
[84] The New Zealand Defence Force [151.15]
[85] Clause 16(2)
[86] ECan [183.125]

	~~established in any continuous 10-year period from 22 September~~ 2022 ~~[insert date Plan becomes operative];~~[87] ~~or~~ ~~**RDIS-3**~~ ~~The extension is not to accommodate a natural hazard sensitive activity.~~ [88] ~~**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.~~[89]	
CE-R5	**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-RY~~.~~**[90]	
Coastal High Natural	**Activity status: Permitted** **Where:**	**Activity status when compliance not achieved: Discretionary**

[87] ECan [183.125]

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

[89] ECan [183.109]

[90] Forest and Bird [156.66]

Character Area Overlay	**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;[91] or **PER-2** ~~The earthworks are for the purpose of installation of underground network utilities and ancillary structures;~~[92] ~~or~~ ~~**PER-3**~~ Any other earthworks do not exceed the following quantum per calendar year:[93] 1. 100m^3 within the area of the site located within the Coastal High Natural Character Area Overlay~~;~~; or 2. 100m^2 within the area of the site located within the Coastal High Natural Character Area Overlay.	
CE-RY	**Vehicle access tracks for network utilities, including ancillary access tracks, outside of urban zoned areas**[94]	
1 Coastal Environment Area Overlay	**Activity status: Permitted** **Where:** **PER-1** The vehicle access track is not wider than 4m.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of ~~D~~discretion for PER-1 are restricted to:** 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9 and CE-P10.
2 Coastal High Natural Character Area Overlay	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The vehicle access track is located within the Coastal High Natural Character Area Overlay. **Matters of ~~D~~discretion for RDIS-1 are restricted to:** 1. any adverse impacts on the identified matters contained in	**Activity status when compliance not achieved: Not applicable**

[91] Forest and Bird [156.165]
[92] Forest and Bird [156.165]
[93] Silver Fern Farms [172.90]
[94] Forest and Bird [156.66]

	CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, and CE-P11.	
CE-R6	**Land disturbance**	
Coastal Environment Area Overlay **~~Coastal Erosion Overlay~~** **Coastal High Natural Character Area Overlay** **~~Sea Water Inundation Overlay~~**[95]	**Activity status: Permitted**	**Activity status when compliance not achieved with: Not applicable**
CE-R7	**Regionally ~~S~~s~~i~~ignificant ~~i~~infrastructure - maintenance and upgrade** **Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ and CE-RA**[96]	
~~1 Coastal Erosion overlay~~ **~~Sea Water Inundation Overlay~~**	**~~Activity status: Permitted~~** [97] **~~Where:~~** **~~PER-1~~** ~~A new building or building extension is located outside of the Coastal Erosion Overlay and~~[98] ~~has a collective maximum additional~~[99] ~~ground floor area per site of 200m^2 in any continuous 10-year period from 22 September 2022 [insert plan operative date];~~[100] ~~or~~ **~~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];~~[101] ~~or~~	**~~Activity status when compliance not achieved: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. any impacts on natural elements, processes and patterns, and landforms; and~~ ~~2. the extent to which the building or structure has a functional need or operational need for its location; and~~ ~~3. the extent of any positive benefits that will result from the proposal; and~~ ~~4. the extent to which the proposal creates natural hazard risks on adjacent properties and any risk to human life; and~~ ~~5. The risk to the building or structure taking into account:~~

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

[96] Forest and Bird [156.73] [156.74]

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

[98] ECan [183.126]

[99] Clause 16(2)

[100] ECan [183.126]

[101] ECan [183.126]

	~~**PER-3**~~ ~~The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building activity[102]; or~~ ~~**PER-4**~~ ~~The building or extension is located outside of the Coastal Erosion Overlay and[103] has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment[104] Certificate issued in accordance with NH-S1.~~ ~~**PER-5**~~ ~~That part of the building below the minimum finished floor level as stated in a Flood Risk Certificate issued in accordance with NH-S1 is constructed of materials that will be water tight and any openings below this level must be capable of being sealed mechanically.[105]~~	~~a. The nature of the building, structure or activity, including its materials and ability to be relocated;~~ ~~b. The anticipated lifespan of the building, structure or activity~~ ~~c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.[106]~~
~~2~~ 1 Coastal Environment Area Overlay outside of urban zoned areas	**Activity status: Permitted**[107] **Where:** **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 1,000m^2.	**Activity status when compliance not achieved: Restricted Discretionary** **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, and CE-P10; 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.
2 ~~3~~ Coastal High Natural Character Overlay	**Activity status: Permitted** **Where:** **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 200m^2. *[108]*	**Activity status when compliance not achieved: Restricted Discretionary** **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-P10~~[109] and CE-P11; and

[102] Clause 16(2)
[103] ECan [183.126]
[104] ECan [183.26]
[105] ECan [183.126], [183.125]
[106] ECan [183.109], [183.126]
[107] Forest and Bird [156.167]
[108] Forest and Bird [156.167]
[109] Clause 16(2)

		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.
CE-R8	**Regionally ~~S~~s~~s~~ignificant ~~I~~i~~i~~nfrastructure – ~~N~~n~~n~~ew** **Except that this rule does not apply to solar and wind electricity generation activities covered by CE-RZ and CE-RA**[110]	
~~1 Coastal Erosion Overlay~~ [111] **~~Sea Water Inundation Overlay~~**	**~~Activity status: Permitted~~** [112] **~~Where:~~** **~~PER-1~~** ~~A new building or extension has a maximum ground floor area per site of 200m^2 in any continuous 10-year period from 22 September 2022 [insert plan operative date];~~[113] ~~or~~ **~~PER-2~~** ~~The ground floor of the new building or extension is not to accommodate a natural hazard sensitive building activity~~[114]~~; or~~ **~~PER-3~~** ~~The building or extension has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Risk Assessment~~[115] ~~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.~~[116]	**~~Activity status when compliance not achieved: Discretionary~~**

[110] Forest and Bird [156.73] [156.74]
[111] ECan [183.126]
[112] Clause 16(2) - shifted to NH-R6 as NH-R6.2.as part of the natural hazards provisions merging
[113] ECan [183.127]
[114] Clause 16(2)
[115] ECan [183.26]
[116] ECan [183.127], [183.126], [183.125]

~~2 Coastal Erosion Overlay~~[117]	~~Activity status: RDIS Permitted~~[118] [119] 120 ~~Where:~~ ~~Except that this shall not apply to:~~ ~~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.~~ ~~PER-1~~ ~~The work, building or structure is for:~~ ~~1. Community land drainage infrastructure;~~ ~~2. Established community-scale irrigation and stockwater infrastructure; or~~ ~~PER-2~~ ~~Any building or structure that has a footprint less than 30m^2.~~	~~Activity status: Not applicable Restricted Discretionary~~ ~~Matters of discretion are restricted to:~~ ~~1 Whether there is an operational or functional need for the location;~~ ~~2. The risk to the building or structure taking into account:~~ ~~a. The nature of the building, structure or activity, including its materials and ability to be relocated;~~ ~~b. The anticipated lifespan of the building, structure or activity~~ ~~c. The level of certainty of the projected future shoreline, including whether the erosion is very likely within a medium term as opposed to more uncertain over a longer-term period.~~[121]
~~3~~ 1 Coastal Environment Area Overlay outside of urban zoned areas	Activity status: Permitted Where: PER-1 Any upgrading does not increase the building or structure envelope by more than 200m^2 within a continuous 10-year period.	Activity status when compliance not achieved: Restricted Discretionary 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, and CE-P10; 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.
~~2~~ 4 2 Coastal High Natural Character Area Overlay	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

[117] ECan [183.126]

[118] ECan [183.126]

[119] 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

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

[121] ECan [183.109]

CE-R9 [122]	**Natural hazard mitigation works, including associated**[123] **earthworks and incidental vegetation removal**[124]**; - maintenance, replacement and upgrading**[125] ***This rule does not apply to natural hazard mitigation works only involving the planting of vegetation***[126]	
1 **Coastal Environment Area Overlay** **Sea Water Inundation Overlay**[127]	**Activity status: Permitted** **Where:** **PER-1** The natural hazard mitigation works only involve the maintenance, reinstatement, or planting of vegetation; or [128] **PER-12** The activity natural hazard mitigation works are for the operation, is undertaken by or on behalf of the Crown, Canterbury Regional Council, or the Council and is limited to the maintenance, replacement or upgrading of existing Crown, Council or Canterbury Regional Council natural hazard mitigation works, including those within the full footprint of existing river control schemes; or[129] **PER-1 3** The activity is limited to the maintenance, replacement or upgrading of existing natural hazard mitigation works that: 1. The natural hazard mitigation works is occur[130] within 25m of the existing alignment or location vertically	**Activity status where compliance not achieved with PER-1 PER-5: Restricted Discretionary** **Where** **RDIS-1**[134] Any new natural hazard mitigation works are undertaken by or on behalf of the Crown, Regional Council, or the Council; or [135] b. are undertaken by or on behalf of the Port of Timaru and are located within 310m of PREC7.[136] **Matters of discretion are restricted to:** 1. the likely effectiveness of the natural hazard mitigation works and the need for them; and 2. the extent of any adverse social, cultural and environmental effects, including from indigenous vegetation clearance, vegetation planting, and earthworks on any sensitive environments, including significant natural areas, natural character areas, riparian margins, sites and areas of significance to Māori and within any ONF or ONL overlay;[137]; and 3. any potential adverse effects of from[138] 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.

[122] Clause 16(2) – merged with NH-R3.1 and NH-R3.2 as part of natural hazards merge
[123] Clause 16(2)
[124] Clause 16(2) to align with NH-R3
[125] ECan [183.128]
[126] Clause 16(2)
[127] ECan [183.128]
[128] Clause 16(2)
[129] ECan [183.128]
[130] Clause 16(2)
[134] ECan [183.128]
[135] ECan [183.128]
[136] ECan [183.128], PrimePort [175 - various] and Timaru District Holdings [186 - various]
[137] ECan [183.128]
[138] ECan [183.128]

	and horizontally of the existing natural hazard mitigation works;[131] and 2. Does not increase tThe footprint of the existing[132] natural hazard mitigation works is not increased by more than 25%; and or **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;[133] or **PER-5** The activity is new natural hazard mitigation works undertaken by or on behalf of the Crown, the Regional Council or the Council and is required for preventative or remedial measures in response to active erosion or flooding, and is limited to works that maintain or reinstate the pre-existing level of protection.	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.[139] **Activity status where compliance not achieved with RDIS-1: Discretionary** **Activity status where compliance not achieved with PER-1, PER-2, PER-3, or PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** Those matters set out for PER-1 PER-5.
2 Coastal High Natural Character Area Overlay[140] **Coastal Erosion Overlay**[141]	**Activity status: Restricted Discretionary** **Where:** **RDIS-1**[142] Any new natural hazard mitigation works are: a. established by or on behalf of the Crown, Regional Council, or the Council; or[143]	**Activity status where compliance is not achieved: Discretionary**

[131] Clause 16(2)
[132] Clause 16(2)
[133] PrimePort [175 - various] and Timaru District Holdings [186 - various] and clause 16(2)
[139] ECan [183.40]
[140] ECan [183.128]
[141] ECan [183.128]
[142] ECan [183.128]
[143] ECan [183.128]

	~~b. established by or on behalf of the Port of Timaru and are located within 310m of PREC7.~~[144] **~~Matters of discretion are restricted to:~~** ~~those matters set out for non-compliance with PER-1.~~[145]	
CE-R10	**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, CE-P6, CE-P7, CE-P8, CE-P10 and CE-P11.	**Activity status when compliance not achieved: Not applicable**
~~CE-R11 SUB-RY~~	**~~Subdivision within the Ccoastal Eenvironment~~**[146]	
1 Coastal Environment Area Overlay	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The site is not located within the Coastal High Natural Character Area Overlay. **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-P9[147] 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~~ Discretionary** **Note:** Where a resource consent is required as a ~~D~~discretionary activity ~~under RDIS-1~~,[148] future building platforms must be indicated in the application and will be registered on the ~~Certificate~~ Record of Titles of resulting new allotments.

[144] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[145] ECan [183.128]
[146] Speirs, B [66.53], [66.45].
[147] Clause 16(2) to address a policy omission
[148] Clause 16(2) for clarity

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; 2. whether the proposal includes hazard mitigation; 3. the extent to which future building or structure has a functional need or operational need for its location; and 4. the extent of any positive benefits that will result from the proposal; and 5. the extent to which the proposal creates natural hazard risks on adjacent properties; and 6. the location of any proposed building that will accommodate a natural hazard sensitive activity.	**Activity status when compliance not achieved: Not applicable**
3 Coastal High Natural Character Area Overlay	**Activity status: Discretionary** ***Note**: Future building platform must be indicated in the application and will be registered on the Certificate of Titles of resulting new allotments.*	**Activity status when compliance not achieved: Not applicable**
4 Coastal Erosion Overlay	**Activity status: Non-complying**	**Activity status when compliance not achieved: Not applicable**
CE-R12	**Natural hazard mitigation works, including earthworks - New**[149] ***This rule does not apply to natural hazard mitigation works only involving the planting of vegetation***	
Coastal High Natural Character Area Overlay **Coastal Erosion Overlay**	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The natural hazard mitigation works are undertaken by or on behalf of the Council, Crown or Regional Council; or **RDIS-2**	**Activity status when compliance not achieved: Non-complying**

[149] ECan [183.128], [183.130]

~~**Sea Water Inundation Overlay**~~	~~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.~~ ~~**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-P10 and CE-P11; and~~ ~~1. the extent to which the works will result in adverse cumulative effects; and~~ ~~2. the extent to which the works will transfer natural hazard risk to other sites and the implications of this; and~~ ~~3. the extent of any positive benefits that will result from the proposal; and~~ ~~4. the extent to which the works have a functional need or operational need for its location.~~	
CE- R13	**Primary production not otherwise specified in this chapter**	
Coastal High Natural Character Area Overlay	**Activity status: Discretionary** **Where:** **DIS-1** The activity does not involve irrigation or intensive primary production.	**Activity status when compliance not achieved: Non-complying**
CE-R14	~~**Quarrying/**~~**Mining / ~~Qq~~quarrying**[150] ~~**Aa**~~**ctivit~~ies~~ outside the beds of lakes and rivers and the coastal marine area and** [151] **excluding for natural hazard mitigation works or reclamation within or adjacent to the ~~PORTZ~~ Port Zone**	
1. Coastal Environment Area Overlay	**Activity status: Permitted**[152] **Where:** **PER-1** The activity is a farm quarry and is less than 500m^2.	**Activity status when compliance not achieved: Restricted D~~d~~iscretionary** **Matters of discretion are restricted to:** 1. any adverse impacts on the identified matters contained in CE-P4, CE-P5,

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

[151] ECan [183.142]

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

	Note: *C~~c~~onsent for mining and quarrying may b~~e~~y required from the CRC ~~Canterbury Regional Council~~ within the beds of lakes and rivers and the CMA ~~coastal marine area~~.*[153]	CE-P6, CE-P7, CE-P8, CE-P9 and CE-P10; and 2. the extent to which the works will result in adverse cumulative effects; and 3. the extent to which the activity results in the enhancement of natural character.
~~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~~[154]	**~~Natural Hazard Sensitive Buildings within the PORTZ Port Zone~~** [155]	
~~Flood Assessment Area Overlay~~ **~~Sea Water Inundation Overlay~~** **~~Coastal Erosion Overlay~~**[156]	**~~Activity status: Permitted~~** **~~Where~~** **~~PER-1~~** ~~The building is built to the minimum finished floor level specified in an existing consent notice that is less than five years old; or~~ **~~PER-2~~** ~~The building activity:~~[157] ~~1. complies with the minimum finished floor level requirement for the site as specified in a Flood Assessment Certificate; or~~ ~~2. will be designed and constructed to be flood resilient below the minimum finished floor level requirement specified in a Flood Assessment Certificate; or~~ ~~3. the building has a footprint smaller than 100m^2; or~~ ~~4. the building is relocatable.~~	**~~Activity status where compliance is achieved: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. any increased flood risk for people, property, or public spaces; and~~ ~~2. the effectiveness and potential adverse effects of any proposed mitigation measures; and~~ ~~3. any operational need or functional need for the activity to be established in this location; and~~ ~~4. any increased reliance on emergency services; and~~ ~~5. any positive effects of the proposal.~~
~~NH-RX~~	**~~New buildings, structures and earthworks in the PORTZ Port Zone~~** [159]	

[153] ECan [183.142]

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

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

[156] 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.

[157] Clause 16(2)

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

~~CE-RX~~[158]		
~~Flood Assessment Area Overlay~~ ~~Coastal Erosion Overlay~~[160]	~~Activity status: Permitted~~ ~~Where~~ ~~PER-1~~ ~~Buildings, structures and earthworks will not worsen flooding on another property that is not held in the same ownership through the diversion or displacement of flood water in all events up to and including a 0.5% AEP event.~~[161] ~~Note: when considering flooding effects, the cumulative effects of climate change over the next 100 years (based on latest national guidance) and all sources of flooding (including fluvial, pluvial, and coastal) must be accounted for.~~	~~Activity status where compliance is achieved: Restricted Discretionary~~ ~~Matters of discretion are restricted to:~~ ~~1. any adverse effects on the rate of flow and direction of overland flow path(s); and~~ ~~2. any adverse effects on property from blockage of or disturbance to the overland flow path(s) or displacement of floodwater; 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 benefits of or necessity for the proposed building, structure or earthworks.~~
CE-RZ	**Upgrading of existing, or installation of new solar cells or an array of solar cells** [162]	
1 Coastal Environment Area Overlay	**Activity status: Permitted** **Where:** **PER-1** The activity is located on an existing building; and **PER-2** The activity is within an urban zoned area; and **PER-2** CE-S1 and CE-S3 are complied with.	**Activity status when compliance not achieved with PER-1 or PER-3: Restricted Discretionary** **Matters of discretion are restricted to:** 1. Any adverse impacts on the identified matters contained in CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, and CE-P10. **Activity status when compliance not achieved with PER-2: Discretionary**
2 Coastal High Natural Character Area Overlay	**Activity status: Discretionary** **Where:** **DIS-1** The activity is located on a building; and **DIS-2** CE-S1 and CE-S3 are complied with.	**Activity status when compliance not achieved: Non-complying**

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

[160] 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.

[161] ECan [183.38]

[162] Forest and Bird [156.73]

CE-RA	Upgrading an existing wind turbine or installation of a new wind turbine, for electricity generation [163]	
1 Coastal Environment Area Overlay	**Activity status: Permitted** **Where:** **PER-1** The activity meets the definition of ~~S~~small-~~S~~scale ~~R~~renewable ~~E~~electricity ~~G~~generation; and **PER-2** The activity is located within an urban zoned area; and **PER-3** The activity is not visible from a coastal ~~H~~high ~~N~~natural ~~C~~character ~~a~~Area; and **PER-4** CE-S1 and CE-S3 are complied with.	**Activity status when compliance not achieved with PER-1 or PER-2: Discretionary** **Activity status when compliance not achieved with PER3 or PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. Any adverse impacts on the identified matters contained in CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, and CE-P10.
2 Coastal High Natural Character Area Overlay	**Activity status: Discretionary** **Where:** **DIS-1** CE-S1 and CE-S3 are complied with.	**Activity status when compliance not achieved: Non-complying**

Standards		
CE-S1	**Height of buildings and structures**	
Coastal Environment Area Overlay	The maximum height of any building or structure must not exceed: 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. **Note:** Height shall be measured from the existing ground level prior to any works commencing.[164]	**Matters of discretion are restricted to:** 1. any adverse impacts on the identified matters contained in CE-CE-P4, CE-P5, CE-P6, CE-P7, CE-P8, CE-P9, CE-P10 and CE-P11; and 2. the extent to which the height of the building or structure will result in: 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.

[163] Forest and Bird [156.74]

[164] ECan [183.4]

CE-S2	**~~Site c~~Coverage by buildings and structures**[165]	
Coastal Environment Area Overlay	The combined[166] building and structure coverage of a site[167] within the overlay shall not exceed a maximum ~~floor~~ area of: 1. 500m^2 for sites that are less than 20ha in area; and 2. 500m^2 for every 20ha of site area for sites larger than 20ha in area, or a maximum of 2,000m^2 per property (whichever is the lesser); unless 3. ~~if~~ the building and structure is ~~to be~~ located within ~~the~~ an urban zoned[168] area, in which case[169] it shall be as per the applicable zone rules and standards.	**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-P10 and CE-P11; 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	With the exception of the Port Zone, all external cladding and roofing of[170] buildings and structures must be finished in materials with a maximum reflectance value of 30%.	**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-P10 and CE-P11; and 2. the extent to which the proposed exterior materials and colours respond to and respect the natural character qualities of the surrounding area~~.~~; and 3. the extent to which the building or structure has a functional need or operational need for its location.
~~SUB-RX~~	**~~Subdivision within the PORTZ~~**[171] [172]	
~~1 Flood Assessment Area Overlay~~ **~~Sea Water Inundation Overlay~~**	**~~Activity status: Restricted Discretionary~~** **~~Matters of discretion are restricted to:~~** ~~1. the design and layout of the subdivision, in relation to natural hazards; and~~ ~~2. any potential effects of diverting or blocking overland flow path(s) on future development within the subdivision; and~~	**~~Activity status where compliance not achieved: Not applicable~~**

[165] ECan [183.132]
[166] ECan [183.132]
[167] ECan [183.132]
[168] Silver Fern Farms [172.94]
[169] Clause 16(2)
[170] Silver Fern Farms [172.95] and Alliance Group [173.96]
[171] PrimePort [175 - various] and Timaru District Holdings [186 - various]
[172] Clause 16(2) – this rule is now merged as SUB-RX1A in the subdivision chapter as shown in the Natural Hazards chapter changes

	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.~~	

EARTHWORKS

Introduction

Earthworks are a necessary part of subdivision, land use and development, but need to be managed to ensure that risks associated with land instability, sediment loss and increased natural hazards, and effects on amenity values, cultural values, strategic infrastructure and the natural environment are effectively addressed.

Earthworks provisions in the District Plan manage the scale, location and type of earthworks through threshold standards that apply to all zones. Various exemptions are ~~provided from rules~~ included within this chapter. The impact of earthworks on sensitive areas is dealt with in other chapters. This includes ~~Significant Natural Areas (~~SNAs~~)~~, ~~Outstanding Natural Landscapes or Features~~ ONLs, ONFs, HNWB ~~High Naturalness Water Bodies~~, ~~Visual Amenity Landscapes~~ VALs, the Flood Assessment Area~~s~~ Overlay, the Coastal Environment Overlay, ~~Sites and Areas of Significance to Māori~~ SASM, ~~H~~historic ~~H~~heritage ~~I~~items or historic heritage ~~S~~settings, and infrastructure.

In addition to the District Plan provisions, resource consent may also be required for earthworks under Regional Plan provisions and/or NESs ~~National Environmental Standards~~.

In the event that an unidentified archaeological site or wāhi tapu site is located during any[1] earthworks, all earthworks must follow the Accidental Discovery Protocol contained in APP4 – Accidental Discovery Protocol.[2]

Objectives	
EW-O1	**Earthworks ~~activity~~**
Earthworks facilitate subdivision, and the use and development of ~~the District's~~ land ~~resource~~, while ensuring ~~that its~~ adverse effects on the surrounding environment are avoided or mitigated.[3]	
Policies	
EW-P1	**Benefits and necessity**
Recognise the benefits and necessity of earthworks for the subdivision, use and development of land, including earthworks for the provision of network utilities, and natural hazard mitigation works.[4]	
EW-P2	**Management and amenity**
Ensure ~~Require that any~~ adverse effects of earthworks do not detract from ~~the~~ amenity values, the intrinsic values of ecosystems, and the environmental quality enjoyed by those living or working in the vicinity.[5]	
EW-P3	**Accidental discovery**
Require accidental discovery protocols to ensure land disturbance avoids or mitigates adverse effects on sensitive material.	
EW-P4	**Infrastructure**
Protect ~~R~~regionally ~~S~~significant ~~I~~infrastructure from the adverse effects of earthworks.	
EW-P5	**Land stability**

[1] Section 42A Summary Statement, Paragraph 14(a)
[2] Clause 16(2) Amendments
[3] Clause 16(2) Amendments
[4] Clause 16(2) Amendments
[5] Clause 16(2) Amendments

Only allow earthworks on steeper slopes and in proximity to boundaries where ~~they will not impact~~ significant adverse effects on land stability are avoided and other adverse effects are appropriately mitigated.[6]

Rules

Note: *~~Activities not listed in the rules of this chapter are classified as a permitted under this chapter.~~*[7] *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, resource consent is required under each of those rules. The steps plan users should take to determine which rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.*

<table>
<tr><td>EW-R1</td><td colspan="2">Earthworks, excluding earthworks:
a. for tree planting, or the removal of trees not protected by the District Plan;
b. for test pits, wells or boreholes permitted under a regional plan or where all necessary regional resource consents have been obtained;
c. for infrastructure that is identified as permitted, controlled or restricted discretionary in Sections A, B, C and E of the Energy~~,~~ and Infrastructure ~~c~~Chapter and in TRAN-R1 to TRAN-5 and TRAN-R8 of the Transport ~~c~~Chapters of the District Plan;[8]
d. required for maintenance of existing drains and ponds;
e. for natural hazard mitigation works carried out by ~~Timaru District~~ Council or CRC ~~Canterbury Regional Council~~ that are permitted by the relevant District Plan chapter or are within the bed of a lake or a river and are within the jurisdiction of the CRC;[9]
f. for cemeteries, including pet cemeteries, and urupā;
g. permitted under a National Environment Standard, unless otherwise subject to a rule in this District Plan~~,~~; and
h. within the building footprint, or within 2m of the outer edge of, a building that has building consent and that complies with EW-S3. This exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the principal building on the site or adjoining site.</td></tr>
<tr><td rowspan="2">All ~~Z~~zones</td><td>Activity status: Permitted

Where:

PER-1
EW-S1, EW-S2, EW-S3, EW-S4 and EW-S5 are complied with; and

PER-2
Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the earthworks shall be undertaken in accordance with t~~T~~he Accidental Discovery Protocol ~~commitment form,~~ contained within APP4 - ~~Form~~</td><td>Activity status when compliance not achieved with PER-1: Restricted Discretionary

Matters of discretion are restricted to:
1. the matters of discretion of any infringed standard.

Activity status when compliance not achieved with PER-2: Restricted Discretionary

Matters of discretion are restricted to:</td></tr>
</table>

[6] Silver Fern Farms [172.96] and Alliance Group [173.99]
[7] Clause 16(2) Amendment
[8] Mr. Willis Recommendation – Hearing E, Hearing F Interim Reply
[9] Clause 10(2)(b) Amendment - OWL [181.48] and [181.54]

	~~confirming a commitment to adhering to an~~ Accidental Discovery Protocol~~, has been completed and submitted to Council, prior to the commencement of any earthworks~~.[10]	1. the extent of potential adverse effects on sites where there is the potential for koiwi or artefacts to be discovered; and 2. whether there has been prior consultation with Te Rūnanga o Arowhenua and Heritage New Zealand Pouhere Taonga; and 3. measures to avoid, remedy or mitigate potential adverse effects on potential koiwi or artefacts.

Standards		
EW-S1	**Areas**	
1. General Rural Zone **Rural Lifestyle Zone**	The area of earthworks must be limited to as follows: 1. for any primary production activity that is a ~~P~~permitted ~~A~~activity in the zone, there is no limit; and 2. for any ancillary rural earthworks, there is no limit; and 3. for other activities: 2,000m^2 in any 12-month period per site.	**Matters of discretion are restricted to:** 1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and 2. the impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; and 3. the impact on visual amenity and landscape character.~~; and~~ ~~4. the impact on any overland flow paths.~~[11]
2. General Residential Zone **Medium Density Residential Zone**	The area of earthworks must be limited to 250m^2 in any 12-month period per site.	**Matters of discretion are restricted to:** 1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and 2. the impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; and 3. the impact on visual amenity and landscape character~~.~~; and[12] ~~4. the impact on any overland flow paths.~~[13] 5. where the earthworks are within a wāhi tūpuna, wāhi taoka or wāhi tapu overlay: a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and

[10] Heritage NZ [114.37]
[11] Clause 16(2) Amendment, Hearing F Interim Reply
[12] Clause 16(2) Amendment
[13] Clause 16(2) Amendment, Hearing F Interim Reply

		c. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and d. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM ~~site or area of significance~~; and e. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and f. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM ~~site/area~~, and any potential to: i. affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM ~~site/area~~; or iii. provide for the relationship of Kāti Huirapa with their taoka; or iv. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~ commensurate with the scale and nature of the proposal; and g. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.[14]
3. Settlement Zone **Commercial and mixed use zones** **General Industrial Zone**	The area of earthworks must be limited to 2,000m^2 in any 12-month period per site.	**Matters of discretion are restricted to:** 1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and 2. the impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; and 3. the impact on visual amenity and landscape character; and ~~4. the impact on any overland flow paths.~~[16] 5. where the earthworks are within a wāhi tūpuna, wāhi taoka or wāhi tapu overlay: a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to

[14] Ms. White Recommendation – Hearing E
[16] Clause 16(2) Amendment, Hearing F Interim Reply

Clandeboye Manufacturing Zone[15] **Open ~~S~~space and ~~R~~recreation zones** **Port Zone** **Māori Purpose Zone**		which the proposal responds to, or incorporates the outcomes of that consultation; and b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and c. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and d. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM ~~site or area of significance~~; and e. the appropriateness of any mitigation measures proposed , including the need for an accidental discovery protocol; and f. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to: i. affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM ~~site/area~~; or iii. provide for the relationship of Kāti Huirapa with their taoka; or iv. maintain or enhance the ability of Kāti Huirapa to access and use the SASM ~~Site or Area of Significance~~ commensurate with the scale and nature of the proposal; and g. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.[17]
EW-S2	**Excavation and filling**	
All ~~Z~~zones	1. Earthworks do not exceed a maximum depth or height of 1.5m below or above ground level; and 2. E~~e~~arthworks are not undertaken at any point on land with a slope gradient greater than 1 in 4; and 3. A~~a~~ll fill consists[18] of cleanfill material.	**Matters of discretion are restricted to:** 1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and

[15] Fonterra [165.95] – *Note – Amendment only needed if the Clandeboye Manufacturing Zone is created.*
[17] Ms. White Recommendation – Hearing E
[18] Clause 16(2) Amendment

	***Note:** A cut or fill height up to 2.5m measured vertically does not need to meet this standard where it is retained by a building or structure authorised by a building consent (which must be obtained prior to any earthworks commencing).*	2. the impact on visual amenity, landscape character, outlook and privacy; and 3. the potential effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects.[19] ~~adverse effects on the margins of water bodies.~~[20]
EW-S3	**Setbacks**	
All ~~Z~~zones	Earthworks involving filling and/or excavation must not exceed 0.5m in depth or height below or above ground level[21] within 1.5m of any site boundary.	**Matters of discretion are restricted to:** 1. sedimentation and land instability effects; and 2. the impact on outlook and privacy.~~; and~~
EW-S4	**Rehabilitation and reinstatement**	
All ~~Z~~zones	1. No more than 12 months after the earthworks commenced and on completion of the earthworks, the area of land disturbed as a result of the earthworks must be: a. built upon; or b. sealed with hardstand material; or c. landscaped; or d. recontoured and replanted.	**Matters of discretion are restricted to:** 1. the impact on visual amenity, landscape character and outlook; and 2. potential dust nuisance, sedimentation, land instability and erosion; and 3. the impact on the area's surface water; and 4. the nature of the vegetation proposed.
EW-S5	**Earthworks in proximity of ~~the National Grid and/or~~ a 66kV electricity distribution line, excluding earthworks for:** **a. a network utility as part of an electricity transmission activity; or** **b. agricultural or domestic cultivation; or** **c. the repair, sealing or resealing of a road, footpath, driveway or farm track.**	
All ~~Z~~zones	~~1 Any earthworks must not exceed a depth or fill of 300mm within a distance measured 12m from the outer visible edge of any National Grid support structure; or~~ ~~2~~ 1 Earthworks ~~within 12 metres of the centre line of a 110kV or a 220kV National Grid transmission line or~~ within 10m ~~metres~~ of the centre line of a 66kV transmission line must: a. be no deeper or higher than 300mm below or above ground	**Matters of discretion are restricted to:** 1. the risk to the structural integrity of the transmission line support structure; and 2. compliance with NZECP 34:2001; and 3. the effects on the ability of the network utility operator to operate, upgrade and develop the ~~National Grid and~~ transmission line~~s~~, including ongoing safe and direct access.

[19] TRONT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 4
[20] Clause 16(2) Amendment, Hearing F Interim Reply
[21] ECan [183.4]

	level[22] within 6m of a foundation of a transmission line support structure; and b. be no deeper than 3m below ground level[23] ~~when:~~ ~~i. between 6 and 12 metres from the foundation of a 110kV or a 220kV National Grid transmission line support structure; or~~ ~~ii.~~ between 6m and 10m ~~metres~~ from the foundation of a 66kV transmission line support structure; and ~~iii.~~ c. not result in a reduction in the ground to conductor clearing distances below what is required by Table 4 in NZECP 34:2001, unless the requirements of Clause 2.2.3 of NZECP 34:2001 are met. **Note:** Earthworks and land disturbance within the National Grid Yard are assessed in EI-R28.[24]	

~~***Advice Note**:*~~

~~*In the event that an unidentified archaeological site or a waahi tapu site is located during any earthworks, the following applies:*~~

1. ~~*The earthworks must cease immediately at that place and within 20m around the site.*~~
2. ~~*Heritage New Zealand Pouhere Taonga must be notified and apply for the appropriate authority if required.*~~
3. ~~*Te Rūnanga o Ngāi Tahu must be notified of the discovery and ensure site access to enable appropriate cultural procedures and tikanga to be undertaken.*~~
4. ~~*If human remains (koiwi) are uncovered then the Heritage New Zealand Pouhere Taonga, NZ Police and Te Rūnanga o Ngāi Tahu must be notified. Remains are not to be moved until such time as iwi and Heritage New Zealand have responded.*~~
5. ~~*Works affecting the archaeological site shall not resume until Heritage New Zealand Pouhere Taonga, the Police (if skeletal remains are involved) and Te Rūnanga o Ngāi Tahu have each given the necessary approval for work to continue.*~~

~~*Evidence of archaeological sites can include oven stones, charcoal, shell middens, ditches, banks, and pits, building foundations, artefacts of Māori and Non-Māori origin or human burials.*~~[25]

[22] ECan [183.4]
[23] ECan [183.4]
[24] Transpower [159.89] and Section 42A Summary Statement, Paragraph 8
[25] Clause 16(2) Amendment

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

DRINKING WATER PROTECTION

Introduction

The District contains a number of community drinking water supplies and private drinking water supplies that provide its residents with drinking water and water for other domestic use. These supplies may be at risk of contamination from some land use and subdivision activities and as such, require protection to maintain the health and safety of the residents of the District.

When considering an application for ~~a~~ resource consent, section104G of the RMA requires that a consent authority must have regard to:

- the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and
- any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.

While the Canterbury Regional Council is responsible for the control of discharges of contaminants into or onto land or water, ~~Timaru District~~ Council manages land use and subdivision activities that may impact upon drinking water supplies. The Council have identified drinking water protection areas around community drinking water supplies. This protection overlay is referred to as the Drinking Water Protection Area Overlay. Protection is also given to private drinking water supplies, but these do not have mapped protection areas.

Objectives	
DWP-O1	**Protect drinking water supplies**
Drinking water supplies are protected from land use and subdivision activities that may limit their ability to provide safe drinking water.	
Policies	
DWP-P1	**Drinking Water Protection Area Overlay**
Identify the location and extent of: 1. known drinking water supplies, as the ~~d~~Drinking ~~w~~Water ~~p~~Protection ~~a~~Area ~~o~~Overlay on the District Plan Maps; and 2. unknown drinking water supplies, in accordance with the methodology set out within APP6 - Drinking Water Protection and subsequently include as part of the ~~d~~Drinking ~~w~~Water ~~p~~Protection ~~a~~Area ~~o~~Overlay via a change to the District Plan.	
DWP-P2	**Protect drinking water supplies**
Protect drinking water supplies ~~from~~ by avoiding land use and subdivision activities that ~~have the potential to~~[1] negatively affect their water quality.	
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.*

[1] TDC [42.42]

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.

DWP-R1	**Camping grounds**	
Drinking Water Protection Area - for a Community Drinking Water Supply **Drinking Water Protection Area - within 50m from a private drinking water supply**	**Activity status: Permitted** **Where:** **PER-1** The camping ground is connected to a community wastewater treatment system.	**Activity status when~~re~~ compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and 2. the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and 3. ~~R~~risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.
DWP-RX	**Earthworks[2]**	
Drinking Water Protection Area - for a Community Drinking Water Supply **Drinking Water Protection Area - within 50m from a private drinking water supply**	**Activity status: Permitted** **Where:** **PER-1** All bores within the Drinking Water Protection Area overlays are more than 50m deep; or **PER-2** 1. The earthworks are less than 250m2; and 2. ~~t~~There are more than 1~~-~~m of separation between the base of the earthworks and the highest seasonal groundwater level.	**Activity status when~~re~~ compliance not achieved: Non-complying**

[2] TDC [42.42 and 42.42]

~~DWP-R2 SUB-RZ~~[3]	**~~Subdivision not connected to a community sewage~~ ~~wastewater treatment~~**[4] **~~system, except that this shall not apply to boundary adjustments where no additional lots are created~~**[5]	
~~Drinking Water Protection Area - for a Community Drinking Water Supply~~ **~~Drinking Water Protection Area - within 50m from a private drinking water supply~~**	**~~Activity status: Restricted Discretionary~~** **~~Where:~~** **~~RDIS-1~~** ~~The subdivision is connected to a community wastewater treatment system.~~[6] **~~Matters of discretion control are restricted to:~~** ~~1. any impact on the safety of drinking water supplies for human consumption, and measures to avoid or mitigate these effects; and~~ ~~2. the proximity of the land use activity to the drinking water supply, and measures taken to protect the supply point from the effects of the activity; and~~ ~~3. Rrisks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.~~	**~~Activity status whenre compliance not achieved: Not Applicable~~**
DWP-RX	**Buildings ~~that~~ which utilize on-site ~~require~~ septic/sewage facilities and disposal**[7]	
Drinking Water Protection Area - for a Community Drinking Water Supply **Drinking Water Protection Area - within 50m from a private drinking**	**Activity status: Restricted Discretionary** **Matters of ~~D~~discretion are restricted to:** 1. ~~T~~the actual and potential environmental effects of the discharge on the quality and safety of human drinking-water.	**Activity status whenre~~re~~ compliance not achieved: Not applicable**

[3] Speirs, B [66.54
[4] TDC [41.42]
[5] Rooney, et al [174.61, 191.61, 249.61, 250.61, 251.61, 252.61]
[6] Milward Finlay Lobb [60.29], Bruce Speirs [66.29], TDC [41.2]
[7] TDC [42.41], [42.42] and subsequent minor amendments for clarity

water supply		
DWP-R3	**Mining or quarrying, including prospecting and exploration, outside of the beds of lakes and rivers**[8]	
Drinking Water Protection Area - for a Community Drinking Water Supply Drinking Water Protection Area - within 100m from a private drinking water supply	**Activity status: Non-complying** ***Note:*** *Consent for mining and quarrying may be~~cy~~ required from the Canterbury Regional Council ~~works in the beds of lakes and rivers are also within the jurisdiction of the Regional Council and may require resource consent from that Council.~~*[9]	**Activity status when~~re~~ compliance not achieved: Not Applicable**
DWP-R4	**Pipelines used for the transfer of any hazardous substances**	
Drinking Water Protection Area - for a Community Drinking Water Supply Drinking Water Protection Area - within 50m from a private drinking water supply	**Activity status: Non-Complying**	**Activity status when~~re~~ compliance not achieved: Not Applicable**

[8] ECan [183.142]
[9] ECan [183.142]

DWP-R5	**Industrial activities including rural industry, which are located outside of an industrial zone, or industrial precinct, or special purpose zone for rural industry**[10]	
Drinking Water Protection Area - for a Community Drinking Water Supply **Drinking Water Protection Area - within 50m from a private drinking water supply**	**Activity status: Non-complying**	**Activity status whenre compliance not achieved: Not Applicable**
DWP-R6	**Composting facilities;** **Offical pits;** **Silage storage;** **Vegetation clearance; and** **Intensive primary production**[11]	
Drinking Water Protection Area - for a Community Drinking Water Supply **Drinking Water Protection Area - within 50m from a private drinking water supply**	**Activity status: Non-complying**	**Activity status whenre compliance not achieved: Not applicable**

[10] Fonterra [165.96] and Silver Fern Farms [172.99]
[11] TDC [42.41 and 42.42]

LIGHT

Introduction

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours. It also enables night-time activities to be conducted safely and provides for site security. However, if outdoor lighting is poorly designed, controlled, located or orientated, it may adversely affect the amenity of neighbouring properties ~~and Light Sensitive Areas; result in a loss or reduction of views of the night sky~~[1]~~;~~ and potentially disturb wildlife. It may also affect human health and/or safety.

The provisions of the Light Chapter provide for adequate lighting to support night-time activities and site security, while minimising potential adverse effects.

The Port Zone~~,~~ recognises the industrial nature and scale of the Timaru ~~p~~Port, its strategic importance and 24-hour operation. Due to the nature of operations at the ~~p~~Port, a Light Management Plan (LMP) has been prepared by PrimePort, the managers and operators of the ~~p~~Port, in collaboration with Council. It is envisaged that the LMP will act as a tool to minimise adverse effects of light spill on adjoining areas, while recognising the operational requirements of the ~~p~~Port, many of which are existing. The Port Zone is therefore exempted from some of the provisions of this ~~C~~chapter, but with some protection to neighbouring residential properties and a reliance on the LMP to minimise effects~~, particularly where outdoor artificial lighting is adjoining light sensitive areas~~[2]. While the PrimePort LMP ~~Lighting Management Plan~~ 2022 does not form part of the District Plan, it can be downloaded from the Council website.

Objectives	
LIGHT-O1	**Artificial outdoor lighting**
The benefits of a~~A~~rtificial outdoor lighting in allowing ~~provides~~ for the safe and efficient use of the outdoors for a range of night-time activities are recognised[3], while:[4] 1. ~~is~~ being designed and located to minimise its adverse effects~~,~~; and 2. ~~is~~ being compatible with the character and qualities of the surrounding area; ~~and~~ and 3. ~~protects the values and characteristics of light sensitive areas~~[5] minimising adverse effects on long-tailed bats[6]; and 4. not compromising the health and safety of people and communities, including road safety.[7]	
~~LIGHT-O2~~	**~~Benefits of artificial lighting~~**[8]
~~The benefits of artificial lighting are recognised while any adverse effects generated do not compromise the health and safety of people and communities, including road safety.~~	
Policies	
LIGHT-P1	**Appropriate artificial outdoor lighting**
Provide for artificial outdoor lighting ~~appropriate to its environment~~[9] that:	

[1] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[2] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[3] Further submission of PrimePort – Evidence of Tim Walsh, paras 83-85.
[4] Synlait [163.5]
[5] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[6] Dir. General Conservation [166.8]
[7] Synlait [163.5]
[8] Synlait [163.5]
[9] Clause 10(2)(b) relating to Synlait [163.5]

1. provides for the safe and efficient use of the outdoors for a range of activities, including for night-time working, primary production[10], recreation activities and entertainment activities; and
2. ~~maintains the character and qualities of the surrounding area; and~~[11]
3. ~~-~~supports the social, cultural, and economic wellbeing and health and safety of people and communities~~, including road safety~~[12]~~; and~~
4. ~~minimises sky glow and light spill, and~~[13]
5. ~~protects the identified values and qualities of light sensitive areas~~[14].

LIGHT-P2	Intensity, location and direction of artificial outdoor lighting

Control the intensity, location and direction of any outdoor lighting in order to:

1A. maintain the character and qualities of the surrounding area[15]; and

1. ~~ensure that any artificial outdoor lighting~~[16] avoid~~s~~ adverse effects on ~~existing light sensitive areas,~~[17] other established uses and the safety of the[18] transport network; and
2. ~~achieve the internalisation of light spill within the site where the artificial outdoor lighting is located, and -~~'[19]minimise any light spill onto adjoining sites; and
3. ~~minimise adverse effects on views of the night sky and intrinsically dark landscapes; and~~[20]
4. avoid adverse effects on the health and safety of people and communities in the surrounding area, including sleep disturbance; and
5. minimise adverse effects on long-tailed bats[21].

~~LIGHT-P3~~	~~Health and safety~~

~~Avoid all artificial outdoor lighting that does not meet the intensity, type, and direction requirements for light sensitive areas unless it is critical for health and safety reasons.~~[22]

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.*

[10] Federated Farmers [182.178], Hort NZ [245.88]
[11] Shifted to LIGHT-P2. Clause 10(2)(b) relating to Synlait [163.5]
[12] Shifted to LIGHT-P2.1. Clause 10(2)(b) relating to Synlait [163.5]
[13] Clause 10(2)(b) relating to Synlait [163.5]
[14] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.4], Rooney, A J [177.6], Hort NZ [245.12]
[15] Shifted from LIGHT-P1.2. Clause 10(2)(b) relating to Synlait [163.5]
[16] Clause 10(2)(b) relating to Synlait [163.5]
[17] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[18] Shifted from LIGHT-P1.3. Clause 10(2)(b) relating to Synlait [163.5]
[19] Clause 10(2)(b) relating to Synlait [163.5]
[20] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[21] Dir. General Conservation [166.8, 166.122]
[22] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]

LIGHT-R1	Artificial outdoor lighting ~~outside light sensitive areas~~[23]	
1. **All zones (excluding the ~~other than~~[24] Port Zone and PREC-X Clandeboye Dairy Manufactuing Precinct)[25] outside ~~Light Sensitive Areas~~ the Long-T~~t~~ailed Bat Habitat Protection Area Overlay[26]**	**Activity status: Permitted** **Where:** **PER-1** LIGHT-S1 and LIGHT-S2 are complied with.~~; and~~ ~~**PER-2**~~ ~~Outdoor artificial lighting that is visible from a Light Sensitive Area must not exceed the illuminance limits for the Light Sensitive Areas stated in Table 22; and~~[27] ~~**PER-3**~~ ~~If the outdoor artificial light is located adjoining a Light Sensitive Area, it must:~~ ~~1. be fully shielded (see Figure 18 — Lighting Fixtures); and~~ ~~2. have a colour corrected temperature of no greater than 3000K (warm white); and~~ ~~3. be installed in a manner that precludes operation between 10pm and 7am the following day; and~~ ~~4. meet the illumination levels set out in Table 22, when measured at boundary of the Light Sensitive Area.~~[28]	**Activity status when compliance not achieved with PER-1: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard ~~**Activity status where compliance not achieved with PER-2 or PER-3: Non-complying**~~[29]
2. **Port Zone**	**Activity status: Permitted** **Where:** **PER-1** All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent ~~properties~~ zones[30]; and **PER-2**	**Activity status when compliance not achieved ~~with~~[32]: Discretionary**

[23] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[24] Evidence of Timonthy Walsh, para 85.
[25] Fonterra [165.101] – Evidence of Susannah Tait, paras 11.3-11.5
[26] Dir. General Conservation [166.8]
[27] Waka Kotahi [143.113], Silver Fern Farms [172.101]
[28] Rooney Holdings [174.69], Rooney, GJH [191.69], Rooney Group [249.69], Rooney Farms [250.69], Rooney Earthmoving [251.69], TDL [252.69]
[29] Waka Kotahi [143.113], Silver Fern Farms [172.101], Rooney Holdings [174.69], Rooney, GJH [191.69], Rooney Group [249.69], Rooney Farms [250.69], Rooney Earthmoving [251.69], TDL [252.69]
[30] Fonterra [165.102]
[32] Clause 16(2)

	LIGHT-S-2[31] is complied with; and **PER-3** The horizontal and vertical illuminance levels (above the background level) at the boundary of a residential zone between 10.00pm —and 7.00am do not exceed 5 lux; and **PER-4** The vertical illuminance level at a window of an adjoining site ~~property~~ in a residential zone between 10.00pm and 7.00am does not exceed 5 lux.	
3. PRECX - Clandeboye Dairy Manufacturing Precinct[33]	**Activity status: Permitted** **Where:** **PER-1** All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent zones; and **PER-2** LIGHT-S2 is complied with; and **PER-3** The vertical illuminance level at a window of any residential unit on an adjoining site ~~property~~ between 7.00am and 10.00pm does not exceed 10 lux; and **PER-4** The vertical illuminance level at a window of any residential unit on an adjoining site ~~property~~ between 10.00pm and 7.00am does not exceed 1 lux.	**Activity status when compliance not achieved: Discretionary**
~~3~~4. Long-T~~t~~ailed Bat Habitat Protection Area Overlay[34]	**Activity status: Permitted** **Where:** **PER-1** LIGHT-S1 and LIGHT-S2 are complied with; and **PER-2**	**Activity status when compliance not achieved with PER-1: Restricted Discretionary**[36] **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard

[31] Clause 16(2)
[33] Fonterra [165.101] - Evidence of Susannah Tait, para 11.3-11.5
[34] Dir. General Conservation [166.8]
[36] Clause 10(2)(b) relating to Alliance Group [173.102, 173.103]

	The artificial outdoor lighting is for a temporary activity[35]; or **PER-3** In any ~~R~~rural ~~Z~~zone or ~~O~~open ~~S~~space and ~~R~~recreation ~~Z~~zone, the exterior artificial outdoor lighting must: 1. be fully shielded (see Figure 18 — Lighting Fixtures); and 2. have a colour corrected temperature of no greater than 2700K (warm white).	**Activity status when compliance not achieved with PER-2 or PER-3: Discretionary**
~~**LIGHT-R2**~~	~~**Outdoor artificial lighting for health and safety**~~[37]	
~~**Light Sensitive Areas**~~	~~**Activity status: Permitted**~~ ~~**Where:**~~ ~~**PER-1**~~ ~~The lighting is for health and safety purposes; and~~ ~~**PER-2**~~ ~~The lighting is for:~~ ~~1. a permitted temporary activity; or~~ ~~2. any other temporary activity that has a duration of no longer than six months;~~[38] ~~and~~ ~~**PER-3**~~ ~~LIGHT-S1 and LIGHT-S2 are complied with.~~	~~**Activity status when compliance not achieved: Non-complying**~~
~~**LIGHT-R3**~~	~~**Outdoor artificial lighting within Light Sensitive Areas not listed in LIGHT-R2**~~[39]	
~~**Light Sensitive Areas**~~	~~**Activity status: Permitted**~~ ~~**Where:**~~ ~~**PER-1**~~ ~~LIGHT-S1 and LIGHT-S2 are complied with; and~~ ~~**PER-2**~~ ~~The outdoor artificial lighting must:~~	~~**Activity status when compliance not achieved: Non-complying**~~

[35] Clause 10(2)(b) relating to Bonifacio, P [36.13], Rooney Holdings [174.70], Rooney, GJH [191.70], Rooney Group [249.70], Rooney Farms [250.70], Rooney Earthmoving [251.70], TDL [252.70]
[37] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[38] Bonifacio, P [36.13], Rooney Holdings [174.70], Rooney, GJH [191.70], Rooney Group [249.70], Rooney Farms [250.70], Rooney Earthmoving [251.70], TDL [252.70]
[39] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]

	~~1. be fully shielded (see Figure 18 — Lighting Fixtures); and~~ ~~2. have a colour corrected temperature of no greater than 3000K (warm white); and~~ ~~3. be installed in a manner that precludes operation between 10pm and 7am the following day.~~[40]	

Standards		
LIGHT-S1	**General lighting standards**	
All zones (excluding the Port Zone)	1. All exterior lighting must be oriented so that light is emitted away from any adjoining and adjacent sites ~~properties~~; and 2. A~~a~~ll artificial outdoor lighting must comply with: a. the horizontal and vertical illuminance levels for the relevant ~~Z~~zone or ~~A~~area set out in Table 22 — Horizontal and vertical illuminance levels; and 3. W~~w~~here conformance with the limits set in Table 22 — Horizontal and vertical illuminance levels is to be determined by calculation, the calculation must be undertaken by a person who is professionally qualified and competent in the discipline of illumination engineering and be based upon: a. a maintenance factor of 1.0 (i.e., no depreciation); and b. the horizontal plane be calculated for a series of points along the property boundary at no greater than 2m spacings; and c. the vertical plane be calculated for a series of points along the property boundary at no greater than 2m spacings horizontally and vertically from ground level to a height equal to the height of 10m; and 4. W~~w~~here conformance with the limits set in Table 22 — Horizontal and vertical illuminance levels is to be determined by measurement, illuminance	**Matters of discretion are restricted to:** 1. whether the artificial outdoor lighting is necessary, suitably designed and adequately mitigates the effects on the character and amenity values of the surrounding area~~.~~; and 2. the number, type, placement, design, height, correlated colour temperature (CCT), orientation and screening of any lighting minimises light spill, glare, and artificial sky glow; and 3. the extent to which the amount of light emitted beyond the site between sunset and sunrise is minimised to control effects on indoor amenity values and sleep quality; and 4. whether it is consistent with best practice.

[40] Bonifacio, P [36.12, 36.14], Alliance Group [173.103], Rooney Holdings [174.71], Rooney, GJH [191.71], Rangitata Island Dairy [221.4], Rooney Group [249.71], Rooney Farms [250.71], Rooney Earthmoving [251.71], TDL [252.71]

	measurements must take place at the boundary at a height of 1.5m; and 5. W~~w~~here measurements of any illuminance above background levels from the use of artificial lighting cannot be made because the artificial lighting cannot be turned off, measurements may be made in areas of a similar nature that are not affected by the artificial lighting. The result of these measures may be used for determining the effect of the artificial lighting. ***Note**: Where a development is located on a site, which adjoins or is directly across a road from a different lighting category, the most sensitive classification of the two categories will apply when measured at their common boundary.*	
LIGHT-S2	**Traffic safety on roads**	
All zones	1. Outdoor artificial lighting operating on any site between sunset and sunrise must not exceed the threshold increment limit stated in Table 23, on any state highway, arterial or principal road, calculated within each traffic lane in the direction of travel; and 2. All exterior lighting must be oriented so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic.	**Matters of discretion are restricted to:** 1. any adverse effects of artificial outdoor lighting, including glare and light spill on the safety of road users.

Table 22 — Horizontal and vertical illuminance levels

	Receiving[41] Zones ~~and Areas~~[42]				
	~~Rural Lifestyle Zone;~~[43] Natural Open Space Zone; ~~Light Sensitive Areas~~[44]	**General Rural Zone[45]**	**~~General~~ Rural Lifestyle[46] Zone; Settlement Zone; Open Space Zone; Māori Purpose Zone**	**General Residential Zone; Medium Density Residential Zone; Neighbourhood Centre Zone**	**Town Centre Zone; Local Centre Zone; Large Format Retail Zone; City Centre Zone;**

[41] Clause 16(2) – Evidence of Susannah Tait, para 11.7
[42] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[43] HortNZ [245.89]
[44] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]
[45] HortNZ [245.89]
[46] HortNZ [245.89]

					Sports and Active Recreation Zone; General ~~I~~industrial Zone
Horizontal and vertical illuminance above the background level at a site boundary Times: 7.00am — to 10.00pm	2 lux	10 lux	5 lux	10 lux	25 lux
Horizontal and vertical illuminance above the background level at a site boundary Times: 10.00pm — to 7.00am	0.5 lux	5 lux	1 lux	2 lux	5 lux
Vertical illuminance at a window of an adjoining ~~property~~ site in a residential zone Times: 7.00am — to 10.00pm	1 lux	2 lux	2 lux	5 lux	15 lux
Vertical illuminance at a window of an adjoining ~~property~~ site in a residential zone Times: 10.00pm — to 7.00am	0 lux	1 lux	1 lux	2 lux	3 lux

Table 23 — Threshold Increment

	Zones and Areas			
Threshold increment	**Rural Lifestyle Zone;**	**General Rural Zone; Settlement Zone;**	**General Residential Zone;**	**Town Centre Zone; Local Centre Zone;**

	Natural Open Space Zone; ~~Light Sensitive Areas~~[47]	Open Space Zone; Māori Purpose Zone	Medium Density Residential Zone; Neighbourhood Centre Zone	Large Format Retail Zone; City Centre Zone; Sports and Active Recreation Zone; General Industrial Zone; Port Zone
	15% ~~percent~~ (based on adaption luminance of 0.1 cd/m^2)	15% ~~percent~~ (based on adaption luminance of 0.1 cd/m^2)	15% ~~percent~~ (based on adaption luminance of 1 cd/m^2)	15% ~~percent~~ (based on adaption luminance of 2 cd/m^2)

[47] Clause 10(2)(b) relating to Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]

Figure 18 — Lighting Fixtures



NOISE

Introduction

The generation of noise is often a necessary part of many activities undertaken within the District. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including scale, frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the District.

Where noise sensitive activities are established near existing noise~~-~~ generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in ~~the~~ existing noise~~-~~ generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for ~~R~~regionally ~~S~~significant ~~I~~infrastructure and community facilities, including the Richard Pearse (Timaru) Airport, Levels Raceway, ~~S~~state ~~H~~highway, railway line and the Port of Timaru, which could be constrained if reverse sensitivity effects arise.

This ~~C~~chapter controls the nature and timing of noise~~-~~ generating activities, and manages new noise sensitive activities where these are located close to established noise~~-~~ generating activities or zones which have or are expected to have elevated noise levels. However, there are a number of noise~~-~~ generating activities that this chapter does not manage including noise associated with residential activities, agricultural, emergency services, traffic, trains and aircraft. In addition to the provisions in this chapter, Section 16 of the RMA also imposes a requirement to ensure that noise levels are kept at a reasonable level by adopting the best practicable option. Part 12 of the RMA contains enforcement provisions including excessive noise directions, which are often used to manage excessive residential noise.

In addition to the provisions in this chapter, the planning maps include a Rail Vibration Alert ~~I~~Layer. The purpose of this ~~I~~Layer is to identify properties which may experience rail vibration effects and to alert property owners to the potential vibration effects. The ~~I~~Layer is for information purposes only and there are no specific provisions applying to activities within the ~~I~~Layer.[1]

The provisions in this chapter apply to all other chapters within this District Plan, unless otherwise specified.

Objectives	
NOISE-O1	**Activities that generate noise**
Noise effects generated by activities are compatible with the purpose, character and qualities of each receiving[2] zone and do not compromise the health and well-being of people and communities.	
NOISE-O2	**Reverse sensitivity**
The Richard Pearse (Timaru) Airport, Levels Raceway, ~~S~~state ~~H~~highway, railway lines, ~~and~~ the Port of Timaru, ~~and~~ PRECX - Clandeboye Dairy Manufacturing Precinct[3] and existing and anticipated activities ~~located~~[4] within commercial~~,~~ and mixed use zones and General Industrial ~~Z~~Zone~~s~~ are not constrained by reverse sensitivity effects arising from noise sensitive activities.	

[1] KiwiRail [187.80] – Evidence of Catherine Heppelthwaite, paras 7.6 -7.8
[2] Silver Fern Farms [172.102] and Alliance Group [173.104]
[3] Fonterra [165.5, 165.107] – Evidence of Susannah Tait, paras 12.2 – 12.17
[4] Synlait [163.6]

Policies

NOISE-P1 Maintenance of zone character and qualities

Enable the generation of noise when it is of a type, character and level that is appropriate, having regard to:

1. the purpose, character and qualities of the underlying zone ~~that the activity is located in~~; and
2. the nature, scale, frequency and duration of the noise~~-~~ generating activity; and
3. methods of mitigation; and
4. the sensitivity of the surrounding environment.

NOISE-P2 Noise from ~~T~~temporary ~~M~~military ~~T~~training ~~A~~activities

Ensure that any noise effects from temporary military training activities (TMTA) are appropriately mitigated by managing their proximity to noise sensitive activities.

NOISE-P3 Noise from temporary events

Limit the frequency, character, scale and duration of noise generated by temporary events so that any noise effects are:

1. compatible with the level of amenity anticipated by the surrounding environment; or
2. within a range that can be tolerated within the surrounding environment given the temporary nature of the activity.

NOISE-P4 Aircraft operations and engine testing

Require the noise generated by aircraft operations and engine testing at ~~Timaru/~~Richard Pearse (Timaru) Airport to be limited so that any adverse amenity effects on noise sensitive activities and health and safety of occupants (including sleep disturbance) are minimised as far as practicable.

NOISE-P5 Reverse sensitivity

Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise~~, while taking into account:~~

~~1. the type of noise generating activity; and~~
~~2. other noise sources in the area; and~~
~~3. the nature and occupancy of the noise sensitive activity; and~~
~~4. mitigation measures, including acoustic insulation, screening and topography~~.[5]

For the purpose of this Policy, higher noise environments include:

1. Commercial and ~~M~~mixed ~~U~~use ~~Z~~zones; and
2. Residential zones in close proximity to any General ~~I~~industrial ~~Z~~zone and areas within the Port Noise Outer Control Boundary and within that part of the Medium Density Residential Zone and City Centre Zone located within the Port Noise Inner Control Boundary; and
3. ~~I~~locations in close proximity to a ~~S~~state ~~H~~highway or the railway line; and
4. ~~I~~land within 300m of an existing or consented frost fan[6]; and
5. ~~I~~land within the Clandeboye Noise Control Boundary[7].

NOISE-P6 Noise and vibration from blasting

Only allow blasting where adverse noise and vibration effects can be avoided or mitigated, as far as practicable, taking into account:

1. the type, character, scale and level of adverse noise effects; and
2. the character and sensitivity of the receiving environment; and

[5] KiwiRail [187.76] – Evidence of Catherine Heppelthwaite, para 7.3
[6] HortNZ [245.98], NZ Fans [255.8]
[7] Fonterra [165.5, 165.109] – Evidence of Susannah Tait, paras 12.2 – 12.17

3. any recommendations made by a suitably qualified professional.

NOISE-P7	Noise sensitive activities within noise control boundaries

Within the Airport Noise Control Boundary Overlay, Port Noise Inner Control Boundary Overlay (excluding areas within the City Centre Zone and Medium Density Residential Zone) and the Raceway Noise Control Boundary Overlay, avoid:

1. subdivision, unless it will not facilitate the establishment of additional noise sensitive activities; and
2. noise sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.

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.*

NOISE-R1	Activities generating noise not otherwise listed ~~specified~~ in thise chapter ~~Rules section~~	
All zones	**Activity status: Permitted** **Where:** **PER-1** NOISE-S1 is complied with; and **PER-2** NOISE-S2 is complied with. This rule does not apply to noise generated by: 1. activities of a limited duration required for normal seasonal agricultural, horticultural and forestry activities, such as harvesting; and 2. normal residential activities, excluding 'fixed plant' such as heat pumps; and 3. light passenger vehicle movements, as defined by the Ministry of Transport vehicle type category dated 25.07.2018, on a site associated with residential use; and 4. vehicles operating on public roads, or trains operating on railway lines (including at railway yards, railway sidings or stations and level crossing warning devices); and 5. aircraft using airstrips and helicopter landing sites for activities in the	**Activity status when compliance not achieved with PER-2: Restricted Discretionary** **Where:** **RDIS-1** The noise limit in Table 24 — Noise Performance Standards is not exceeded by more than 10dB. **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard **Activity status when compliance not achieved with PER-1 or RDIS-1: Non-complying**

	General Rural Zone ~~rural zone~~ that complies with GRUZ-R14; and 6. activities taking place within the Coastal Marine Area when assessing compliance with NOISE-R8 Noise from activities within the Port Zone; and 7. any warning device used by emergency services for emergency purposes; and 8. fixed plant that is solely used for emergency or training purposes, including standby generator sets used to supply electricity only at times of electrical supply failure, and plant used during life threatening situations such as smoke fans or sprinkler pumps; and 9. testing of fixed plant that is solely used for emergency purposes providing such testing occurs only for periods not exceeding 2 hours within any 30 day period, and only during the hours of 7.00am to 7.00pm; and 10. aircraft used for park management activities, using airstrips and helicopter landing sites in the Natural Open Space Zone~~NOSZ~~[8].	
NOISE-R2	**Noise from temporary events**	
All zones	**Activity status: Permitted** **Where:** **PER-1** NOISE-S1 is complied with; and **PER-2** Where the duration of the temporary event does not exceed six hours and the noise level generated does not exceed 75dB $L_{Aeq\ (15min)}$ and 85 L_{AFmax} within any residential zone between the hours of 10.00am and 10.00pm in any one calendar day, excluding noise from fireworks displays; and **PER-3**	**Activity status when compliance not achieved with PER-3: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard. **Activity status when compliance not achieved with PER-2, PER-4 or PER-5: Restricted Discretionary** **Matters of discretion are restricted to:**

[8] Helicopters Sth Cant. [53.18], NZAAA [132.22]

	Where the duration of the temporary event exceeds six hours, or when the noise occurs between the hours of 10.00pm and 10.00am in any one calendar day, NOISE-S2 is complied with; and **PER-4** A Noise Management Plan must be submitted to the Council no less than 30 days prior to the temporary event occurring setting out the methods that will be used to achieve compliance with PER-2 and PER-3; and **PER-5** Firework displays associated with temporary events must: 1. not exceed one hour in duration; and 2. occur between the hours of 10.00am and 10.00pm, except for New Year's Eve when they may take place up until 1.00am on New Year's Day.	1. the level, duration and character of the noise being generated; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise or utilising alternative sites. **Activity status when compliance not achieved with PER-1: Non-complying**
NOISE-R3	**Noise from temporary military training activities**	
All zones	**Activity status: Permitted** **Where:** **PER-1** NOISE-S1 is complied with excluding the requirement to assess noise from weapons firing and/or the use of explosives using NZS 6802:2008 Acoustics – Environmental noise[9]; and **PER-2** For fixed noise sources, NOISE-S2 is complied with; and **PER-3** Any mobile noise sources must comply with the noise limits set out in Tables 2	**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. **Activity status when compliance not achieved with PER-3, PER-4 or PER-5: Restricted Discretionary** **Matters of discretion are restricted to:**

[9] NZDF [151.13]

	and 3 of NZS6803:1999 Acoustics — Construction Noise, with reference to 'construction noise' taken to refer to a mobile noise source; and **PER-4** Weapons firing and/or the use of explosives must: 1. occur between 7.00am and 7.00pm, and achieve either a 500m minimum separation distance to, or a peak sound pressure level of 95 dBC when measured within the notional boundary of, any building containing a noise sensitive activity; and 2. occur between 7.00pm and 7.00am, and achieve either a 1250m minimum separation distance to, or a peak sound pressure level of 85 dBC when measured within the notional boundary of, any building containing a noise sensitive activity; and 3. be notified to the Council, including details of the nature, duration and scale of activity, and any consultation that has been undertaken, at least five ~~5~~ working days prior to the activity occurring; and **PER-5** Helicopter landing areas must comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.	1. the level, duration and nature of the noise being generated; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise or utilising alternative sites. **Activity status when compliance not achieved with PER-1: Non-complying**
NOISE-R4	**Construction noise**	
All zones	**Activity status: Permitted** **Where:** **PER-1** The noise from construction activities undertaken on a site must be measured, assessed, managed and controlled to comply with the requirements of New Zealand Standards NZS 6803:1999 Acoustics — Construction Noise.	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the level, hours of operation, duration and characteristics of the noise; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and

		4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise.
NOISE-R5	**Noise from bird scaring devices**	
All zones	**Activity status: Permitted** **Where:** **PER-1** NOISE-S1 is complied with excluding the requirement to assess impulsive noise from bird scaring devices using NZS 6802:2008 Acoustics – Environmental noise[10]; and **PER-2** Noise from any bird scaring device either: 1. must not exceed an ~~70dBC peak or un-weighted level~~ A-weighted SEL 55dB[11] measured within the notional boundary of any noise sensitive activity on any adjoining site under different ownership, and the bird scaring device must not be used at a frequency of more than 12 times per hour; or 2. must not exceed ~~an 85dBC peak or un-weighted level~~ an A-weighted SEL 65dB[12] within the notional boundary of any adjoining noise sensitive activity on any site under different ownership, and the bird scaring device must not be used at a frequency of more than ~~6~~ six times per hour; and **PER-3** ~~Unless~~ Where located ~~at least~~ within 500m ~~from~~ of any building housing a noise sensitive activity on an adjoining site under	**Activity status when compliance not achieved with PER-2, PER-3 or PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the level, hours of operation, duration and character of the noise; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise. **Activity status when compliance not achieved with PER-1: Non-complying**

[10] Clause 10(2)(b) relating to NZDF [151.16]
[11] Hort NZ [245.93]
[12] Hort NZ [245.93]

	different ownership, gas gun type b~~B~~ird[13] scaring devices must either: 1. be oriented with the direction of fire facing away from any noise sensitive activity on any adjoining site under different ownership; or 2. line-of-sight between the bird scaring device sound outlet and any noise sensitive activity on any adjoining site under different ownership is intercepted by an acoustic barrier with a minimum surface mass of not less than 7kg/m^2 measuring not less than 2m x 2m placed within 2m of the bird scaring device, or a landform;[14] and **PER-4** Bird scaring devices must only be used between half an hour before sunrise ~~7am~~[15] and ~~8pm~~ half an hour after[16] sunset on any calendar day.	
NOISE-RX	**Installation and operation of frost fans**[17]	
General Rural Zone	**Activity status: Permitted** **Where:** **PER-1** Noise from the frost fan must not exceed 55dB $L_{Aeq\ (15mins)}$ when measured at a distance of 300m, or within the notional boundary of any existing ~~a~~ building used for a noise sensitive activity on a site in different ownership, or at any zone boundary; and **PER-2** Frost fans are only used for: 1. the protection of crops from frost from bud break to harvest; or 2. maintenance purposes, undertaken only between 8.00am and 6.00pm Monday to Friday~~.~~; and **PER-3** Frost fans are only operated when the air at canopy height is 2^0C or less; and	**Activity status when compliance not achieved: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the level, duration, frequency and character of the noise; and 2. the proximity and nature of nearby noise sensitive activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and

[13] Hort NZ [245.93]
[14] HortNZ [245.93]
[15] HortNZ [245.93] - Evidence of Vance Hodgson – paras 29-43.
[16] Hort NZ [245.93]
[17] HortNZ [245.98], NZ Fans [255.9]

	PER-4 Evidence of installation of a frost fan meeting this standard shall be provided to Council including certification from an appropriately qualified and experienced acoustic engineer that the noise limits in 1 (above) are met and providing the location of the frost fan~~.~~; and **PER-5** Records shall be kept stating the date, temperature, times and length of use of each frost fan and made available to Council on request. Records may include telemetry records.	6. any noise reduction measures; and 7. operational requirements of frost fans; and 8. monitoring and reporting.
NOISE-R6	**Noise from aircraft engine testing at ~~Timaru/~~Richard Pearse (Timaru) Airport**	
Richard Pearse (Timaru) Airport Designation TDC-52	**Activity status: Permitted** **Where:** **PER-1** NOISE-S1 is complied with; and **PER-2** NOISE-S5 is complied with.	**Activity status when compliance not achieved with PER-2: Discretionary** **Activity status when compliance not achieved with PER-1: Non-complying**
NOISE-R7	**Noise from aircraft operations at ~~Timaru/~~Richard Pearse (Timaru) Airport, other than aircraft engine test listed in NOISE-R6**	
Richard Pearse (Timaru) Airport Designation TDC-52	**Activity status: Permitted** **Where:** **PER-1** Noise from aircraft operations must be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning; and **PER-2** NOISE-S6 is complied with.	**Activity status when compliance not achieved with PER-2: Discretionary** **Activity status when compliance not achieved with PER-1: Non-complying**

NOISE-R8	Noise from activities within the Port Zone	
1. Port Zone within PREC7 - ~~Precinct 7~~ Port Operation Area Precinct	**Activity status: Permitted** **Where:** **PER-1** The maximum noise generated from activities is measured and assessed[18] in accordance with NZS 6809:1999 Acoustics Port Noise Management and Land Use Planning; and **PER-2** When measured ~~at any point at or~~ on any site not located within the Port Zone and[19] landward of the Port Noise Inner ~~c~~Control ~~b~~Boundary shown on the planning maps, the following noise limits apply:	**Activity status when compliance not achieved: Discretionary**

[18] PrimePort [175.66], TDHL [186.38]
[19] PrimePort [175.66], TDHL [186.38]

	1. the five ~~5~~-day Ldn noise limit must not exceed 65 dB L_{dn}; 2. LA_{eq} 'night' (10.00pm to 7.00am) must not exceed 60 dB $L_{Aeq\ (9hours)}$ provided that no single 15 minute measurement will exceed 65 dB LA_{eq} and 85dBA L_{Amax}; and **PER-3** When measured ~~at any point at or~~ on any site not located within the Port Zone and[20] landward of the Port ~~n~~Noise ~~o~~Outer ~~c~~Control Boundary shown on the planning maps, the following noise limit applies: 1. on any day between 10.00pm to 7.00am the following day, noise generated must not exceed 52 dB $L_{Aeq\ (9hours)}$provided that no single 15 minute sound measurement level must not exceed 57 dB L_{Aeq} and 77 dB L_{Amax}~~;~~. **Note:** For the purpose of Port ~~N~~noise, daytime is defined as 7.00am to 10.00pm on any day, and night-time is defined as 10.00pm to 7.00am the following day.	
2. Port Zone outside PREC7 – Port Operational Area Precinct ~~7~~[21]	**Activity Status: Permitted** **Where:** **PER-1** NOISE-S1 is complied with; and	**Activity status when compliance not achieved with PER-2 or PER-3: Discretionary**

[20] PrimePort [175.66], TDHL [186.38]
[21] Property Income [56.1] and Fonterra [165.112], PrimePort [175.66], TDHL [186.38]

	PER-2 On any day between 10.00pm and 7.00am the following day, noise generated must not exceed 45 dB $L_{Aeq\ (9\ hours)}$ when measured at or within any residential~~ly~~ zoned site, provided that any single 15 minute sound measurement level must not exceed 50 dB LAeq and 75 dB L_{Amax}~~.~~; and **PER-3** On any day between 7.00am and 10.00pm, noise generated must not exceed 55 dB $L_{Aeq\ (15\ mins)}$ when measured at or within any residential~~ly~~ zoned site.[22] ~~*Note: For the purpose of Port Noise, daytime is defined as 7am to 10pm on any day, and night time is defined as 10pm to 7am the following day.*~~[23]	**Activity status when compliance not achieved with PER-1: Non-complying**
NOISE-RX[24]	**Noise from the Clandeboye Dairy Manufacturing Precinct**	
PRECX - Clandeboye Dairy Manufacturing Precinct	**Activity status: Permitted** **Where:** **PER-1** The maximum noise from operations, including all ancillary equipment, maintenance activities, and operation of all motor vehicles on site (including those entering and exiting the site), shall not exceed the following limits when measured at or beyond the Noise Control Boundary: 1. 7.00am – 10.00pm: 55dB$L_{Aeq\ (15\ min)}$ 2. 10.00pm – 7.00am: 45dB $L_{Aeq\ (15\ min)}$ and 75 L_{AFmax}.	**Activity status when compliance not achieved ~~with~~: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the operational requirements of the Clandeboye Dairy Manufacturing Plant; and 2. the extent of non-compliance; and 3. the level, hours of operation, duration and character of the noise; and 4. the proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 5. the existing noise environment; and 6. effects on amenity values and anticipated character of the receiving environment; and

[22] Property Income [56.1], Fonterra [165.112], PrimePort [175.66], TDHL [186.38] – Evidence of Gary Walton, paras 7.1 – 7,4; Evidence of Rob Hay, paras 49-54.
[23] Clause 16(2)
[24] Fonterra [165.5, 165.111] – Evidence of Susannah Tait, paras 12.2 – 12.17

		7. effects on health and well-being of people; and 8. any noise reduction measures; and 9. the practicality of mitigating noise.
NOISE-R9	**Any new building for use by a noise sensitive activity and alterations to existing buildings for use by a noise sensitive activity (not listed in NOISE-R12)**	
~~Any site w~~Within[25] 40m of a State Highway with a posted speed limit of 50 km/hr or less **~~Any site w~~Within[26] 80m of a State Highway with a posted speed limit greater than 50 km/hr** **~~Any site w~~Within[27] 40m of the railway line** **Neighbourhood Centre Zone** **Local Centre Zone** **Large Format Retail Zone** **Mixed Use Zone** **Town Centre Zone** **City Centre Zone** **General Residential ~~z~~Zone within 20m of the boundary with a~~n~~ General Industrial ~~z~~Zone** **Medium Residential ~~z~~Zone within 20m of the boundary with a~~n~~ General Industrial ~~z~~Zone** **Outer Control ~~b~~Boundary of the Port Noise Control Overlay**	**Activity status: Permitted** **Where:** **PER-1** The building is acoustically insulated and ventilated in accordance with: 1. NOISE-S3 and NOISE-S4; and 2. the acoustic insulation must be assessed in accordance with ISO 717-1:2020 Acoustics — Rating of sound insulation in buildings and of building elements — Part 1: Airborne sound insulation; or **PER-2** An acoustic design certificate signed by a suitably qualified acoustic engineer demonstrates either: a. the level of noise incident on the most exposed part of the exterior of any habitable room can be shown under a reasonable maximum use scenario to not exceed the following noise limits at all points 1.5m above ground level, and any part of the floor levels above ground: i. less than 55 dB $L_{Aeq(1h)}$ for rail noise; or	**Activity status when compliance not achieved with PER-1.1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard. 2. for activities in breach of[30] PER-2, the matters of discretion ~~of~~ in[31] NOISE-S3. **Activity status when compliance not achieved with PER-1.2: Non-complying**

[25] Clause 16(2)
[26] Clause 16(2)
[27] Clause 16(2)
[30] Clause 16(2)
[31] Clause 16(2)

General Rural Zone within 300m of any frost fan (including any frost fan for which a resource or building consent has been issued)[28] **Within the Clandeboye Noise Control Boundary**[29]	ii. ~~L~~less than 57 dB $L_{Aeq(1h)}$ for road noise; or iii. ~~L~~less than 57 dB LAeq(1 hr) for port noise; or b. the building is at least 20m ~~metres~~ from all roads subject to the standard and/or the railway line and there is a solid building, fence, wall or landform that completely blocks the line-of-sight from all parts of all windows and doors to all parts of any road surface subject to the standard, or all points above 3.8m ~~metres~~ for railway track. ***Note**: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.*	
NOISE-R10	**Helicopter landing sites not addressed by GRUZ-R14**	
All zones	**Activity status: Permitted** **Where:** **PER-1** Flight movements must be for emergency purposes only such as medical emergencies, search and rescue or firefighting; or **PER-2** The helicopter landing site must not be located within any residential zone; and **PER-3** Take offs from any site must not exceed 10 per month; and **PER-4** Noise from flight movements measured in accordance with NZS 6801:2008 Acoustics — Measurement of environmental	**Activity status when compliance not achieved with: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the extent of non-compliance with PER-3 and PER-4; and 2. the extent to which helicopter noise limits specified within Table 1 of NZS6807:1994 are complied with; and 3. the level, duration and character of the noise; and 4. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 5. the existing noise environment; and

[28] HortNZ [245.97], NZ Fans [255.10]
[29] Fonterra [165.5, 165.113] – Evidence of Susannah Tait, paras 12.2 – 12.17

	sound must not exceed 70 dB L_{AFMax} between 10.00pm and 7.00am or 90 dB L_{AFMax} between 7.00am and 10.00pm at any residential zone or within the notional boundary of a building containing a noise sensitive activity.	6. effects on amenity values and anticipated character of the receiving environment; and 7. effects on health and well-being of people; and 8. noise mitigation measures; and 9. the practicality of utilising alternative sites.
NOISE-R11	**Noise from blasting**	
All zones	**Activity status: Discretionary**	**Activity status where compliance not achieved: Not applicable**
NOISE-R12	**New noise sensitive activities, alterations to existing buildings for use by a noise sensitive activity or subdivision to accommodate a noise sensitive activity**	
1. Port Noise Inner Control Boundary Overlay	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The activity is carried out within the Medium Density Residential Zone or City Centre Zone. **Matters of discretion are restricted to:** 1. proximity and nature of noise generating activities in the Port Zone and the adverse effects they may experience from the noise; and 2. the existing noise environment; and 3. noise mitigation measures; and 4. the extent to which reverse sensitivity from noise can be mitigated; and 5. effects on amenity values and anticipated character of the receiving environment; and 6. effects on health and well-being of people.	**Activity status when~~re~~ compliance not achieved: Non-complying**

2. **Airport Noise Control Boundary Overlay** **Raceway Noise Control Boundary Overlay**	**Activity status: Non-complying**	**Activity status whenre compliance not achieved: Not applicable**

Standards		
NOISE-S1	**Noise measurement**	
All zones	Noise must be measured in accordance with NZS 6801:2008 Acoustics — Measurement of environmental sound and assessed in accordance with NZS 6802:2008 Acoustics — Environmental noise, unless otherwise specified by this District Plan.	**Matters of discretion are restricted to: Not applicable**
NOISE-S2	**Noise limits**	
All zones	Any activity must comply with the noise limits set out in Table 24 — Noise Performance Standards, at any site in separate ownership.	**Matters of discretion are restricted to:** 1. the level, duration and characteristics of the noise; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and well-being of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise or utilising alternative sites.
NOISE-S3	**Acoustic insulation**	
1. **Within 40m of a State Highway with a posted speed limit of 50 km/hr or less**	1. Any habitable room in a new building used for a noise sensitive activity, ~~or~~ an alteration to an existing building or room that changes its use to a noise	**Matters of discretion are restricted to:** 1. effects on the ability of existing or permitted activities to operate or

Within 80m of a State Highway with a posted speed limit greater than 50 km/hr **Within 40m of a railway line** **Large Format Retail Zone** **Town Centre Zone** **City Centre Zone** **General Rural Zone within 300m of any frost fan (including any frost fan for which a resource or building consent has been issued)** [32]	sensitive activity, or where the floor area of a habitable room within an existing building is increased by 20% or more,[33] must be designed, constructed and maintained to achieve a minimum external to internal noise reduction for habitable rooms of not less than 35 dB $D_{tr,2m,nT,w} + C_{tr}$. 2. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with: a. Table 25 — Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation; or b. an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard. ***Note**: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.*	establish without undue constraint; and 2. any legal instrument proposed; and 3. mitigation of noise achieved through other means; and 4. the amenity of present and future residents of the site.
2. **General Residential ~~z~~Zone within 20m of the boundary with a~~n~~ General Industrial ~~z~~Zone** **Medium Residential Zone within 20m of the boundary with a~~n~~ General Industrial ~~z~~Zone**	1. Any habitable room in a new building used for a noise sensitive activity, ~~or~~ an alteration to an existing building that changes its use to a noise sensitive activity, or where the floor area of a habitable room within an existing building is	**Matters of discretion are restricted to:** 1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and 2. any legal instrument proposed; and 3. mitigation of noise achieved through other means; and

[32] HortNZ [245.97], NZ Fans [255.12]
[33] Rooney Holdings [174.72], Rooney, GJH [191.72], Rooney Group [249.72], Rooney Farms [250.72], Rooney Earthmoving [251.72], TDL [252.72]

Neighbourhood Centre Zone **Local Centre Zone** **Mixed Use Zone** **All zones within the Outer Control boundary of the Port Noise Control Overlay** **<u>Within the Clandeboye Noise Control Boundary</u>**[34]	<u>increased by 20% or more,</u>[35] must be designed, constructed and maintained to achieve a minimum external to internal noise reduction for habitable rooms of not less than 30 dB Dtr,2m,nT,w + Ctr. 2. Compliance with this standard must be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with: a. Table 26 — Minimum construction requirements for external building elements of habitable rooms to achieve a moderate level of acoustic insulation; or b. an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design proposed will achieve compliance with this standard. ***Note**: This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.*	4. the amenity of present and future residents of the site.
NOISE-S4	**Ventilation requirements**	
~~All zones~~[36] **<u>Within 40m of a State Highway with a posted speed limit of 50 km/hr or less</u>** **<u>Within 80m of a State Highway with a posted speed limit greater than 50 km/hr</u>** **<u>Within 40m of the railway line</u>**	1. The <u>requirements of</u> ~~minimum external to internal noise reduction levels in~~[38] NOISE-S3 must be achieved at the same time as the ventilation requirements of the New Zealand Building Code. An alternative means of ventilation must be provided within any study or bedroom	**Matters of discretion are restricted to:** 1. effects on the ability of existing or permitted activities to operate or establish without undue constraint; and 2. the effects of the non-compliance; and 3. the ability to provide the appropriate levels of

[34] Fonterra [165.5, 165.113] – Evidence of Susannah Tait, paras 12.2 – 12.17
[35] Rooney Holdings [174.72], Rooney, GJH [191.72], Rooney Group [249.72], Rooney Farms [250.72], Rooney Earthmoving [251.72], TDL [252.72]
[36] Clause 16(2)
[38] KiwiRail [187.79]

Neighbourhood Centre Zone **Local Centre Zone** **Large Format Retail Zone** **Mixed Use Zone** **Town Centre Zone** **City Centre Zone** **General Residential ~~z~~Zone within 20m of the boundary with a~~n~~ General Industrial ~~z~~Zone** **Medium Density Residential ~~z~~Zone within 20m of the boundary with a~~n~~ General Industrial ~~z~~Zone** **Outer Control ~~b~~Boundary of the Port Noise Control Overlay** **Within the Clandeboye Noise Control Boundary**[37]	unless an acoustic design certificate signed by a suitably qualified acoustic engineer is provided that states the design of any bedroom or any study as proposed will comply with the NOISE-S3 acoustic insulation standards with windows open. 2. Ventilation systems where installed must ~~generate sound levels not exceeding~~: a. generate sound levels not exceeding[39] 35 dB LAeq(30s) when measured 1m ~~metre~~ away from any grille or diffuser; and b. provide an adjustable airflow rate of up to at least six ~~6~~ air changes per hour. ***Note:*** *This standard applies in addition to, and does not affect the requirements of, the Building Act 2004.*	ventilation through other means; and 4. the amenity of present and future residents of the site.
NOISE-S5	**Noise from aircraft engine testing**	
Richard Pearse (Timaru) Airport Designation TDC-52	1. Noise generated by aircraft engine testing must not exceed 55dB $L_{Aeq\ (16\ hours)}$ between the hours of 7.00am and 11.00pm on any calendar day, when measured within the notional boundary of any noise sensitive activity in the General Rural Zone that is outside TDC-52 ~~the Airport Designation.~~; and 2. All aircraft engine testing, other than testing associated with essential unscheduled aircraft engine maintenance, must take	**Matters of discretion are restricted to: Not Applicable**

[37] Fonterra [165.5, 165.113] – Evidence of Susannah Tait, paras 12.2 – 12.17
[39] KiwiRail [187.79]

	place between 7.00am and 11.00pm~~.~~; and 3. Any aircraft engine testing associated with essential unscheduled aircraft maintenance that takes place between 11.00pm and 7.00am must not exceed 55dB $L_{Aeq\ (8\ hours)}$ and 80dB L_{AFmax} within the notional boundary of any noise sensitive activity in the General ~~r~~Rural ~~z~~Zone outside the TDC-52 ~~the Airport Designation~~, and is limited to no more than 20 occasions per year~~.~~; and 4. Where practical, all aircraft engine maintenance and testing associated with essential unscheduled aircraft must take place between the hours of 7.00am and midnight, and the total duration of engine testing must not exceed ~~1~~ one hour in any 11.00pm to 7.00am period. On each occasions the date, time, duration and reason for the engine testing must be recorded and made available to the ~~Timaru District~~ Council within 10 days upon request~~.~~; and The Airport operator must maintain a register of any complaints received relating to noise from any activities within the Airport, that records the date, time, duration and cause of the complaint, together with the name and address of the complainant. A copy of this Register must be made available to the ~~Timaru District~~ Council within 10 days upon request.	
NOISE-S6	**Noise from aircraft operations**	
Richard Pearse (Timaru) Airport Designation	1. The Richard Pearse (Timaru) Airport must be	**Matters of discretion are restricted to: Not Applicable**

TDC-52	operated so that noise from aircraft operations (aircraft landing and taking off, aircraft taxiing and aircraft flying along any flight path within the Airport Noise ~~c~~Control ~~b~~Boundary ~~o~~Overlay) do not exceed 65dB L_{dn} outside the ~~a~~Airport ~~n~~Noise ~~c~~Control ~~b~~Boundary ~~o~~Overlay. Aircraft noise must be calculated as a three ~~3~~ month rolling logarithmic average in accordance with NZS 6805:1992 using records of actual aircraft operations~~.~~; and 2. Standard 1 above does not apply to: a. aircraft landing or taking off in an emergency; and b. aircraft using the Airport as a planned or essential alternative to landing at another scheduled airport; and c. emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and d. flights required to meet the needs of a national or civil defence emergency declared under the ~~Civil Defence Act 1983~~ Civil Defence Emergency Management Act 2002; and e. flights certified by the Minister of Defence as necessary for reasons of National Security in accordance with Section 4 of the Act; and	

	f. aircraft undertaking firefighting duties; and g. military aircraft movements; and h. aircraft using the Airport in preparation for and participation in air shows~~.~~; and 3. A report detailing the calculated noise levels at the Airport Noise Control Boundary Overlay must be prepared by the airport operator and forwarded to the Council every five years or on request. The first such report must be forwarded to the Council within six months of this standard becoming operative~~.~~; and 4. In order to audit compliance with this standard, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.	

Table 24 — Noise performance standards

Receiving zone and assessment location	Time period	Noise limit
1. a. Within the notional boundary of a building used for a noise sensitive activity in the following zones: i. General Rural Zone ii. Rural Lifestyle Zone iii. Settlement Zone iv. Natural Open Space Zone v. Open Space Zone vi. Sport and Active Recreation Zone vii. Māori Purpose Zone; and b. Within any part of a site in the General Residential Zone	7.00am to ~~—~~ 7.00pm	50 dB $L_{Aeq\ (15\ min)}$
	7.00pm to ~~—~~ 10.00pm	45 dB $L_{Aeq\ (15\ min)}$
	10.00pm to ~~—~~ 7.00am	40 dB $L_{Aeq\ (15\ min)}$ 70 dB L_{AFmax}

2. Within any part of a site in the Medium Density Residential Zone, except where otherwise specific in 4. below [40] ~~but, where noise is generated from within the Port Zone, excluding those sites located between the Terrace and the Main South Railway Line~~[41].	7.00am to ~~—~~ 7.00pm	55 dB $L_{Aeq\ (15\ min)}$
	7.00pm to ~~—~~10.00pm	50 dB $L_{Aeq\ (15\ min)}$
	10.00pm to ~~—~~ 7.00am	45 dB $L_{Aeq\ (15\ min)}$ 75 dB L_{AFmax}
3. Within any part of a site in the following zones: a. Large Format Retail Zone b. Town Centre Zone c. City Centre Zone d. ~~General Industrial Zone,~~[42] ~~excluding those sites located to the east of the Main South Railway Line and forming part of, or adjoining the Port of Timaru~~[43].	7.00am to ~~—~~ 10.00pm	65 dB $L_{Aeq\ (15\ min)}$
	10.00pm to ~~—~~7.00am	65 dB $L_{Aeq\ (15\ min)}$ 75 dB L_{AFmax}
4. Within any part of a site in the following zones: a. Neighbourhood Centre Zone b. Local Centre Zone c. Mixed Use Zone d. Medium Density Residential Zone ~~at 18A Hobbs Street~~ within ~~30m of the boundary of the adjacent Local Centre Zone~~ Hobbs Street Noise ~~c~~Specific ~~c~~Control ~~a~~Area.[44]	7.00am to ~~—~~ 10.00pm	60 dB $L_{Aeq\ (15\ min)}$
	10.00pm to ~~—~~ 7.00am	60 dB $L_{Aeq\ (15\ min)}$ 75 dB L_{AFmax}
5. Within any part of a site a site in the General Industrial Zone, excluding any adjacent site in the General Industrial Zone held under common ownership.[45]	7.00am to ~~—~~10.00pm	75 dB $L_{Aeq\ (15\ min)}$

[40] Clause 10(2)(b) relating to Foodstuffs [193.9]
[41] Clause 16(2).
[42] Southern Proteins [140.19], Barkers [179.23], Hilton Haulage [168.9], North Meadows [190.13], J R Livestock [241.31]
[43] PrimePort [175.69], TDHL [186.39]
[44] Foodstuffs [193.9]
[45] Southern Proteins [140.19], Barkers [179.23], Hilton Haulage [168.9], North Meadows [190.13], J R Livestock [241.31]

	10.00pm to ~~—~~ 7.00am	75 dB $L_{Aeq\ (15\ min)}$

Table 25 — Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation

Building Element	Minimum Construction Requirements
External walls	1. Wall cavity infill of fibrous insulation, batts or similar, with a minimum density of 9kg/m^3; and 2. ~~c~~Cladding and internal wall lining complying with either Option A, B or C below:

Option A	Light cladding: timber weatherboard or sheet materials with surface mass between 8kg/m^2 and 30kg/m^2 of wall cladding	Internal lining of minimum 17kg/n plasterboard, su as two layers of 10mm thick high density plasterboard, on resilient/isolating mountings
Option B	Medium cladding: surface mass between 30 kg/m^2 and 80kg/m^2 of wall cladding	Internal lining of minimum 17kg/n plasterboard, su as two layers of 10mm thick high density plasterboard
Option C	Heavy cladding: surface mass greater than 80kg/m^2 of wall cladding	No additional requirements

Roof/ceiling	1. Ceiling cavity infill of fibrous insulation, batts or similar, with a minimum density of 7kg/m^3; and 2. C~~c~~eiling penetrations, such as for recessed lighting or ventilation, must not allow additional noise break-in; and 3. R~~r~~oof type and internal ceiling lining complying with either Option A, B or C below:

Option A	Skillion roof with light cladding: surface mass up to 20kg/m^2 of roof cladding	Internal lining of minimum 25kg/n plasterboard, su as two layers of 13mm thick high

			density plasterboard
	Option B	Pitched roof with light cladding: surface mass up to 20kg/m^2 of roof cladding	Internal lining of minimum 17kg/m^2 plasterboard, such as two layers of 10mm thick high density plasterboard
	Option C	Heavy roof cladding: surface mass greater than 20kg/m^2 of roof cladding	No additional requirements
Glazed areas	1. Timber or aluminium frames with full compression seals on opening panes (excludes glazed sliding doors or windows) 2. Gglazed areas shall be less than 35% of each room floor area 3. Ddouble-glazing with: a. a laminated pane of glass at least 6mm thick; and b. a cavity between the two panes of glass at least 12mm deep; and c. a second pane of glass at least 4mm thick; or d. any other glazing with a minimum performance of Rw 33dB.		
Exterior doors to any habitable room	Solid core exterior door, minimum surface mass 20kg/m^2, with compression seals; or other door sets with minimum performance of Rw 30dB		

Table 26 — Minimum construction requirements for external building elements of habitable rooms to achieve a moderate level of acoustic insulation

Building Element	Minimum Construction Requirements	
External Wwalls of Hhabitable Rrooms	**Stud Wwalls**	
	Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm).
	Cavity infill	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m^3) required in cavity for all exterior walls. Minimum 90mm wall cavity.

	Interior lining	One layer of 12mm gypsum plasterboard; or Where exterior walls have continuous cladding with a mass of greater than 25kg/m^2 (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
	Combined superficial density	Minimum not less than 25kg/m^2 being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m^2 on each side of structural elements.
	Mass ~~W~~walls	
	Wall construction & lining	190mm concrete block, strapped and lined internally with 10mm gypsum plaster board, or 150mm concrete wall.
Glazed ~~A~~areas of ~~H~~habitable ~~R~~rooms	**Glazed areas**	
	Glazed areas up to 10% of floor area	6mm glazing single float.
	Glazed areas between 10% and 35% of floor area	6mm laminated glazing.
	Glazed areas greater than 35% of floor area	Require a specialist acoustic report to show conformance with the insulation rule.
	Frames of glazed areas	
	Frames:	Frames shall be aluminum window frames with compression seals.
Roof over ~~H~~habitable ~~R~~rooms	**Skillion ~~R~~roof**	
	Cladding	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
	Sarking	17mm plywood (no gaps).
	Frame	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m^3).

	Ceiling	Two layers of 10mm gypsum plaster board (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m^3).
	Combined superficial density	Combined mass of cladding and lining of not less than 25kg/m^2 with no less than 10kg/m^2 on each side of structural elements.
	Pitched ~~R~~roof (all roofs other than skillion roofs)	
	Cladding	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
	Frame	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m^3) required for all ceilings.
	Ceiling	12mm gypsum plaster board.
	Combined superficial density	Combined mass with cladding and lining of not less than 25kg/m^2.
Floor of habitable room	**Floor areas open to outside**	
	Cladding	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply.
	Combined superficial density	Floors to attain a combined mass not less than 25 kg/m^2 for the floor layer and any external cladding (excluding floor joists or bearers).
Doors of ~~H~~habitable ~~R~~rooms	**External ~~D~~door to ~~H~~habitable ~~R~~rooms**	
	Superficial density & perimeter seals	Solid core door (min 25 kg/m^{2}~~2~~) with compression seals (where the door is exposed to exterior noise).

RELOCATED BUILDINGS AND SHIPPING CONTAINERS

Introduction

The ability to relocate and use buildings and shipping containers contributes to the economic wellbeing of the ~~Timaru~~ District by providing for the sustainable, and affordable, reuse of existing buildings and shipping containers. However, the use of relocated buildings and shipping containers can result in adverse visual amenity effects. Both can appear inconsistent with the established character of the area and if left unfinished for a long period of time can also look untidy. For these reasons, this chapter manages the relocation of buildings and shipping containers as a specific land use activity.

The relocation of heritage buildings listed in SCHED3 – Schedule of Historic Heritage Items is managed by provisions in the Historical Heritage ~~c~~Chapter.[1]

Objectives	
RELO-O1	**Relocated buildings and shipping containers**
Relocated buildings and shipping containers occur where they will have minimal adverse effects on the character and visual amenity values of the surrounding area.[2]	
Policies	
RELO-P1	**Relocated buildings and shipping containers in the General Industrial Zone and Port Zone[3]**
Enable the relocation of buildings and shipping containers in the General Industrial ~~z~~Zone[4] and Port Zone.	
RELO-P2	**Shipping containers in all other zones**
Enable shipping containers where: ~~1. they are screened so that they are not visible from any road; or~~[5] 2. they are positioned in a location that does not dominate the streetscape; and 3. they do not adversely affect the character and amenity values of the surrounding area.	
RELO-P3	**Relocated buildings in all other zones**
Provide for relocated buildings where: 1. the exterior appearance and materials of any relocatable building is consistent with the character and amenity values of the surrounding area; and 2. any reconstruction, repair or reinstatement works are limited in duration.	

Rules

Note: *~~Activities not listed in the rules of this chapter are classified as a permitted under this chapter.~~ The underlying zone rules and standards in Part 3 – Area-Specific Matters – Zone Chapters apply to relocated buildings and shipping containers. The provisions of Part 2 – District-~~w~~Wide Matters Chapters also apply to relocated buildings and shipping containers. ~~For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under~~*

[1] Heritage New Zealand [114.7]
[2] Clause 16(2) Amendment
[3] Clause 16(2) Amendment
[4] Clause 16(2) Amendment
[5] Rooney Holdings (174.74), Roony, GJH (191.74), Rooney Group (249.74), Roony Farms (250.74), Roony Earthmoving (251.74) and TDL (252.74)

~~*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.*~~[6]

RELO-R1	Placement of a relocated building	
1 General Industrial Zone Port Zone	**Activity status: Permitted**	**Activity status when~~re~~ compliance not achieved: Not applicable**
2 All zones except the General Industrial Zone and Port Zone	**Activity status: ~~Controlled~~ Permitted** **Where:** **PER-1** The relocated building is designed and built for its intended purpose~~.~~; and **PER-2** A reinstatement works report prepared by a licensed building practitioner accompanies the application for building consent. The report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification by the property owner that the reinstatement works will be completed within a 12 month period from the date the relocated building is being moved to the site~~.~~; and **PER-3** The relocated building shall be located on permanent foundations approved by building consent, no later than two months of the building being moved to the site~~.~~; and **PER-4** All reinstatement works must be undertaken in accordance with the reinstatement work report within a 12 month period in accordance with PER-2~~.~~; and **PER-5** Once all reinstatement works have been completed written confirmation is supplied to Council. ~~**CON-1**~~ ~~The applicant has entered into a contract with a Licensed Building Practitioner that~~	**Activity status when~~re~~ compliance is not achieved: Restricted Discretionary** **~~The m~~Matters of discretion are restricted to:** 1. the timeframe to permanently site the building on foundations and to repair any damage to the exterior of the building; and 2. the quantum and details of a bank bond to guarantee the building is permanently located on foundations and any damage to the exterior of the building is completed; and 3. the exterior appearance and materials of the building.

[6] Clause 16(2) Amendment/Section 42A Summary Statement, Paragraph 14(c)

	~~confirms that within twelve months of the building being located on the site:~~ ~~1. the building will be permanently sited on foundations; and~~ ~~2. any damage to the exterior of the relocated building will be repaired to a tradesman's like manner.~~ ~~**Matters of control are reserved to:**~~ ~~1. The exterior appearance and materials of the building; and;~~ ~~2. Method and timing of notification to council to monitor the consent.~~[7] ***Note:*** *This rule does not apply if the building is a temporary activity provided for in the ~~TEMP -~~ Temporary Activities~~y~~ Chapter.*	
RELO-R2	**Placement of a shipping container**	
1 General Industrial Zone **Port Zone**	**Activity status: Permitted**	**Activity status when~~re~~ compliance not achieved: Not applicable**
2 All zones except the General ~~i~~Industrial Zone and ~~the~~ Port Zone	**Activity Status: Controlled** **Where:** **CON-1** The shipping container is ~~either:~~ ~~1.~~ located more than 20m from a road boundary; ~~or~~ ~~2. is not visible from the road;~~ and[8] **CON-2** The maximum total[9] gross floor[10] area and number[11] of all shipping containers on the site does not exceed: **Site area** / **Total gross[12] floor[13] area of** / **Number of shipping containers**	**Activity status when~~re~~ compliance is not achieved ~~with CON-1 or CON-2~~[18]: Restricted Discretionary** **~~The m~~Matters of discretion are restricted to:** 1. location on the site; and 2. visibly of the shipping container beyond the boundary of the site; and 3. the exterior appearance of the shipping container; and 4. landscaping and screening; and 5. the number of shipping containers on the site and cumulative effects on visual amenity and the character of the area.

[7] NZHHA [184.1]
[8] Clause 10(2)(b) Amendment - Rooney Holdings (174.74), Roony, GJH (191.74), Rooney Group (249.74), Roony Farms (250.74), Roony Earthmoving (251.74) and TDL (252.74)
[9] Section 42A Summary Statement, Paragraph 14(b)
[10] ECan [183.1]
[11] Prodanov, T [117.4]
[12] Section 42A Summary Statement, Paragraph 14(b)
[13] ECan [183.1]
[18] Clause 16(2) Amendment

	shipping containers[14]	
<10ha	~~2~~30m^2	2
>10ha	~~2~~30m^2 per 10ha of site area	2 per 10ha of site area[15]

and

CON-3
There is no stacking of shipping containers.

Matters of control are reserved to:

1. location of the shipping container on the site; and
2. the exterior appearance of the shipping container; and
3. screening and landscaping~~;~~.[16]

Note: *This rule does not apply if the shipping container is a temporary activity provided for in the ~~TEMP –~~ Temporary Activit~~ies~~y Chapter.*[17]

[14] Clause 16(2) Amendment
[15] Prodanov, T [117.4]
[16] Clause 16(2) Amendment
[17] Clause 16(2) Amendment

SIGNS

Introduction

Signs provide benefits to people and communities by providing useful information, advertising events, products, services and businesses, and by identifying places and providing directions. Signs however can detract from the amenity and character of an area, adversely affect traffic safety and cause a nuisance. Accordingly, this chapter enables signage but manages its adverse effects.

The provisions of this chapter apply district-wide, with specific provisions also applying in more sensitive zones.

Signs within a state highway road reserve require approval from NZTA ~~Waka Kotahi (New Zealand Transport Agency)~~ regardless of the provisions in this District Plan. Please refer to ~~Waka Kotahi~~ NZTA for more information. Please also refer to the Timaru District Council Consolidated Bylaws regarding signage, particularly signage in public places. Election signs, including the size, design of lettering and time period for display are controlled by the Electoral Act 1993 and its associated regulations.

Objectives

SIGN-O1	**Signs**

Signs contribute to the social, cultural and economic wellbeing of the ~~Timaru~~ District while:

1. supporting the needs of business, infrastructure and community activities; and
2. maintaining or enhancing the character and amenity values of the surrounding area; and
3. maintaining public safety.

Policies

SIGN-PX	**Enable**[1] **~~S~~signs**

Enable signs (excluding off-site signs) in all zones, where:

1. they are an official sign; or
2. they meet the requirements in SIGN-P1 and SIGN-P2.[2]

SIGN-P1	**~~Managing the effects of signs~~ Character and amenity effects**[3]

~~Enable signs in all zones, but r~~Require signs (excluding official signs)[4] to:

1. be compatible with the purpose, character and qualities of the ~~Z~~zone in which they are located; and
2. be compatible ~~to~~ with[5] the design and visual amenity of the building on which they are located; and
3. ~~not contribute to~~ minimise visual clutter and/or adverse cumulative effects.[6]

SIGN-P2	**~~Managing~~ Road safety effects**[7]

Require ~~that~~ signs to be ~~are~~[8] designed and located so they do not compromise the safe use of any road by motorists, pedestrians and other road users, by:

1. ensuring the type, scale, design and location of signs are appropriate to the classification of road; and

[1] Section 42A Report Summary Statement, paragraph 10
[2] Waka Kotahi [143.121]
[3] Clause 16(2) Amendment
[4] Waka Kotahi [143.121]
[5] Clause 16(2) Amendment
[6] Out of Home Media [188.4]
[7] Clause 16(2) Amendments
[8] Clause 16(2) Amendments

2. ~~ensuring signs do not cause~~ minimising[9] motorist distraction or confusion~~; and~~
3. ~~ensuring~~ including, but not limited to, distraction caused by sign proliferation, illumination levels, light spill, flashing and moving signs ~~images~~ and digital signs ~~do not cause distraction~~;[10] and
4. ensuring signs do not imitate, compete with, or give instructions that conflict with traffic signs or traffic control devices; and
5. minimising the potential for line-of-sight obstruction.

SIGN-P3	Off-site ~~Commercial advertising~~[11] signs

Avoid ~~new~~ off-site ~~commercial advertising~~[12] signs not provided for under SIGN-P4, unless:

1. ~~it can be demonstrated it will not establish a precedent or result in similar applications to request equivalent treatment~~ the sign is located within ~~the~~ a commercial and mixed use zone, the General Industrial Zone or Port Zone ~~CMUZ, GIZ or PORTZ~~ or is consistent with the character and amenity values of the surrounding area; and[13]
2. it will not create ~~cumulative~~ adverse cumulative effects; and[14]
3. it meets the requirements detailed in SIGN-P1 and SIGN-P2.

SIGN-P4	Off-site signs — ~~O~~open space and recreation zones

Provide for off-site signs in the ~~O~~open space and recreation zones, only where the off-site sign:

1. is ancillary to a recreational activity on the site; and
2. will not be visible beyond the site; or
3. will be erected for a temporary period only.

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, resource 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.*

SIGN-R1	Official signs	
All zones	**Activity status: Permitted**	**Activity status when compliance is not achieved: Not applicable**
SIGN-R2	**Temporary signs (excluding real estate and development signs)[15]**	
All zones	**Activity status: Permitted** **Where:** **PER-1** The sign is associated with a temporary event or temporary activity permitted by the ~~TEMP~~ Temporary A~~a~~ctivities C~~c~~hapter; and	**Activity status when compliance is not achieved with PER-4 or PER-5: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard. **Note:**

[9] Out of Home Media [188.5]
[10] Clause 16(2) Amendments
[11] Out of Home Media [188.6]
[12] Out of Home Media [188.6]
[13] Go Media [18.3], Fi Glass [161.3], Out of Home Media [188.6], Griff Simpson Family [199.3], Red Sky [233.3]
[14] Clause 16(2) Amendment
[15] Clause 16(2) Amendment

	PER-2 The sign must be erected no more than four weeks before the first day of the temporary event or temporary activity; and **PER-3** The sign must be removed within one week of the temporary event or temporary activity ending; and[16] **PER-4** The sign must comply with the height in relation to boundary, height and setback ~~requirements~~ standards of~~or~~ the underlying ~~Z~~zone, except for the road boundary setback requirement; and **PER-5** The activity complies with all the ~~S~~standards of this chapter.	Where compliance with PER-4 is not achieved, the matters of discretion for the zone requirements apply. **Activity status when compliance is not achieved with PER-1, PER-2 or PER-3: Discretionary**
SIGN-R3	**Real estate and development signs**	
All zones	**Activity status: Permitted** **Where:** **PER-1** The sign must be removed within one week after completion of the sale of the site or completion of development or demolition works on the site; and **PER-2** The sign must be located on the site that is being sold or the site that the development or demolition work is taking place; and **PER-3** The sign must comply with the height in relation to boundary, height and setback ~~requirements~~ standards of~~or~~ the underlying ~~Z~~zone, except for the road boundary setback.	**Activity status when compliance is not achieved with PER-3: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard. **Note:** Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply. **Activity status when~~re~~ compliance is not achieved with PER-1 or PER-2: Discretionary**
SIGN-R4	**Any signs not otherwise listed ~~address~~ in ~~the Rules section of~~ this chapter[17]**	
1.	**Activity status: Permitted** **Where:**	**Activity status when~~re~~ compliance not achieved with PER-3 or PER-4: Restricted Discretionary**

[16] Clause 16(2) Amendments
[17] Clause 16(2) Amendment/Section 42A Report Summary Statement, paragraph 14(d)

~~**Commercial and mixed use zones**~~[18] **Residential zones** **Rural zones** **Māori Purpose Zone**	**PER-1** The sign is not an off-site sign; and **PER-2** The sign must not be flashing or moving; and **PER-3** The sign must comply with the height in relation to boundary standards ~~requirements~~ of~~or~~ the underlying ~~Z~~zone; and **PER-4** The activity complies with all the ~~S~~standards of this chapter.	**Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard. **Note:** Where compliance with PER-3 is not achieved, the matters of discretion for the zone requirements apply.
		Activity status when~~re~~ compliance not achieved with PER-2: Discretionary
		Activity status when~~re~~ compliance not achieved with PER-1: Non-complying
2. Open space and recreation zones	**Activity status: Permitted** **Where:** **PER-1** The sign: 1. is not an off-site sign; or 2. is an off-site sign which: a. is for commercial sponsorship of a recreation activity; and b. will not be visible beyond the site; and **PER-2** The sign is ancillary to a recreation activity; and **PER-3** The sign must meet the height in relation to boundary standards ~~requirements~~ of~~or~~ the underlying ~~Z~~zone; and[19] **PER-4** The activity complies with all the ~~S~~standards of this chapter.	**Activity status when~~re~~ compliance not achieved with PER-3 or PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard. Note: Where compliance with PER-4 is not achieved, the matters of discretion for the zone requirements apply.
		Activity status when~~re~~ compliance not achieved with PER-2: Discretionary
		Activity status when~~re~~ compliance not achieved with PER-1: Non-complying
3. **Commercial and ~~M~~mixed ~~U~~use ~~Z~~zones**	**Activity status: Permitted** **Where:** **PER-1** The sign is not an off-site sign; and	**Activity status when~~re~~ compliance not achieved with PER-2 or PER-~~3~~: Restricted Discretionary** **Matters of discretion are restricted to:** 1. the matters of discretion of any infringed standard.

[18] Go Media [18.4], ANSTAR [47.1], Fi Glass [161.4], Out of Home Media [188.7] Griff Simpson Family [199.4] and Red Sky [233.3]
[19] Clause 16(2) Amendment

General Industrial Zone **Clandeboye Manufacturing Zone [if created][20]** **Port Zone**	**PER-2** The sign must comply with the height in relation to boundary standards ~~requirements~~ of~~or~~ the underlying ~~Z~~zone; and **PER-3** The sign if located in a commercial or mixed use zone must not be flashing or moving; and **PER-4** The activity complies with all the ~~S~~standards of this chapter.	**Note:** Where compliance with PER-2 is not achieved, the matters of discretion for the zone requirements apply. **Activity status when~~n/re~~ compliance not achieved with PER-3: Discretionary** **Activity status when~~n/re~~ compliance not achieved with PER-1: Restricted Discretionary ~~Non-complying~~** **Where:** **RDIS-1** The sign is located in the Large Format Retail Zone, the City Centre Zone, the General Industrial Zone or Port Zone ~~LFRZ, CCZ, GIZ or PORTZ~~. **Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; 4. any adverse effects on traffic safety; and 5. any positive effects of the sign. **Activity status when~~n/re~~ compliance not achieved with RDIS-1: Discretionary[21]**

Standards		
SIGN-S1	**Traffic safety**	
All zones	1. All freestanding signs visible from ~~S~~state ~~H~~highways must be erected at a right angle to the road or within a variance of 15˚ either side of the right angle~~.~~; and 2. No sign shall be erected adjacent to a road in a manner that will: a. obstruct the line of sight of any road corner, bend or intersection, or vehicle crossing; or	**Matters of discretion are restricted to:** 1. ~~A~~any adverse effects on[24] traffic safety; and 2. the design and location of the sign; and 3. any positive effects of the sign.

[20] Fonterra [165.120] – *Note amendment only required if the Clandeboye Manufacturing Zone is created*
[21] Go Media [18.4], ANSTAR [47.1], Fi Glass [161.4], Out of Home Media [188.7] Griff Simpson Family [199.4] and Red Sky [233.3]
[24] Section 42A Report Summary Statement, paragraph 13

	b. obstruct, obscure or impair the view of any traffic sign or signal; or c. resemble or be likely to be confused with any traffic sign or signal; or d. use reflective materials that may interfere with a road user's vision~~.~~; and 3. All signs ~~within 10 horizontal metres of a road~~ designed to be read by motorists must comply with the minimum lettering sizes in Table 27 — Minimum lettering size~~.~~; and[22] 4. All signs in rural zones ~~within 10 horizontal metres of a road~~ designed to be read by motorists on a road with a posted speed limit of 70km/h or more must comply with the minimum setback distances from other signs as read from one direction and measured parallel to the centre line of the road in Table 28 — Separation distances.[23]	
SIGN-S2	**Illuminated, moving, flashing and digital signs**	
All zones	1. Any ~~i~~illuminated, moving, flashing or digital display sign must not display a digital or pre-recorded broadcast~~.~~; and [25] 2. Any illuminated, moving, flashing or digital display sign must only display still images.~~,~~ ~~and~~ W~~w~~here multiple still images are displayed and SIGN-S2.3 and SIGN-S2.9 are complied with, each still image must be displayed for a minimum of ~~30~~ 10[26] seconds each before changing to a different still image. Where SIGN-S2.3 and SIGN-S2.9 are not complied with, still images must be displayed for a minimum of 30 seconds each before changing to a different still image.~~,~~ ~~and~~ T~~t~~here must be no transitions between still images	**Matters of discretion are restricted to:** 1. the frequency and intensity of flashing and/or image change; and 2. extent of illumination when visible from a public place or neighbouring property; and 3. impact on surrounding activities; and 4. impacts on the amenity and character of the surrounding environment; and 5. whether the sign would result in any direct light overspill onto a residential property or the road network; and 6. any adverse effects on traffic safety; and[33] 7. any positive effects of the sign.

[22] Waka Kotahi [143.125]
[23] Go Media [18.8], Fi Glass [161.8], Out of Home Media [188.8], Griff Simpson Family [199.8] and Red Sky [233.8] and evidence of Mr. Church [Hearing F, Interim Reply]
[25] Clause 16(2) Amendment
[26] Go Media [18.5], Fi Glass [161.5], Out of Home Media [188.9], Griff Simpson Family [199.5] and Red Sky [233.5]
[33] Waka Kotahi [143.126]

	apart from cross-dissolve of a maximum of 0.5 seconds~~.~~; and[27] 3. No illuminated, moving, flashing or digital display sign must be visible to vehicles travelling on a legal road within ~~100~~ 50m ~~metres~~ of an intersection,[28] measured in accordance with Figure 15 in the TRAN chapter~~.~~; and[29] 4. No illuminated, moving, flashing or digital display sign is to be visible from and/or located within 50m ~~metres~~ of a ~~R~~residential zone or a residential unit~~.~~; and 5. No illuminated, moving, flashing or digital display sign shall create more than 10~~.0~~ lux spill (horizontal and vertical) of light when measured or calculated 2m within the boundary of any adjacent site or road~~.~~; and 6. Illumination levels of any sign must not exceed 250 candelas per square metre between sunset and sunrise~~.~~; and 7. Illumination levels of any sign must not exceed 5,000 candelas per square metre between sunrise and sunset~~.~~; and[30] 8. Illuminated signs must incorporate a lighting control to adjust brightness in line with ambient light levels~~.~~; and[31] 9. No digital sign is to be located adjoining a ~~S~~state ~~H~~highway.[32]	
SIGN-S3	**Maximum height of signage**	
1. All zones	Any temporary sign must not exceed 3m in height, measured from ground level.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
2. Commercial and ~~M~~mixed ~~U~~use zones	1. Any freestanding sign must not exceed 48m in height, measured from ground level~~.~~; and	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and

[27] Evidence of Mr. Pearson [Hearing F Interim Reply]
[28] Out of Home Media [188.9] and Evidence of Mr. Pearson [Hearing F, Interim Reply]
[29] Clause 16(2) Amendment
[30] Go Media [18.5], Fi Glass [161.5], Out of Home Media [188.9], Griff Simpson Family [199.5] and Red Sky [233.5]
[31] Go Media [18.5], Fi Glass [161.5], Out of Home Media [188.9], Griff Simpson Family [199.5] and Red Sky [233.5]
[32] Evidence of Mr. Church [Hearing F, Interim Reply]

~~**Open Space and Recreation zones**~~ **General Industrial Zone** **Clandeboye Manufacturing Zone [if created]**[34] **Port Zone**	2. Any sign attached to a building must not extend above facade height.	2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and 5. any positive effects of the sign.
X Open ~~S~~space and ~~R~~recreation zones	1. Any freestanding sign must not exceed 4m in height, measured from ground level~~.~~; and 2. Any sign attached to a building must not extend above facade height.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and 5. any positive effects of the sign.[35]
3. Rural zones **Māori Purpose Zone**	Any sign must not exceed 3m in height, measured from ground level.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
4. Residential zones	There is no maximum height under this standard.	**Matters of discretion are restricted to:** **Not applicable** ~~1. any impact on the character and amenity values of the surrounding area; and~~ ~~2. whether the sign contributes to visual clutter; and~~ ~~3. any adverse cumulative effects; and~~ 4. ~~any positive effects of the sign.~~[36]
SIGN-S4	**Maximum area of a sign**	
1. All zones	1. Any temporary sign must not exceed 2m^2 in area but may be double sided. Where a sign is double-sided, the	**Matters of discretion are restricted to:**

[34] Fonterra [165.121] – *Note amendment only required if the Clandeboye Manufacturing Zone is created*
[35] Go Media [18.6], Fi Glass [161.6], Out of Home Media [188.10], Griff Simpson Family [199.6] and Red Sky [233.6]
[36] Clause 16(2) Amendment

	maximum area of the sign is calculated as the area of one side of the sign.	1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
2. Commercial and ~~M~~mixed ~~U~~use zones	1. Where a site has a road frontage less than 50m ~~A~~any freestanding sign must not exceed ~~5m²~~ 6m² in area. 2. For sites with a road frontage of 50m or more the maximum area of any freestanding sign must not exceed 18m². 3. Where a sign is double-sided, the maximum area of the sign is calculated as the area of one side of the sign.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and 5. any positive effects of the sign.
3. Residential zones	1. The maximum total area of signs on any site must not exceed 0.5m²~~.~~; and 2. Where a sign is double-sided, the maximum area of the sign is calculated as the area of one side of the sign.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
4. Rural zones **Māori Purpose Zone**	1. The maximum total area of signs on any site shall not exceed 3m²~~.~~; and 2. Where a sign is double-sided, the maximum area of the sign is calculated as the area of one side of the sign.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any positive effects of the sign.
5. Open ~~S~~space and ~~R~~recreation zones	1. The surface area of a commercial sponsorship sign must not exceed 3m² in area~~.~~; and 2. Where a sign is double-sided, the maximum area of the sign is calculated as the area of one side of the sign~~.~~; and 3. The surface area of a sign displaying the club/s name must not exceed 5m² in area.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and 5. any positive effects of the sign.
6. General Industrial Zone	There is no maximum area of a sign.	**Matters of discretion are restricted to:** **Not applicable**

Clandeboye Manufacturing Zone [if created][37] **Port Zone**		
SIGN-S5	**Maximum number of temporary signs**	
1. Residential zones **Rural zones** **Māori Purpose Zone**	There shall be no more than one temporary sign per site.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any adverse effects on traffic safety; and[38] 5. any positive effects of the sign.
2. Commercial and ~~M~~mixed ~~U~~use zones **General Industrial Zone** **Clandeboye Manufacturing Zone [if created][39]** **Port Zone** **Open ~~S~~space and ~~R~~recreation zones**	There shall be no more than three temporary signs per site.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any adverse effects on traffic safety; and[40] 5. any positive effects of the sign.
SIGN-S6	**Maximum number of signs (not including ~~O~~official signs, ~~I~~instructional signs[41] and ~~T~~temporary signs)**	
1. Commercial and ~~M~~mixed ~~U~~use zones	1. There shall be no limit on the number of signs that are not visible from beyond the site; and 2. For signs visible from beyond the site ~~T~~there shall be no ~~limit~~ more than one freestanding sign per road frontage; or	**Matters of discretion are restricted to:** ~~**Not applicable**~~ 1. any impact on the character and amenity values of the surrounding area; and

[37] Fonterra [165.122] – *Note amendment only required if the Clandeboye Manufacturing Zone is created*
[38] Waka Kotahi [143.127]
[39] Clause 10(2)(b) Amendment – Fonterra [165.20-165.123] – *Note amendment only required if the Clandeboye Manufacturing Zone is created*
[40] Waka Kotahi [143.128]
[41] Hearing F, Interim Reply

General Industrial Zone **Clandeboye Manufacturing Zone [if created][42]** **Port Zone (excluding PREC7 – Port Operational Area Precinct)**	3. Multiple freestanding signs may be located per road frontage where the minimum setback distance between signs within the site as read from one direction and measured parallel to the centre line of the road in Table 28 – Separation distances are complied with.[43] **Note:** A freestanding sign may advertise multiple premises located on the site.	2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any adverse effects on traffic safety; and 5. any positive effects of the sign.[44]
PREC7 – Port Operational Area Precinct	4. There shall be no limit.[45]	
2. Residential zones **Rural zones** **Māori Purpose Zone**	There shall be no more than one sign per road frontage located on a site.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any adverse effects on traffic safety; and[46] 5. any positive effects of the sign.
3. Open ~~S~~space and ~~R~~recreation zones	There shall be no more than two signs per site visible from beyond the site.	**Matters of discretion are restricted to:** 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign contributes to visual clutter; and 3. any adverse cumulative effects; and 4. any adverse effects on traffic safety; and[47] 5. any positive effects of the sign.
SIGN-S7	**Sign content**	
All zones	A sign must not display words, images, or model (human or mannequin) that are sexually explicit, lewd, racist or otherwise offensive content.	**Matters of discretion are restricted to:** 1. the content of the sign.

[42] Fonterra [165.123] – *Note amendment only required if the Clandeboye Manufacturing Zone is created*
[43] Evdience of PrimePort and NZTA [Hearing F, Interim Reply]
[44] Clause 10(2)(b) Amendments - Go Media [18.8], Fi Glass [161.8], Out of Home Media [188.8 and 188.13], Griff Simson Family [199.8] and Red Sky [233.8]
[45] Evidence of PrimePort [Hearing F, Interim Reply]
[46] Waka Kotahi [143.128]
[47] Waka Kotahi [143.128]

Table 27 — Minimum lettering size[48]

~~Regulatory speed limit of adjoining road~~	~~Main message~~	~~Secondary message~~
~~Km/hr~~	~~Minimum lettering height (mm)~~	~~Minimum lettering height (mm)~~
~~0 - 50~~	~~100~~	~~75~~
~~51 - 70~~	~~150~~	~~100~~
~~71 - 80~~	~~175~~	~~125~~
~~81 - 100~~	~~200~~	~~150~~

Posted speed limit of adjoining road (km/h)	Letter height		
	Main message	Property Name	Secondary Message
50	150	100	75
60	175	125	90
70	200	150	100
80	250	175	125
100	300	200	150

Table 28 — Minimum ~~S~~separation distances between signs[49]

Regulatory speed limit (km/hr)	Separation distance (m)
50	**50**
60	**55**
~~0 -~~ 70	**60**
~~71 -~~ 80	**70**
~~81 -~~ 100	**80**

[48] Waka Kotahi [143.129]
[49] Waka Kotahi [143.130] and Evidence of Mr. Church [Hearing F, Interim Reply]

TEMPORARY ACTIVITIES

Introduction

Temporary activities have a limited duration and therefore generally ~~on~~[1] generate temporary adverse effects on the environment. These activities include, but are not limited to, public and community events that provide important social, cultural and recreational opportunities. Temporary activities also include temporary buildings that are necessary for construction work, temporary military training activities (TMTA) required under the Defence Act 1990, and housing recovery temporary accommodation for displaced people following a declared emergency event.

Temporary activities are provided for by this chapter subject to controls to ensure they can occur without having significant adverse effects on the character and qualities of the environment in which they occur and without causing any permanent effects on the environment.

Temporary activities occurring on the surface of water are managed by provisions in the Activities on the Surface of Water ~~– ASW~~ ~~c~~Chapter.[2]

As detailed in Part 1 – HPW – Statutory Context, freedom camping, as defined in ~~S~~section 5 of the Freedom Camping Act 2011, is not managed by the District Plan and is managed by the Freedom Camping Act 2011.[3]

Objectives	
TEMP-O1	**Temporary activities~~y~~**
Temporary activities occur when they: 1. contribute to the wellbeing of the community and vitality of the District; and 2. have a limited duration and do not cause significant adverse effects on the environment; and 3. do not permanently alter the environment.	
Policies	
TEMP-P1	**Benefits of temporary activities**
Recognise the social, economic, cultural and environmental benefits of temporary activities, including: 1. temporary events and temporary emergency services training activities[4] that enhance the quality of life, commercial opportunities and the vitality of the ~~d~~District; and 2. temporary buildings that enable construction projects; and 3. ~~temporary military training activities~~ TMTA that maintain the nation's security, the New Zealand Defence Force's operational capacity and the wellbeing, health and safety of communities; and 4. housing recovery temporary accommodation that provides essential accommodation for displaced people while the affected properties are being repaired and rebuilt following an emergency.	
TEMP-P2	**Temporary ~~C~~construction, temporary military training activities~~y~~,[5] temporary emergency services training activities~~y~~[6] and temporary events**
Ensure that any temporary construction buildings and structures, ~~temporary military training activities~~ TMTA, temporary emergency services training activities[7] and temporary events, including those with ancillary buildings and structures, are compatible with the surrounding environment by requiring that they: 1. are for a limited duration only; and	

[1] Clause 16(2) Amendment
[2] Clause 16(2) Amendment
[3] NZMCA [134.1, 134.2 and 134.6]
[4] Clause 10(2)(b) Amendment – FENZ [131.4 and 131.16]
[5] Clause 16(2) Amendment
[6] Clause 10(2)(b) Amendment – FENZ [131.4 and 131.16]
[7] Clause 10(2)(b) Amendment – FENZ [131.4 and 131.16]

2. do not result in permanent adverse effects on the environment; and
3. do not adversely affect the safety and efficiency of the transport network; and
4. are of a scale and location that is compatible ~~consistent~~[8] with the anticipated character and qualities of the zone where they occur; and
5. do not have the potential to have significant adverse effects on the environment.

TEMP-P3	Housing ~~R~~recovery ~~T~~temporary ~~A~~accommodation

Enable housing recovery temporary accommodation following an emergency on:
1. private land when the accommodation is required to accommodate the owner(s) and/or occupier(s) of the land during repairing/rebuilding of the site's principal building(s); and
2. public land when the Ministry of Business, Innovation and Employment has announced that a temporary accommodation village is required;

Where the land:
3. has the ability to connect to essential infrastructure services; and
4. can integrate with the road network and public transport services; and
5. will not have a permanent adverse effects on significant natural and cultural values;

While ensuring:
6. the activity is not permanently established unless provided for by the District Plan; and
7. the site can be returned to its original condition; and
8. a management plan is in place to ensure solid waste, fire hazard and amenity effects on the surrounding area are minimised; and
9. the scale of the accommodation is responsive to the available capacity of essential infrastructure.

TEMP-P4	Temporary motorsport events

Only allow temporary motorsport events, including any ancillary buildings and structures, where they:
1. are located in the General ~~r~~Rural ~~z~~Zone;[9] and
2. are for a limited duration only; and
3. do not adversely affect the safety of the transport network; and
4. do not result in excessive adverse noise, and dust effects; and
5. do not have the potential to have significant adverse effects on the environment.

Rules

Note: *For certain activities, consent may be required by rules in more than one chapter in the District Plan. Where rules in this chapter are more lenient than the rules in Part 3 — Area-Specific Matters - Zone Chapters, rules in this chapter take precedence. Unless otherwise specified in this chapter, the provisions of Part 2 - District-~~w~~Wide Matters Chapters still apply to activities provided for in this chapter and therefore resource consent may be required by the rules in Part 2.*

Activities not listed in the rules of this chapter are classified as a permitted under this chapter. 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.

TEMP-R1	Temporary buildings and structures ancillary to construction work	
All zones	**Activity status: Permitted** **Where:**	**Activity status whenre compliance not achieved with PER-4: Restricted Discretionary**

[8] NZDF [151.5]
[9] Clause 16(2) Amendment

	PER-1 The temporary building and/or structure is located on the same site as the associated construction work unless, the building and/or structure is associated with construction work within the road or rail corridor and is located on a site directly adjoining the road or rail corridor; and **PER-2** The maximum combined gross floor area of any temporary buildings and/or structures does not exceed 50m^2 where the site is located within or adjoining a ~~R~~residential zone; and **PER-3** The temporary building and/or structure is removed from the site upon completion of the associated construction work, or within 24 months from the date it was located on the site, whichever is sooner; and **PER-4** The temporary building and/or structure must comply with the height, height in relation to boundary, and setback standards ~~requirements~~ of the underlying zone ~~where the activity is located~~. ~~***Note:***~~ ~~*The activity must comply with NOISE-R4.*~~[10]	**Matters of discretion are restricted to:** 1. loss of outlook, shading, loss of privacy and loss of amenity; and 2. location and design. **Activity status when~~re~~ compliance not achieved with PER-1, ~~or~~ PER-2 or PER-3: Discretionary**
TEMP-R2	**Temporary military training activities**	
All zones	**Activity status: Permitted** **Where:** **PER-1** Any building or structure is removed within seven calendar days after completion of the activity, unless the building or structure and its use are permitted in the underlying zone ~~it is located~~ or a resource consent has been obtained; and **PER-2**	**Activity status when~~re~~ compliance not achieved with PER-1 or PER-2: Restricted Discretionary** **Matters of discretion are restricted to:** 1. loss of outlook, shading, loss of privacy and loss of amenity; and 2. location and design of buildings and structures;[14] and 3. traffic safety; and 4. dust and sediment control; and 5. ground stability; and 6. the ability to return the site to its original condition; and

[10] Clause 16 Amendment
[14] Clause 16(2) Amendment

	The duration of TMTAs ~~temporary military training activities~~ ~~the activity~~ at any one site does not exceed a total of 31 calendar days per year ~~on any site~~, excluding set-up and pack-out activities; and ~~**PER-3**~~ ~~If located on the site for longer than 7 consecutive days, any building and structure complies with the height in relation to boundary and setback rules and standards of the zone in which the site is located; and~~ **PER-4** Where excavation is carried out, the ground is returned to its original condition within seven calendar days after completion of the TMTA ~~activity~~.[11] ***Note:*** ~~*1. The activity must comply with NOISE-R3 and EW-R1.*~~[12] 2. *It is the organiser's obligation to contact the relevant road controlling authority (NZTA ~~New Zealand Transport Agency~~ if the activity is accessed from a ~~S~~state ~~H~~highway, and ~~Timaru District~~ the Council if accessed from any other roads) to arrange ~~an appropriate~~ traffic management plan if required to avoid traffic safety hazards being generated from the activity.*[13]	7. the duration of the TMTA ~~activity~~, including the period buildings and structures will remain on site. **Activity status where compliance not achieved with ~~PER-3 or~~ PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. loss of outlook, shading, loss of privacy and loss of amenity; and ~~2. location and design; and~~[15] 3. ground contour of any excavated areas; and[16] 4. dust and sediment control; and 5. ground stability.
TEMP-R3	**Temporary events and temporary emergency services training activities**[17]	
All zones ~~except Open Space Zone and Sport and Active Recreation Zone~~[18]	**Activity status: Permitted** **Where:** **PER-1** The duration of the temporary[19] event or temporary emergency services training activity[20] does not exceed seven consecutive calendar days; and	**Activity status whe~~re~~n compliance not achieved with PER-4: Restricted Discretionary** **Matters of discretion are restricted to:** 1. ground contour of any excavated areas; and 2. dust and sediment control; and 3. ground stability; and 4. visual amenity~~.~~; and

[11] NZDF [151.7]
[12] Clause 16(2) Amendment
[13] Defense Force [151] Interim Reply
[15] Defense Force [151] Interim Reply
[16] Clause 16(2) Amendment
[17] FENZ [131.4 and 131.16]
[18] Rooney Holdings [174.76], Rooney, GJH [191.76], Rooney Group [249.76], Rooney Farms [250.76], Rooney Earthmoving [251.76] and TDL [252.76]
[19] Clause 16(2) Amendment
[20] FENZ [134.4]

	PER-2 The site is not used for more than two ~~T~~temporary ~~E~~events[21] or temporary emergency services training activities[22] per calendar year; and **PER-3** Any ancillary building(s) or structure(s) are not erected more than ~~7~~ seven calendar days prior to the temporary event or temporary emergency services training activity commencing, and are removed within ~~7~~ seven calendar days following the completion of the temporary[23] event or temporary emergency services training activity;[24] and **PER-4** No permanent or mechanical excavation is carried out. ***Note:*** ~~*1. The activity must comply with NOISE-R2 and EW-R1.*~~[25] 2. *It is the organiser's obligation to contact the relevant road controlling authority (NZTA ~~New Zealand Transport Agency~~ if the activity is accessed from a ~~S~~state ~~H~~highway, and ~~Timaru District~~ the Council if accessed from any other roads) to arrange a~~n~~ ~~appropriate~~ traffic management plan if required to avoid traffic safety hazards being generated from the activity.*[26]	5. the potential effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects.[27] **Activity status when~~re~~ compliance not achieved with PER-1 or PER-2 or PER-3: Discretionary**
TEMP-R4	**Housing recovery temporary accommodation on private land**	
All zones	**Activity status: Permitted** **Where:** **PER-1** It is required to accommodate the owner(s) or occupier(s) of the site while their home or business on the site is being repaired/reconstructed; and	**Activity status when~~re~~ compliance not achieved with PER-5: Restricted ~~d~~Discretionary** **Matters of discretion are restricted to:** 1. loss of outlook, shading, loss of privacy and loss of amenity; and 2. location and design; and 3. matters described in the relevant rules and standards.

[21] Clause 16(2) Amendment
[22] FENZ [134.4]
[23] Clause 16(2) Amendment
[24] FENZ [134.4]
[25] Clause 16(2) Amendment
[26] Consequential Amendment, Defense Force [151] Interim Reply
[27] TRONT [185.8] – Memorandum of Rachael Pull, 31 March 2025, page 4

	PER-2 The accommodation is a portable building; and **PER-3** The accommodation is removed within 14 days upon the completion of the repairs/reconstruction; and **PER-4** The accommodation can be connected to Council's reticulated services where available; and **PER-5** It complies with the height in relation to boundary and setback ~~rules/~~ standards of the underlying zone. ***Note**:* 1. *This activity is not required to comply with the ~~SW —~~ Stormwater ~~m~~Management ~~c~~Chapter.*	**Activity status when~~re~~ compliance not achieved with PER-1, PER-2, PER3 or PER4: Discretionary**
TEMP-R5	**Housing ~~R~~recovery ~~T~~temporary ~~A~~accommodation ~~V~~village on public land**	
Public land within: **Open Space Zone** **Sports and Active Recreation ~~z~~Zone~~s~~**	**Activity status: Permitted** **Where:** **PER-1** The village is established on the following sites: 1. Ashbury Park; 2. Sir Basil Arthur Park; or 3. Russell Square; and **PER-2** The Ministry of Business, Innovation and Employment or ~~Timaru District~~ the Council has determined that a temporary accommodation village is required for the District and the village is managed by these parties; and **PER-3** The maximum number of residential units and residents are limited as follows: 1. Ashbury Park: 50 residential units or 100 residents; 2. Sir Basil Park: 50 residential units or 100 residents; or 3. Russell Square: 30 residential units or 60 residents; and	**Activity status when~~re~~ compliance not achieved with PER-5: Restricted Discretionary** **Matters of discretion are restricted to:** 1. matters described in the relevant rules and standards **Activity status when~~re~~ compliance not achieved with PER-1 to PER-4: Discretionary**

	PER-4 A management plan has been submitted to ~~Timaru District~~ the Council for acceptance. The management plan should include information in relation to: 1. the duration of the village; 2. the management of waste, stormwater and fire hazards; and 3. the remediation work required to restore the site to previous state; and **PER-5** It complies with the height in relation to boundary and setback ~~rules~~ standards of the underlying zone. ***Note:*** 1. *This activity is not required to comply with the ~~SW~~ Stormwater ~~m~~Management ~~c~~Chapter.* 2. *This activity is not required to comply with the ~~SASM~~ Sites and Areas of Significance to Māori C~~c~~hapter.*	
TEMP-R6	**Temporary motorsport events**	
1. General Rural Zone	**Activity status: Restricted Discretionary** **Where:** **RDIS-1** The temporary motorsport[28] event does not last more than ~~two~~ three[29]days in duration; and **RDIS-2** The site is not used for more than two temporary ~~M~~motorsport ~~E~~events per calendar year; and[30] ~~**RDIS-3**~~ ~~The hours of operation are limited to daylight hours only; and~~[31] **RDIS-4** Any building and/or structure associated with the activity is not erected more than two days prior to the event commencing and is	**Activity status when~~re~~ compliance not achieved with: Discretionary**

[28] Clause 16(2) Amendment
[29] SCCC [135.1]
[30] Clause 16(2) Amendment
[31] SCCC [135.1]

	removed within two days after completion of the temporary motorsport event; and **RDIS-5** No permanent excavation occurs. If any earthworks occur in preparation for the temporary motorsport event, such as the forming of tracks and structures, such earthworks must be rehabilitated to its original condition after the completion of the temporary motorsport event. **Matters of discretion are restricted to:** 1. scale and duration; and 2. traffic safety; and 3. dust and sediment control; and 4. ground stability; and 5. rehabilitation methods and timing. ***Note:*** 1. *~~The activity must comply with NOISE-R1 and EW-R1~~.*[32] 2. *It is the organiser's obligation to contact the relevant road controlling authority (NZTA ~~New Zealand Transport Agency~~ if the activity is accessed from a ~~S~~state ~~H~~highway, and ~~Timaru District~~ the Council if accessed from any other roads) to arrange a~~n~~ ~~appropriate~~ traffic management plan if required to avoid traffic safety hazards being generated from the activity.*[33]*.	
2. All other zones	**Activity status: Non-complying**	**Activity status when~~re~~ compliance not achieved: Not applicable**

[32] Clause 16(2) Amendment
[33] Consequential Amendment, Defense Force [151] Interim Reply