

Proposed Selwyn District Plan



Right of Reply Report

Natural Hazards

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18 March 2022

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0031	Warren Pettigrew	W Pettigrew
DPR-0032	Christchurch City Council	CCC
DPR-0045	Raymond Crooks	R Crooks
DPR-0068	MetroPort Christchurch (MetroPort)	MetroPort
DPR-0099	Francine Bills	F Bills
DPR-0124	The Paul Cockburn Family Trust (The Trust)	Paul Cockburn Trust
DPR-0125	BE Faulkner	BE Faulkner
DPR-0133	Richard Christie	R Christie
DPR-0154	Ev Moorhead	E Morehead
DPR-0157	Kevin & Bonnie Williams	K & B Williams
DPR-0205	Lincoln University	The University
DPR-0207	Selwyn District Council	SDC
DPR-0208	Ngāi Tahu Property	Ngāi Tahu Property
DPR-0209	Manmeet Singh	M Singh
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	ESAI
DPR-0213	New Zealand Institute for Plant and Food Research Limited (Plant and Food) & Landcare Research (Landcare)	Plant and Food & Landcare
DPR-0215	Winstone Aggregates	Winstone
DPR-0217	Summerset Villages (Prebbleton) Limited	Summerset
DPR-0234	Mark Booker & Alexandra Roberts	M Brooker & A Roberts
DPR-0238	Maura & Dennis O'Brien	M & D O'Brien
DPR-0242	Craig Byers	C Byers
DPR-0248	Michele & Regan Beight	M & R Beight
DPR-0256	Rob Potts	R Potts
DPR-0260	Canterbury Regional Council (Environment Canterbury)	CRC
DPR-0269	Heritage New Zealand Pouhere Taonga	HNZPT
DPR-0276	Anne Taylor	A Taylor
DPR-0279	Rex Verity	R Verity
DPR-0298	Trices Road Re-zoning Group	Trices Road
DPR-0299	Steve & Jane West	S & J West
DPR-0301	Upper Waimakariri/Rakaia Group (UWRG)	UWRG
DPR-0305	April Fitzjohn	A Fitzjohn
DPR-0323	Investore Property Limited	Investore
DPR-0335	Ken & Pru Bowman	K & P Bowman
DPR-0343	Canterbury District Health Board	CDHB
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0358	Rolleston West Residential Limited (RWRL)	RWRL
DPR-0359	Fire and Emergency New Zealand	FENZ
DPR-0360	West Melton District Residents Association Inc.	WMDRA
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	IRHL
DPR-0365	Stuart PC Limited	Stuart PC
DPR-0367	Orion New Zealand Limited	Orion
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Limited (CIAL)	CIAL
DPR-0372	Dairy Holdings Limited	Dairy Holdings

Submitter ID	Submitter Name	Abbreviation
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	WKNZTA
DPR-0378	The Ministry of Education	MoE
DPR-0379	Jill Thomson	J Thomson
DPR-0381	Coleridge Downs Limited	Coleridge Downs
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	RIDL
DPR-0388	Craigmore Farming Services Limited	Craigmore
DPR-0390	Rakaia Irrigation Limited (RIL)	RIL
DPR-0392	CSI Property Limited	CSI
DPR-0402	Mark Brown	M Brown
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	Forest & Bird
DPR-0410	Urban Estates Limited	Urban Estates
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0419	Hughes Developments Ltd	Hughes
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FFNC
DPR-0427	Lou Sanson, Director-General of Conservation	DOC
DPR-0428	Ascot Park Limited (APL)	APL
DPR-0441	Trustpower Limited	Trustpower
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0448	New Zealand Defence Force	NZDF
DPR-0453	Midland Port, Lyttelton Port Company Limited	Midland & Lyttelton Ports
DPR-0455	Paul & Fay McOscar	P & F McOscar
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	KiwiRail
DPR-0460	Marama Te Wai Ltd	Marama Te Wai
DPR-0461	Dunweavin 2020 Ltd	Dunweavin
DPR-0466	Geoffrey Railton Barker & Lyna Sumaylo Barker	GR & LS Barker
DPR-0486	Coleridge Downs Limited	Coleridge Downs
DPR-0492	Kevler Development Ltd	Kevler
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	Gallina & Heinz-Wattie
DPR-0565	Shelley Street Holdings Ltd	Shelley St

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
AEE	Assessment of Environmental Effects
ARI	Average Recurrence Interval
CDEM	Civil Defence Emergency Management
CON	Controlled
CRPS	Canterbury Regional Policy Statement 2013
DHI	DHI Water & Environmental
DIS	Discretionary
DOC	Department of Conservation
MfE	Ministry for the Environment
NC	Non complying
NESTF	National Environmental Standard for Telecommunication Facilities 2015

NZCPS	New Zealand Coastal Policy Statement 2010
NZDF	New Zealand Defence Force
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
RDIS	Restricted discretionary
RMA or the Act	Resource Management Act 1991
SDP	Operative Selwyn District Plan

1. Purpose of Report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 9: Natural Hazards, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officers s42a evidence report.
- 1.2 NH-R1.15, NH-R2.3 and NH-REQ2.6 all make reference to a need for buildings to achieve a minimum floor height of 300mm above a 200-year Average Recurrence Interval flood hazard event. Concerns have been raised by submitters about how these obligations would be demonstrated to have been complied with, and these concerns are acknowledged.
- 1.3 A workable cross-Council response to these matters is currently being prepared, and will be provided in a separate response to the Panel.

2. Hearing Panel's Questions to the s42a Reporting Officer and/or the Submitters and their Response

- 2.1 The following questions (excluding those pertaining to the Flood Assessment Certification process noted above) were received from the Hearing Panel or posed to submitters for the Natural Hazards (NH) Chapter, which sat on 2 November 2021.
- 2.2 The Hearing Panel questions have been addressed in order of how the provisions appear in the PDP; i.e., definitions, maps, objectives and policies, rules, rule requirements, matters for control or discretion and 'other' matters.

[1] Definition of 'high hazard area'

- 2.3 Rolleston West Residential Group, Rolleston Industrial Developments Ltd, Rolleston Industrial Holdings Ltd and IPort Rolleston Holdings Ltd (together, 'the Carter Group')¹ requested that the definition of 'high hazard area' be amended to require the land to have been identified through a site-specific assessment by a suitably qualified person. I consider that their concern is already addressed through the amendment to the Note for Plan Users at the start of the NH-Rule section that was recommended in the s42A report, and that no further amendment is required.

[2] Extent of the Plains Flood Management Overlay

- 2.4 The concerns of submitters about the accuracy of the notified Plains Flood Management Overlay are

¹ DPR-0358 RWRL, DPR-0384 RIDL, DPR-0374 RIHL, DPR-0363 IRHL, evidence of J Phillips, para 14

acknowledged. The replacement overlay proposed by CRC² would cover both the existing areas that have been modelled and other areas of the Plains where future modelling is likely to be useful, while excluding areas of the district, such as the Port Hills and High Country, where flooding is unlikely to be problematic. Such an approach would allow future modelling results to be used in flood assessments much more quickly than if a Schedule 1 process is required to update planning maps.

- 2.5 I consider that the CRC approach would satisfy the concerns of Kāinga Ora³ and those other submitters concerned with ensuring an equitable approach to flood hazard management across the district. I therefore recommend that the notified Plains Flood Management Overlay be deleted and replaced with the overlay shown in Figure 1b of the evidence of N Griffiths⁴.

[3] NH-O1 and NH-P3 – ‘Appropriate mitigation’ versus ‘adequate mitigation’

- 2.6 HortNZ⁵ raise the point that there is difference in language between NH-O1 which as notified requires appropriate mitigation, and NH-P3, which requires any potential risk of loss of life or damage to property to be adequately mitigated. They support ‘adequate’ mitigations.
- 2.7 I agree that consistency of language is important, unless a different meaning is intended. In this instance, it would be appropriate for NH-O1 and NH-P3 to use consistent language. However, ‘appropriate’ mitigations would be more consistent with CRPS Policy 11.3.1 and I therefore recommend that NH-P3 be amended as shown in **Appendix 2** to refer to ‘appropriate’ mitigations rather than ‘adequate’ mitigations.

[4] NH-P1 and consistency with CRPS Policy 11.3.1

- 2.8 In discussions at the hearing, CRC raised the matter of the wording of NH-P1, and advised that its current structure is inconsistent with CRPS Policy 11.3.1. I therefore recommend that NH-P1 be amended as shown in **Appendix 2**, to give effect to CRPS Policy 11.3.1.
- 2.9 NH-P1.1 as amended describes the situations where subdivision, use or development in high hazard areas may be considered appropriate.
- 2.10 NH-P1.2 as amended describes the areas where subdivision, use or development in high hazard areas need to be either avoided or appropriately mitigated. NH-P1.2.a and NH-P1.2.b list those areas that were zoned for urban residential use (zones where the anticipated residential density was higher than 2 households/hectare) on the date that the Land Use Recovery Plan (LURP) was gazetted on 6 December 2013, while NH-P1.2.c. lists those areas that were zoned for Commercial or Industrial uses on that date.
- 2.11 CRPS Policy 11.3.1 provides a ‘grandfather’ provision, allowing development to occur, in appropriate circumstances, in high hazard areas that had already been identified for urban use and development at the time that the policy took effect. As such, it is necessary for the PDP policy to use the zoning language of the SDP, to reduce the amount of cross-referencing required when determining which part of recommended NH-P1 applies to a site or part of a site.

² DPR-0260 CRC, evidence of N Griffiths, figure 1b

³ DPR-0414 Kāinga Ora, evidence of J Jeffries, section 8

⁴ DPR-0260 CRC, evidence of N Griffiths, figure 1b

⁵ DPR-0353 HortNZ statement of evidence of LP Warfe, Sections 9 and 10

- 2.12 CRPS Policy 11.3.1 also makes reference to areas identified as a 'Greenfield Priority Area' on Map A of Chapter 6 of the CRPS. All of the land within Selwyn identified as a Greenfield Priority Area was already zoned Living or Business when the LURP was gazetted, and so an additional reference to these areas is not required in NH-P1.

[5] NH-P20 and NH-P22

- 2.13 HortNZ⁶ support the wording of proposed new Policy NH-P22, but request that the same principle be applied to the location of new shelterbelts and woodlots – forms of mitigation other than location may be appropriate. They therefore request that NH-P20 be amended to 'manage' plantings rather than 'restrict' them.
- 2.14 The wording of NH-P20 and NH-P22 are consistent with each other, and non-compliance with setbacks results in an RDIS status, both for new residential units and for new shelterbelts and woodlots that do not comply with the setback. The matter for discretion when compliance is not achieved is the same in both instances – the risk to life and property posed by the non-compliance.
- 2.15 I therefore consider that the proposed provisions do provide a consistent approach, and that no further amendment is required.

[6] NH-R1 Existing Buildings and Structures in Natural Hazard Overlays

- 2.16 On further reflection of the CRC submission⁷, further amendments to NH-R1.1 and NH-R1.8 are required to reflect the intention of the proposed amendment. It was intended that the rule only apply to residential units and other principal buildings, and not to other structures and buildings. However, the amendment sought by CRC had the unintended effect of capturing all buildings. I therefore recommend that NH-R1 be amended as shown in **Appendix 2** to provide clarity and improve understanding for Plan users.

[7] NH-R5 Defences against water

- 2.17 CRC⁸ request that NH-R5 be amended to provide better certainty about the status of flood protection works, so that a plan-wide assessment is not required. I agree that the intent of the requested amendments has merit, but note that the wholesale change requested would mean that defences against water that are not public flood, erosion or drainage works administered by a regional or territorial authority (for example, because they are a private project) would not be subject to the rule.
- 2.18 I therefore recommend that NH-R5 be amended as shown in **Appendix 2**, to provide certainty of purpose for the works of concern to CRC, while also retaining the wider applicability of the rule.

[8] Location of coastal hazard provisions within the PDP

- 2.19 Kāinga Ora⁹ submitted that coastal hazard provisions should be located in the Coastal Environment chapter rather than that Natural Hazards chapter, as required by Standard 7, clause 28 of the National

⁶ DPR-0353 HortNZ statement of evidence of LP Warfe, Section 11

⁷ DPR-0260.041 CRC

⁸ DPR-0260 CRC, evidence of S Leonard, paras 59-64, Appendix 2

⁹ DPR-0414.53-56, DPR-0414.58, DPR-0414.60, DPR-0414.62, and DPR-0414.64-66 Kāinga Ora

Planning Standards. The relevant directions from Standard 7 of the Planning Standards are:

10. If provisions relating to natural hazards are addressed (except coastal hazards), they must be located in the Natural hazards chapter.

11. The Natural hazards chapter must include cross-references to any coastal hazards provisions in the Coastal environment chapter.

28. If the district has a coastline, a Coastal environment chapter must be provided that:

a. sets out the approach to managing the coastal environment and giving effect to the NZCPS

b. sets out provisions for implementing the local authorities functions and duties in relation to the coastal environment, including coastal hazards

c. provides cross-references to any other specific coastal provisions that may be located within other chapters.

2.20 The difficulties lie in the fact that the provisions to address coastal hazards extend beyond the coastal environment (the Coastal Inundation Overlay and the Tsunami Policy Overlay both extend further inland than the Coastal Environment Overlay), and that the causes of coastal hazards are not solely the result of coastal processes (the extent of the Coastal Inundation Overlay at Rakaia Huts is significantly influenced by flows in the Rakaia River). In addition, the natural hazard objectives and general policies apply to coastal hazards as much as they do to other natural hazards, as does assessment matter NH-MAT1.

2.21 In light of the above, I recommend that the provisions to address coastal hazards remain in the Natural Hazards chapter, with an appropriate cross reference within the Coastal Environment chapter.

2.22 Should the Hearing Panel be of a mind to accept the Kāinga Ora submission points on this matter, the required amendments are shown in **Appendix 3**. Amendments would be required to each of the following chapters:

- a. Natural Hazards
- b. Coastal Environment
- c. Energy and Infrastructure
- d. Transport
- e. Natural Features and Landscapes
- f. Subdivision
- g. Earthworks
- h. Low Density Residential Zone
- i. General Residential Zone

- j. Settlement Zone
- k. General Rural Zone
- l. Māori Purpose Zone