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# OFFICER'S RESPONSE TO QUESTIONS FROM THE HEARINGS PANEL

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**DATE:** 22 October 2021

**HEARING:** Natural Hazards

**HEARING DATE:** 2 November 2021

**PREPARED BY:** Rachael Carruthers

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## Introduction

The purpose of this report is to provide a written response to the questions posed by the Hearings Panel on the respective section 42A report for the Natural Hazards Chapter.

## Questions and Answers

Paragraph or Plan reference	Question from the Hearings Panel
8.10	Can you please explain in simple terms why “high hazard area’ relating to the flood hazard are not mapped in the PDP maps?
<i>Officer response:</i>	<p><i>As noted in the statement of evidence from <a href="#">Nicholas Griffiths</a> on behalf of the CRC currently available information about high hazard areas is uncertain, incomplete, and subject to change over the life of the plan.</i></p> <p><i>Including high hazard areas on the maps would include areas that the models suggest are high hazard but aren’t and exclude areas that the models suggest are not high hazard but are. Errors could result from inaccuracies in original data capture or ground level changes over time. This could result in future decisions being based on outdated and incomplete information, instead of the best available information at the time.</i></p> <p><i>Indicative high hazard area mapping is publicly available at Canterbury Maps, which is hosted by CRC and is freely accessible from both the CRC website and Council’s website <a href="https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/">https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/</a></i></p>
9.11	Has Council’s Stormwater and Land Drainage Bylaw (2018) been considered when assessing submissions on the Plains Flood Management Overlay?
<i>Officer response:</i>	<p><i>No. Council’s Stormwater and Land Drainage Bylaw relates to the management of the stormwater and drainage network, which is designed to accommodate a 10-year ARI flood event in relation to the pipe network and a 50-year ARI in relation to overland flow paths.</i></p> <p><i>As required by the CRPS, the Plains Flood Management Overlay addresses the 200-year ARI flood event, a much rarer and more extreme event, which would see the stormwater and drainage network overwhelmed.</i></p>
9.15	Can you provide examples of how this recommendation would manifest in the PDP maps?

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Officer response:	<p><i>An amended Plains Flood Management Overlay has been provided as Figures 1a and 1b in the statement of evidence from <a href="#">Nicholas Griffiths</a> on behalf of the CRC.</i></p> <p><i>This single polygon would replace the overlay as notified as the area of the district where a flood investigation is required to identify a suitable floor height for residential units and other principal buildings.</i></p>
9.27	<p>A number of individual submitters have asked for the Plains Flood Management Overlay overlay to be amended, particularly at the individual property level. The Section 42A Report author recommends accepting the CRC request to directly map the Plains Flood Management Overlay with the raw rain-on-grid model results to address any gaps and limitations in the modelling.</p> <ul style="list-style-type: none"> <li>Was this raw rain-on-grid information available when the provisions of the PDP were being drafted?</li> </ul> <p>The Section 42A Report author has extended an invitation to CRC to provide an amended overlay that includes the rain-on-grid information.</p> <ul style="list-style-type: none"> <li>Can you advise if this amended overlay had been provided?</li> <li>When and how will it be utilised in the PDP hazard overlay maps?</li> <li>What, if any, difference will it make to the mapped flood hazard on the submitter's properties?</li> </ul>
Officer response:	<ul style="list-style-type: none"> <li><i>The raw rain-on-grid information became available late in the process of drafting the provisions of the PDP.</i></li> <li><i>An amended overlay has been provided as Figures 1a and 1b in the statement of evidence from <a href="#">Nicholas Griffiths</a> on behalf of the CRC</i></li> <li><i>If the Panel accepts submission point DPR-0260.055, the amended overlay would replace the Plains Flood Management Overlay at the time decisions on the PDP are made. It would be utilised in the same way as the current overlay, to identify areas where an assessment is required. In almost all cases, this would result in a floor height recommendation that, if complied with, would not trigger the need for a resource consent.</i></li> <li><i>The submitter's properties would still be identified as being subject to flood hazard, but the mapped area would now generally cover the whole of the site, rather than just the areas that have been identified in currently available model results.</i></li> </ul>
12.6.3	<p>The use of the word "and" means that CRPS Policy 11.3.1(1) to(4) are conjunctive provisions. Namely they must <u>all</u> apply to an activity for it to be excluded from the avoid requirement. So, shouldn't your NH-P1 clauses 1, 2, 3 and 4a all be grouped together to form one exemption with four conjunctive criteria? Your 4b will then form a separate exemption.</p>
Officer response:	<p><i>CRPS Policy 11.3.1 reads:</i></p> <p><i>To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:</i></p> <ol style="list-style-type: none"> <li><i>1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and</i></li> <li><i>2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and</i></li> <li><i>3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and</i></li> <li><i>4. is not likely to exacerbate the effects of the natural hazard; or</i></li> <li><i>5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the</i></li> </ol>

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	<p>date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or</p> <p>6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which the effect of the natural hazard must be avoided or appropriately mitigated; or</p> <p>7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significance infrastructure.</p> <p>CRC have confirmed in the evidence of <a href="#">Samuel Leonard</a> that the combination of 'and' and 'or' means that all of 11.3.1.1-3 above must be met, together with any one of 11.3.1.4-7, and so that NH-P1 as shown in Appendix 2 gives effect to the CRPS, without the need for further amendment.</p>
12.6.3	<p>I understand your point about all of Selwyn District being in "greater Christchurch" which is a CRPS defined term and is different from "Greater Christchurch" which is also a CRPS defined term – relying on map A of the CRPS.</p> <ul style="list-style-type: none"> <li>Is that clear from the Definitions chapter of the PDP where the defined terms are all in capitals – namely in the PDP definitions the term GREATER CHRISTCHURCH is defined as Map A of the CRPS but there is no definition of "greater Christchurch".</li> </ul>
Officer response:	Consistent with the PDP definition, PDP provisions only use 'Greater Christchurch' in the context of Map A of the CRPS. A PDP definition of 'greater Christchurch' is not required, because it would be the same as 'the whole of the district'.
12.14	Could the words "and there is no practicable alternative" be added to NH-P2.2 which in some other plans is added to the words "Functional need or operational needs"?
Officer response:	The FENZ submission <sup>1</sup> might provide scope for such a change, as they support important infrastructure being located where there is an operational or functional need and no reasonable alternative, although their requested decision is to retain NH-P2 as notified.
16.21	<p>Is new Policy NH-22 worded appropriately because it only applies to new residential units and so there is no existing risk that can be increased as there is no existing residential unit?</p> <p>Would it be better worded as follows, drawing on the some of the wording used in NH-P15 4.a and NH-P18 2:</p> <p><u>Restrict the establishment of any new residential unit if it is located in a position that is subject to a increases the significant wildfire risk to that building unless that risk can be adequately remedied or mitigated</u></p>
Officer response:	I agree that the wording above better reflects the intent of the policy to require a sharing of the burden of mitigating the effects of wildfire, between those who increase the risk by establishing shelterbelts or woodlots thereby increasing the available fuel (NH-P20) and those who would establish a residential activity in proximity to such fuels (proposed new NH-P22).
17.35	How is the recommendation in the last sentence implemented in the provisions?
Officer response:	The provisions themselves are not amended as a consequence of the recommendation, but it is recommended that the Overview be amended as shown in Appendix 2 to clarify that any suitably qualified and experienced person may make a flood assessment.
17.67	Where is the insertion of the requirement to comply with NH-REQ4 into each of Earthworks Rules EW-R1, EW-R2, EW-R4 and EW-R5 in Appendix 2?

<sup>1</sup> DPR-0359.042 FENZ

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Officer response:	Starting on page 10 of <a href="#">Appendix 2</a>
17.91	Can you please explain why “land instability mitigation works associated with the protection of a state highway” are not captured by NH-R6.4?
Officer response:	<p><i>The Transport Chapter contains all the objectives, policies, rules, requirements, and design standards for managing the District’s land transport corridors and the land transport infrastructure works and activities that occur within them.</i></p> <p><i>The Natural Hazards chapter only applies to land transport infrastructure works where it is referenced in the Transport Chapter. Compliance with NH-R6 is not required by the Transport Chapter, and so compliance with NH-R6.4 is not required for land instability mitigation works associated with the protection of a state highway.</i></p> <p><i>Land transport infrastructure works are subject to TRAN-R1 Works and activities in a land transport corridor, TRAN-R2 Creation of a new land transport corridor and TRAN-R3 Land transport infrastructure not within a land transport corridor, as appropriate to the activity. These rules include the need to comply with relevant Natural Hazards Rule Requirements.</i></p>
18.12	Where in Appendix 2 is the amendment to NH-REQ5, to allow small and/or temporary energy and infrastructure activities to establish in high flood hazard areas?
Officer response:	<p><i>The amendment to NH-REQ5 starts on p5 of <a href="#">Appendix 2</a> but needs to be read in conjunction with the rules that require compliance with it.</i></p> <p><i>The amendment has the effect that, where compliance with NH-REQ5.1 is required, the Coastal Erosion Overlay and the Greendale Fault Overlay still need to be avoided, but the activity can occur in high flood hazard areas. In rules where compliance with all of NH-REQ5 is required, high flood hazard areas must also be avoided.</i></p> <p><i>Compliance with NH-REQ5.1 (activity to be located outside the Coastal Erosion Overlay and the Greendale Fault Overlay only) is required for each of the following small and/or temporary energy and infrastructure activities</i></p> <ul style="list-style-type: none"> <li><i>• EI-R9 Temporary Network Utilities</i></li> <li><i>• EI-R10 Below Ground Network Utilities Upgrading or Installation</i></li> <li><i>• EI-R14 Telecommunication Cabinets (not regulated by the NESTF)</i></li> <li><i>• EI-R15 Electricity Cabinets and EV Charging Stations</i></li> <li><i>• EI-R17 Telecommunication Poles and Attached Antennas</i></li> <li><i>• EI-R19 Overhead Telecommunication Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment</i></li> <li><i>• EI-R24 Navigation Aids</i></li> <li><i>• EI-R28 Renewable Electricity Generation Investigations</i></li> </ul> <p><i>Compliance with all of NH-REQ5 (activity to be located outside all high hazard areas) is required in each of</i></p> <ul style="list-style-type: none"> <li><i>• EI-R21 Substations and Switching Stations</i></li> <li><i>• EI-R22 Environmental Monitoring Equipment Associated with a Network Utility</i></li> <li><i>• EI-R26 Artificial Waterways and Associated Structures</i></li> <li><i>• EI-R27 Other Network Utility Structures</i></li> <li><i>• EI-R30 Small and Community-Scale Electricity Generation, and Small and Community-Scale Electricity Generation Activities</i></li> <li><i>• EI-R32 Emergency Services Facility</i></li> </ul>

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	<ul style="list-style-type: none"> <li>• <i>El-R33 Public Healthcare Institution</i></li> <li>• <i>TRAN-R2 Creation of a new land transport corridor</i></li> <li>• <i>TRAN-R3 Land Transport Infrastructure not within a Land Transport Corridor</i></li> </ul> <p><i>No changes to these rules are required, and so they are not included in Appendix 2.</i></p>
20.10	Where do we find the recommended amendments to SUB-R17.4?
Officer response:	<i>No changes to SUB-R17 are recommended. The comment in paragraph 20.10 referring to changes to SUB-R17.4 is in error. The recommendation to reject the submission point stands, as not all habitable buildings are principal buildings, and not all principal buildings are habitable, and so the requested amendment would result in inconsistencies across the PDP.</i>
General	<p>Is it correct to assume that your recommendations in relation to the Natural Character, Natural Features and Landscapes, Earthworks, and General Rural Zone chapters will be explicitly incorporated in some way into the S42A Reports for those chapters?</p> <p>Have you discussed your recommendations with the authors of those S42A Reports?</p>
Officer response:	<i>My recommendations in relation to other chapters have been discussed with the authors of those s42A reports and will be explicitly incorporated into the s42A reports for those chapters.</i>
S32	<p>According to the Section 32 Report cultural effects have not been identified in relation to natural hazards and natural hazard mitigation work, except for earthworks as noted on page 31. It seems that apart from earthworks, all things cultural have been consigned to the Maori purpose zone with regard to natural hazards.</p> <ul style="list-style-type: none"> <li>▪ Is that correct and can the rationale for adopting that approach be explained?</li> </ul> <p>Regarding the reference to an Accidental Discovery Protocol on page 31, the effectiveness of this policy would appear to reply on the discoverer being able to recognise a cultural value when they accidentally uncover one.</p> <ul style="list-style-type: none"> <li>▪ How effective has this approach proven to be with earthworks undertaken in the District to date?</li> <li>▪ Does the Council's Stormwater and Land Drainage Bylaw (2018) need to be added to the list in subsection 2.8 (page 12) Local Policies, Plans and Strategies?</li> </ul>
Officer response:	<p><i>The PDP must be read as a whole. Provisions relating to the management of sites and areas of significance to Māori are located in the Sites and Areas of Significance to Māori (SASM) chapter (not the Māori Purpose Zone chapter) and will be discussed in the s42A report for that chapter.</i></p> <p><i>New coastal hazard mitigation works and new defences against water are both fully discretionary activities, meaning that where the activity is proposed within a SASM, cultural values will be considered.</i></p> <p><i>New land instability hazard mitigation works are a restricted discretionary activity, but where the activity is proposed for within a SASM, SASM-R2 Earthworks would also apply. Cultural values will therefore be considered in that circumstance.</i></p> <p><i>Questions about the effectiveness of the existing Accidental Discovery Protocol would be better put to the author of the s42A report for the Sites and Areas of Significance to Māori chapter.</i></p>

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	<i>Council's Stormwater and Land Drainage Bylaw manages the day-to-day operation and maintenance of both public and private stormwater and land drainage systems. As a bylaw, it is subordinate to relevant RMA documents. While the bylaw could be added to the list of other relevant legislation or regulations, it would be of limited benefit to do so.</i>