

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Natural Hazards

Rachael Carruthers

30 September 2021

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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

Submitter ID	Submitter Name	Abbreviation
DPR-0372	Dairy Holdings Limited	Dairy Holdings
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

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

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
TEU	Twenty-foot Equivalent Unit

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the *Natural Hazards* chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by both the technical information provided by Mr Gregory Whyte of DHI Water & Environmental (see **Appendix 3**) and the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:
 - [Overview s42A report](#) that addresses the higher order statutory planning and legal context, prepared by Mr Robert Love
 - [s42A report on Strategic Directions](#), also prepared by Mr Robert Love
 - [Part 1 s42A report](#) prepared by Ms Jessica Tuilaepa
 - [Energy and Infrastructure s42A report](#) prepared by Ms Vicki Barker
 - [Transport s42A report](#) prepared by Mr Jon Trewin
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Rachael Margaret Carruthers. I am employed by the Council as a Strategy and Policy Planner. My qualifications include Master of Social Science (Hons) and Post Graduate Diploma in Resource and Environmental Planning, both from the University of Waikato. I am an Intermediate member of the New Zealand Planning Institute.
- 2.2 I have 17 years of experience as a planner with Selwyn District, with my experience including monitoring and compliance of consent conditions, processing and reporting on resource consent applications and private plan change requests, district plan formulation and policy advice for the Council. My role as part of the District Plan Review Team includes consultation, research and reporting. I am Topic Lead for the *Natural Hazards*, *Subdivision*, *Public Access* and *Designations* chapters of the PDP.
- 2.3 I also have 16 years of experience as a member of various Council civil defence and emergency response teams, with both field and management roles. In these roles I have been a part of the response to floods, earthquakes and wildfire events throughout the district.
- 2.4 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearing Panel.

3. Scope of report and topic overview

3.1 This report considers the submissions and further submissions that were received in relation to:

- The whole of the *Natural Hazards* chapter
- Definitions of:
 - Coastal hazards mitigation works
 - Hard protection structures
 - High hazard areas
 - Structures with special post-disaster function
- From the *Energy and Infrastructure* chapter, Rules EI-R9 – EI-R33, limited to the applicability of NH-REQ5 Natural Hazards and Infrastructure
- From the *Natural Character* chapter, Rule Requirement NATC-REQ1 Setbacks from Surface Water Bodies - Earthworks and Earthworks Stockpiles
- From the *Subdivision* chapter, Rule SUB-R17 Subdivision and Natural Hazards
- From the *Coastal Environment* chapter, Rule CE-R3 Buildings and Structures, limited to those provisions relating to natural hazards
- From the *Earthworks* chapter, Rules EW-R1 earthworks subject to a Building Consent, EW-R2 Earthworks, and EW-R4 Earthworks in the Dairy Processing Zone and EW-R5 Stockpiling, limited to those provisions relating to natural hazards
- From the *General Rural Zone* chapter, Rules GRUZ-R23 Woodlots and GRUZ-R25 Shelterbelts

3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted. **Appendix 2** also contains a table setting out recommended spatial amendments to the PDP Planning Maps.

3.3 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.

4. Statutory requirements and planning framework

Resource Management Act 1991

4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have

particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations¹. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.

- 4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
- [Natural Hazards](#)
 - [Section 32: Overview](#)
 - [Strategic Directions](#)
- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken for each relevant sub-topic addressed in this report.

New Zealand Coastal Policy Statement 2010

- 4.5 Section 75(3)(b) of the RMA directs that a district plan must give effect to any New Zealand Coastal Policy Statement. The NZCPS deals specifically within the New Zealand coastal environment, and the district plan must give effect to it (s75(3)(b) RMA). In respect to natural hazards its focus is coastal hazards including consideration of climate change. The key objective and policies in the NZCPS of relevance to managing natural hazards in Selwyn District are:

Objective 5 To ensure that coastal hazard risks taking account of climate change, are managed by:

- *Locating new development away from areas prone to such risks;*
 - *Considering responses, including managed retreat, for existing development in this situation; and*
 - *Protecting or restoring natural defences to coastal hazards.*
- 4.6 Supporting this objective are a number of policies including, in particular, Policy 3 (precautionary approach), Policy 24 (identification of coastal hazards), Policy 25 (subdivision, use and development in areas of coastal hazard risk), Policy 26 (natural defences against coastal hazards) and Policy 27 (strategies for protecting significant existing development from coastal hazard risk).
- 4.7 Relevant matters in terms of this topic include maintaining and protecting natural features as defences against coastal hazards to protect coastal land uses; the requirement to identify areas in the coastal environment potentially affected by coastal hazards over the next 100 years including consideration of the effects of climate change; avoiding redevelopment, or change in land use that

¹ Section 74 RMA

would increase the risk of natural hazards; discouraging hard protection structures where practicable; and identifying long-term sustainable risk reduction approaches, including relocation or removal of existing development and structures at risk.

National Planning Standards

- 4.8 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance to the Planning Standards.
- 4.9 The Planning Standards require that if provisions relating to natural hazards are addressed (except coastal hazards) in the PDP, they must be located in the *Natural Hazards* chapter. The *Natural Hazards* chapter must include cross references to any coastal hazard provisions in the *Coastal Environment* chapter.
- 4.10 The Planning Standards require provisions for implementing the local authority's functions and duties in relation to the coastal environment, including coastal hazards, to be located in the *Coastal Environment* chapter. The Planning Standards also require that where any other specific coastal provisions may be located within other chapters, the *Coastal Environment* chapter must include cross-references. The PDP locates all natural hazard provisions, including in relation to coastal hazards, in the *Natural Hazards* chapter. This is the subject of submissions, and so is addressed in full in Section 7 below.

5. Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 5.2 Submission point DPR-0269.007 from HNZPT was tagged to the *Natural Hazards* chapter generally. It addresses earthworks and land instability mitigation works, and should therefore have been summarised as four submission points, against each of:
- NH-R3 Earthworks in Natural Hazards Overlays,
 - NH-R5 Natural Hazard Mitigation Works – Retaining Walls and Land Instability Mitigation Works
 - NH-REQ4 Natural Hazards and Earthworks
 - NH-MAT4 Land Instability Hazard Mitigation Works
- 5.3 If a party was interested in submissions the management of earthworks in natural hazard areas, then it could be assumed that they would have read the submission points relating to the chapter in general and be aware that that the submission point related more specifically to the listed provisions.
- 5.4 The submission point has been considered against each of the provisions above within the report, with recommendations to accept or reject in part as appropriate to each provision. The single recommendation in **Appendix 1** is an amalgamation of the individual recommendations.

6. Consideration of submissions

Overview of submissions

- 6.1 There were 61 original submissions and 36 further submissions from a total of 76 submitters on matters covered in this report.
- 6.2 The most common theme relates to the Plains Flood Management Overlay, both its extent and the management of activities within it. The most appropriate way to manage the potential for wildfire was also a topic of particular concern to many submitters.

Structure of this report

- 6.3 The report starts by considering submissions affecting the whole chapter, which relate to the location of coastal hazard provisions within the PDP, notification clauses and generic activity statuses. This is followed by the submissions relating to those definitions relevant only to the *Natural Hazards* chapter. The PDP contains ten natural hazard overlays, and their geographic extent is discussed next.
- 6.4 The report then follows the order of the *Natural Hazards* chapter, except that the following provisions are grouped to avoid duplication, either because the provisions relate to each other or because the decisions requested are sufficiently similar:
 - NH-R1 Existing Buildings and Structures in Natural Hazard Overlays, NH-R2 New Buildings and Structures in Natural Hazard Overlays, NH-REQ1 Building Design, NH-REQ2 Building position, and NH-REQ3 Building Size
 - NH-R3 Earthworks in Natural Hazard Overlays, NH-REQ4 Natural Hazards and Earthworks, and the *Earthworks* chapter
 - NH-R5 Natural Hazard Mitigation Works – Defences Against Water, and NATC-REQ1 Setbacks from Surface Water Bodies - Earthworks and Earthworks Stockpiles
 - NH-REQ7 Wildfire Setbacks, NH-MAT5 Wildfire, GRUZ-R23 Woodlot, and GRUZ-R25 Shelterbelt
 - NH-MAT1 Natural Hazards Generally, and a requested new NH-MAT
- 6.5 The final assessments are of the submissions relating to CE-R3 Buildings and Structures (as it relates to natural hazards) and SUB-R17 Subdivision in Natural Hazard Overlays.
- 6.6 The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendation and Amendments. Where an amendment is recommended the applicable s32AA assessment will follow on from the Recommendations section for that issue, where required.

7. General approach to natural hazard management in the PDP

Location of coastal hazard provisions within the PDP

Submissions

- 7.1 Ten submission points were received in relation to the location of coastal hazard provisions within the *Natural Hazards* chapter rather than the *Coastal Environment* chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora	053	NH-P6	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	054	NH-P7	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	055	NH-P8	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	056	NH-P9	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	058	NH-R1	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	060	NH-R2	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	062	NH-R3	Support In Part	Shift the coastal hazards provisions to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	064	NH-REQ1	Support In Part	Shift the coastal hazards provision to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	065	NH-REQ2	Support In Part	Shift the coastal hazards provision to the Coastal Environment chapter.
DPR-0414	Kāinga Ora	066	NH-REQ3	Support In Part	Shift the coastal hazards provision to the Coastal Environment chapter.

Analysis

- 7.2 Kāinga Ora² seek that the coastal hazard provisions be shifted to the Coastal Environment chapter, in order to be consistent with the National Planning Standards. It is recommended that this submission be rejected for the following reasons:
- 7.2.1 The coastal environment has been identified in accordance with Policy 1 of the NZCPS. The areas of the district subject to coastal hazard provisions extend further inland than this area.
- 7.2.2 The area of the Tsunami Policy Overlay, in line with the NZCPS, reflects the red and orange tsunami evacuation zones identified for CDEM purposes in 2020, rather than the area of the coastal environment.
- 7.2.3 The extent of the Coastal Inundation Overlay is influenced at Rakaia Huts by the Rakaia River, rather than purely coastal processes. It is nonsensical to have duplicating provisions to address flooding in this area just because the flood water is anticipated to be a mix of coastal and fresh water.

² DPR.0414.53, DPR-0414.054, DPR-0414.055, DPR-0414.056, DPR-0414.058, DPR-0414.060, DPR-0414.062 Kāinga Ora

- 7.2.4 Placing the coastal hazard provisions in the *Coastal Environment* chapter would either separate the policies and subsequent provisions from the natural hazard objectives that they give effect to, or result in the duplication of provisions with the same provisions in the *Natural Hazards* chapter.
- 7.2.5 The PDP takes a consistent approach to the management of natural hazard risk, regardless of the source of the risk, and artificially separating provisions as requested by Kāinga Ora has the potential to result in differing approaches for different hazards, or the same hazard from different sources, even when the level of risk is similar.
- 7.2.6 As an aside, the intent of the Planning Standards requirement to place the coastal hazard provisions in the coastal environment chapter was to co-locate the provisions giving effect to the NZCPS. Although DOC, as the owner of the NZCPS, have requested amendments to better align the provisions of the *Natural Hazards* and *Coastal Environments* chapters (discussed later in this report), they have not requested that the coastal hazard provisions be moved to the *Coastal Environment* chapter.

Recommendations

- 7.3 I recommend, for the reasons given above, that the Hearings Panel retain the location of coastal hazard provisions within the *Natural Hazards* chapter as notified.
- 7.4 It is recommended that the above submission points are rejected as shown in **Appendix 1**.

Notification clauses

Submissions

- 7.5 Eight submission points and 29 further submission points were received in relation to standard non-notification clauses in the *Natural Hazards* chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	169	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter such that they include the following wording, or words to like effect: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0358	RWRL	401	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS187	Non-notification clauses	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<i>potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS918	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS039	Non-notification clauses	Support In Part	Accept in part
DPR-0375	WKNZTA	FS316	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS112	Non-notification clauses	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS039	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS008	Non-notification clauses	Support	Accept submission
DPR-0363	IRHL	168	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter such that they include the following wording, or words to like effect: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0363	IRHL	426	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS221	Non-notification clauses	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS952	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS142	Non-notification clauses	Support In Part	Accept in part
DPR-0375	WKNZTA	FS317	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora	FS146	Non-notification clauses	Support	Not Specified
DPR-0422	FFNC	FS199	Non-notification clauses	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland & Lyttelton Ports	FS140	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS042	Non-notification clauses	Support	Accept submission
DPR-0374	RIHL	174	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter such that they include the following wording, or words to like effect: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0374	RIHL	472	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS259	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS986	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS073	Non-notification clauses	Support In Part	Accept in part
DPR-0375	WKNZTA	FS318	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS180	Non-notification clauses	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS073	Non-notification clauses	Support In Part	Accept in part

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0456	Four Stars & Gould	FS076	Non-notification clauses	Support	Accept submission
DPR-0384	RIDL	176	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter such that they include the following wording, or words to like effect: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0384	RIDL	505	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS294	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS1013	Non-notification clauses	Support	Accept submission
DPR-0371	CIAL	FS106	Non-notification clauses	Support In Part	Accept in part
DPR-0375	WKNZTA	FS319	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS214	Non-notification clauses	Support	Not Specified
DPR-0453	Midland & Lyttelton Ports	FS106	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS110	Non-notification clauses	Support	Accept the submission

Analysis

- 7.6 RWRL, IRHL RIHL and RIDL³ have requested the insertion of notification clauses to each rule, with the result that no application would be limited or publicly notified. I recommend that the submissions be rejected because the RMA notification tests allow for non-notification where it is

³ DPR-0358.169, DPR-0358.401 RWRL, DPR-0363.168, DPR-0363.426 IRHL, DPR-0374.174, DPR-0374.742 RIHL, DPR-0384.176, DPR-0384.505 RIDL

appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. The management of natural hazards can have effects that are wider than a single property, and so it would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

Recommendations

- 7.7 I recommend, for the reasons given above, that the Hearing Panel decline to insert generic non-notification clauses as sought by these submission points.
- 7.8 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

Activity status

Submissions

- 7.9 Four submission points were received in relation to generic activity statuses across the chapter.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	170	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter to specify that non-compliance shall result in RDIS (rather than DIS, NC or PR) activity status.
DPR-0363	IRHL	169	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter to specify that non-compliance shall result in RDIS (rather than DIS, NC or PR) activity status.
DPR-0374	RIHL	175	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter to specify that non-compliance shall result in RDIS (rather than DIS, NC or PR) activity status.
DPR-0384	RIDL	177	NH	Support In Part	Amend all rules in the <i>Natural Hazards</i> chapter to specify that non-compliance shall result in RDIS (rather than DIS, NC or PR) activity status.

Analysis

- 7.10 RWRL, IRHL, RIHL and RIDL⁴ all request that all rules across the chapter be amended so that non-compliance results in a RDIS status, rather than DIS, NC or PR. I recommend that these submission points be rejected for the following reasons:

- 7.10.1 Activity status is a reflection of the policy or policies that a rule or rule requirement gives effect to. For example, where a policy is to 'avoid' something, then a NC or PR status in an associated rule is appropriate. Where 'management' is sought and the matters to be considered are both specific and comprise a short list, then RDIS is appropriate, but where the relevant matters are less certain (for example, because there is a wide range of project-specific variables) or the list is longer, then DIS is more appropriate.

⁴ DPR-0358.170 RWRL, DPR-0363.169 IRHL, DPR-0374.175 RIHL, DPR-0384.177 RIDL

7.10.2 Activity status therefore needs to be considered on a case-by case basis when drafting rules, so that the appropriate status is applied. A generic RDIS status would result in a district plan that does not give effect in all cases to the relevant higher order documents.

7.10.3 The submission points relate only to rules, and not to rule requirements. Accepting the submission points could therefore result in internal inconsistency within the PDP, where activities are not managed according to their level of risk, but rather by whether the relevant provision sat in a rule or a rule requirement.

Recommendations

7.11 I recommend, for the reasons given above, that the Hearing Panel retain the activity status of each rule as notified.

7.12 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

8. Definitions

Introduction

8.1 This section responds to the submission points relating to the definitions specific to the *Natural Hazards* chapter, namely:

- Coastal hazard mitigation works
- Hard protection structure
- High hazard area
- Structure with special post disaster function

‘Coastal hazard mitigation works’ and ‘hard protection structure’

Submissions – ‘Coastal hazard mitigation works’

8.2 One submission point and two further submission points were received in relation to the definition of ‘coastal hazard mitigation works’.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0427	DOC	005	Oppose	Amend as follows: Any work or structure designed to prevent or mitigate coastal hazards, such as coastal erosion and seawater inundation. It includes beach re-nourishment, dune replacement, <u>and sand fences, seawalls, groynes, gabions and revetments and hard protection structures</u>
DPR-0301	UWRG	FS147	Support	Allow in full
DPR-0407	Forest & Bird	FS172	Support	Accept the submission

Submissions – ‘Hard protection structure’

- 8.3 One submission point and two further submission points were received in relation to the definition of ‘hard protection structure’.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	DOC	011	Hard Protection Structure	Support	Retain as notified.
DPR-0301	UWRG	FS153	Hard Protection Structure	Support	Allow in full
DPR-0407	Forest & Bird	FS178	Hard Protection Structure	Support	Accept the submission

Analysis

- 8.4 DOC⁵ seek the retention of the proposed definition of ‘hard protection structure’ but have requested that the definition of ‘coastal hazard mitigation works’ be amended in order to improve the clarity between the two⁶. It is recommended that the definition of ‘coastal hazard mitigation works’ be amended for the following reasons:

8.4.1 The two definitions both refer to seawalls and groynes, potentially leading to confusion in the application of NH-R4, which is where the two defined terms are used. As such, the removal of the term ‘seawall’ from the definition of coastal hazard mitigation works and the inclusion of the wider term ‘hard protection structures’ would improve user understanding as outlined by the submitter.

8.4.2 However, I consider that a consequential amendment is also required to also remove the term ‘groynes’ from being specifically listed, on the basis that these structures are included in the definition of ‘hard protection structures’.

Recommendations and amendments

- 8.5 I recommend, for the reasons given above, that the Hearing Panel amend the definition of ‘coastal hazard mitigation works’ as shown in **Appendix 2** to provide better clarity and improve user understanding.
- 8.6 I recommend, for the reasons given above, that the Hearing Panel retain the definition of ‘hard protection structures’ as notified.
- 8.7 It is recommended that the submission points and further submission points are accepted as shown in **Appendix 1**.
- 8.8 The scale of change does not require a s32AA evaluation.

⁵ DPR-0427.011 DOC

⁶ DPR-0427.005 DOC

‘High hazard area’

Submissions

8.9 Nine submissions points and 39 further submission points were received in relation to the definition of ‘high hazard area’.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0256	R Potts	002	Oppose In Part	Amend the definition so that the High Hazard of >1 depth x velocity or 1 m depth applies to land in any frequency event, not just a 1 in 500 year Average Recurrence Interval flood event.
DPR-0358	RWRL	FS009	Oppose	Reject
DPR-0363	IRHL	FS009	Oppose	Reject
DPR-0374	RIHL	FS009	Oppose	Reject
DPR-0384	RIDL	FS009	Oppose	Reject
DPR-0358	RWRL	026	Oppose	Amend as follows: Land within any of the: 1. ... 3. Waimakariri Flood Management Overlay.; or 4. Plains Flood Management Overlay, but limited to land where, in a 1 in 500 year Average Recurrence Interval flood event, either: a. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or b. the water depth is greater than 1m
DPR-0157	K & B Williams	FS364	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS438	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS395	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS443	Support In Part	Accept submission in part
DPR-0492	Kevler	FS373	Support	Accept submission in part
DPR-0493	Gallina & Heinz-Wattie	FS419	Support In Part	Accept the submission in part.
DPR-0363	IRHL	025	Oppose	Amend as follows: Land within any of the: 1. ... 3. Waimakariri Flood Management Overlay.; or 4. Plains Flood Management Overlay, but limited to land where, in a 1 in 500 year Average Recurrence Interval flood event, either: a. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or b. the water depth is greater than 1m
DPR-0157	K & B Williams	FS684	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS609	Support In Part	Accept the submission in part

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0298	Trices Road	FS562	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS602	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS217	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina & Heinz-Wattie	FS833	Support In Part	Accept the submission in part.
DPR-0367	Orion	013	Oppose	Amend the definition to include a reference/link to a planning map overlay illustrating the High Hazard Areas.
DPR-0407	Forest & Bird	FS582	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra	035	Oppose	Amend as follows: Land within any of the: ... 4. Plains Flood Management Overlay, but limited to land where, in a 1 in 500 year Average Recurrence Interval flood event, either: a. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or b. the water depth is greater than 1m
DPR-0209	M Singh	FS767	Oppose In Part	Reject submission in part
DPR-0358	RWRL	FS010	Support	Adopt
DPR-0363	IRHL	FS010	Support	Adopt
DPR-0374	RIHL	FS010	Support	Adopt
DPR-0384	RIDL	FS010	Support	Adopt
DPR-0372	Dairy Holdings	021	Oppose	Amend as follows: Land within any of the: ... 4. Plains Flood Management Overlay, but limited to land where, in a 1 in 500 year Average Recurrence Interval flood event, either: a. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or b. the water depth is greater than 1m
DPR-0374	RIHL	031	Oppose	Amend as follows: Land within any of the: 1. ... 3. Waimakariri Flood Management Overlay.; or 4. Plains Flood Management Overlay, but limited to land where, in a 1 in 500 year Average Recurrence Interval flood event, either: a. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or b. the water depth is greater than 1m
DPR-0157	K & B Williams	FS498	Support In Part	Accept the submission in part

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0209	M Singh	FS866	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS713	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS745	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS061	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina & Heinz-Wattie	FS622	Support In Part	Accept the submission in part.
DPR-0379	J Thomson	027	Support In Part	Amend definition of 'High Hazard Area' to clarify difference between Coastal Inundation Overlay and Tsunami Overlay.
DPR-0384	RIDL	033	Oppose	Amend as follows: Land within any of the:; or 4. Plains Flood Management Overlay, but limited to land where, in a 1 in 500 year Average Recurrence Interval flood event, either: a. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or b. the water depth is greater than 1m
DPR-0414	Kāinga Ora	050	Oppose In Part	Amend as follows: Land within any of the: 1. ... 4. Plains Flood Management Overlay, but limited to land as shown Council's GIS viewer, where, in a 1 in 500 year Average Recurrence Interval flood event, either: ...
DPR-0157	K & B Williams	FS142	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS321	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS102	Oppose In Part	Reject submission
DPR-0358	RWRL	FS011	Oppose	Reject
DPR-0363	IRHL	FS011	Oppose	Reject
DPR-0374	RIHL	FS011	Oppose	Reject
DPR-0384	RIDL	FS011	Oppose	Reject
DPR-0461	Dunweavin	FS128	Oppose In Part	Reject submission
DPR-0492	Kevler	FS727	Oppose In Part	Reject submission points in part
DPR-0493	Gallina & Heinz-Wattie	FS122	Oppose In Part	Reject the submission points in part.

Analysis

- 8.10 The submissions in relation to the definition of 'high hazard area' all relate to flood hazard. The portions of the definition that relate to coastal hazards and flooding from the Waimakariri River are not subject to submission.
- 8.11 R Potts⁷ has requested that the definition of high hazard applies to land within the Plains Flood Management Overlay that meet the listed criteria in all events, not just a 500-year Average Recurrence Interval flood event.
- 8.12 RWRL, IRHL, Fonterra, Dairy Holdings, RIHL, and RIDL⁸ all seek the removal of all land within the Plains Flood Management Overlay from the definition.
- 8.13 I recommend that these submission points be rejected for the following reasons:
- 8.13.1 In relation to flooding, the proposed definition of 'high hazard area' directly reflects the CRPS definition, of which the relevant phrase is *flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1 or where depths are greater than 1 metre, in a 0.2% annual exceedence probability flood event*.
- 8.13.2 Extending the definition as requested by R Potts, or restricting it as requested by RWRL, IRHL, Fonterra, Dairy Holdings, RIHL, and RIDL, would result in a definition inconsistent with that of the CRPS. This would in turn result in the PDP not giving effect to the CRPS.
- 8.14 Orion⁹ seeks that the definition be amended to include reference to a planning map overlay showing the high hazard areas. Similarly, Kāinga Ora¹⁰ seek that the definition be amended to refer to high hazard areas shown on Council's GIS viewer. I recommend in Section 9 of this report that the PDP continue to identify high hazard areas by definition, rather than by map, and so I recommend that these hearing points be rejected.
- 8.15 J Thomson¹¹ seeks that the definition be amended to clarify the difference between the Coastal Inundation Overlay and the Tsunami Overlay. The overlays are already separately described in HPW-25, and so repetition in the definition of 'high hazard area' is unnecessary. As such, I recommend that the submission point be rejected.

Recommendations

- 8.16 I recommend, for the reasons given above, that the Hearing Panel retain the definition of 'high hazard area' as notified.
- 8.17 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

⁷ DPR-0256.002 R Potts

⁸ DPR-0358.026 RWRL, DPR-0363.025 IRHL, DPR-0370.035 Fonterra, DPR-0372.021 Dairy Holdings, DPR-0374.031 RIHL, DPR-0384.033 RIDL

⁹ DPR-0367.013 Orion

¹⁰ DPR-0414.050 Kāinga Ora

¹¹ DPR-0379.027 J Thomson

‘Structure with special post disaster function’

Submissions

- 8.18 One submission point was received in relation to the definition of ‘structure with special post disaster function’.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0359	FENZ	011	Support In Part	Amend as follows: Buildings and facilities designated as essential facilities; buildings and facilities with special post-disaster function; medical emergency or surgical facilities; emergency service facilities; emergency service facilities such as fire, police station and emergency vehicle garages; designated emergency shelters, centres and ancillary facilities; and utilities required as backup for these buildings and facilities

Analysis

- 8.19 I recommend that the FENZ¹² submission point be accepted, because the proposed amendment is to remove duplication of the term ‘emergency service facilities’ within the definition. I consider that the requested amendment would improve readability and clarity for users, and would not change the meaning of the term.

Recommendations and amendments

- 8.20 I recommend, for the reasons given above, that the Hearing Panel amend the definition of ‘structure with special post disaster function’ as shown in **Appendix 2**.
- 8.21 It is recommended that the submission point be accepted as shown in **Appendix 1**.
- 8.22 The scale of change does not require a s32AA evaluation.

9. Geographic extent of natural hazard overlays

Introduction

- 9.1 This section discusses the submissions relating to the names and geographic extents of natural hazards overlays. Submissions relating to the symbology used on the maps were discussed in Hearing 2: Part 1 –Introduction and General Provisions.
- 9.2 No submissions were received in relation to the extent of the:
- Coastal Erosion Overlay
 - Waimakariri Flood Management Overlay
 - Fault Investigation Overlay

¹² DPR-0359.011 FENZ

Coastal Inundation Overlay

Submissions

9.3 One submission point was received in relation to the extent of the Coastal Inundation Overlay.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0212	ESAI	018	Oppose	Delete the Coastal Inundation Overlay

Analysis

9.4 ESAI¹³ questions the modelling, research and accuracy of the information that forms the basis of the derived potential inundation areas, and requests that the overlay and associated provisions be deleted. It is recommended that the submission be rejected for the following reasons:

9.4.1 Not including provisions for areas subject to coastal inundation over the next 100 years, including climate change predictions, would result in the PDP not giving effect to CRPS Chapter 11. Unless the whole of the district was to be subject to the provisions, the area where the hazard exists needs to be identified.

9.4.2 As identified in the s32 report, the technical reports that identified the area subject to this overlay were undertaken in accordance with the current MfE and DOC guidance. The technical reports are publicly available at <https://www.ecan.govt.nz/data/document-library/?Search=PU1C%2F8552> and <https://www.ecan.govt.nz/data/document-library/?Search=PU1C%2F8671>.

Recommendations

9.5 I recommend, for the reasons given above, that the Hearing Panel retain the Coastal Inundation Overlay as notified.

9.6 It is recommended that the submission point be rejected as shown in **Appendix 1**.

Tsunami Policy Overlay

Submissions

9.7 One submission point and one further submission point were received in relation to the extent of the Tsunami Policy Overlay.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0207	The Council	021	Oppose In Part	Amend the Tsunami Policy Overlay by merging the red and orange areas.
DPR-0460	Marama Te Wai	FS025	Oppose	Decide what is actually red in terms of the proper definition and stick with it

¹³ DPR-0212.018 ESAI

Analysis

- 9.8 The Council¹⁴ requests that the Tsunami Policy Overlay be merged to create one overlay area. As described in the 2018 DOC guidance on implementing the NZCPS, the Tsunami Policy Overlay includes those areas identified for CDEM purposes as either red or orange tsunami evacuation areas. Showing the red and orange tsunami evacuation areas separately is an error and has been addressed through a cl16(2) amendment. I therefore recommend that the submission point be accepted.

Recommendations

- 9.9 I recommend, for the reasons given above, that the Hearing Panel make no change to the Tsunami Policy Overlay as a result of these submission points, subject to a clause 16(2) amendment being undertaken as identified above.
- 9.10 It is recommended that submissions and further submissions are either accepted or rejected as shown in **Appendix 1**.

Plains Flood Management Overlay

Submissions

- 9.11 Twenty-four submission points and 16 further submission points were received in relation to the Plains Flood Management Overlay.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0045	R Crooks	001	Oppose	Delete Plains Flood Management Overlay from 35 Burford Way (LOT 330 DP 471012), Rolleston.
DPR-0099	F Bills	001	Oppose In Part	Not specifically stated however considers that the flood overlay is unjustified, and it would appear relief sought is for the flood management overlay notation to be deleted from 5 Whitecliffs Road (LOT 2 D P 21877 BLK VIII HORORATA SD), Glentunnel.
DPR-0125	BE Faulkner	009	Support	Not specified.
DPR-0133	R Christie	001	Oppose In Part	Either: 1. Request that the flooding maps are reviewed for accuracy, particularly in relation to residential subdivision in the last 6 years. 2. Delete flooding block units (100sqm) where the estimated flooding risk is 100mm or below. 3. Delete flooding block units (100sqm) when there are only few in number and they are not connected to any larger body of water flow. 4. No land titles have a flooding risk notification attached to them unless it is well established that a real flood risk exists. Alternatively, if the above is rejected then: 1. Amend maps to remove the 60mm flood map block (Plains Flood Management Overlay) from 3 Zabeel Street, LOT 242 DP 512294 Lincoln. 2. Amend maps to remove the 80mm flood map block

¹⁴ DPR-0207.021 The Council

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				(Plains Flood Management Overlay) from 9 Wallace Crescent, LOT 51 DP 485575 Prebbleton.
DPR-0428	APL	FS005	Support	Accept the submission to the extent it is consistent with the interests of APL.
DPR-0215	Winstone	002	Support	Retain the Natural Hazards Overlay as notified.
DPR-0217	Summerset	002	Support	Retain the Plains Flood Management Overlay as notified.
DPR-0234	M Booker & A Roberts	001	Oppose In Part	Remove the Plains Flood Management Overlay from 58 Hayes Road.
DPR-0238	M & D O'Brien	001	Oppose	Delete the Plains Flood Management Overlay as it relates to 45 Craig Thompson Drive, Lincoln.
DPR-0242	C Byers	001	Oppose In Part	Amend criteria for assessment, definition, and management of a 'high hazard area' in accordance with Canterbury Regional Policy Statement obligations. Use the following criteria to categorise a high hazard flood risk for the purposes of inclusion or not within private property LIM records: 1) must exceed a 10cm inundation level over an area greater than 100m, and/or 2) must also be part of a continuous overland flow path defined by a water level over 10cm that extends for greater than 1km continuously during a 1:200 yr event. If the above high hazard criteria are not met then: - there should be no statements made on property LIM reports in the Selwyn District that their properties are subject to an increased risk of flooding in certain circumstances. - all areas that do not meet the above criteria should be deleted from the Flood Management Overlay Maps/ Planning Maps.
DPR-0248	M & R Beight	001	Oppose In Part	Delete the Plains Flood Management Overlay from (Lot 1 DP 74823), 134 Raineys Road, Lincoln.
DPR-0256	R Potts	001	Oppose	Delete the Plains Flood Management Overlay until a more accurate assessment is undertaken.
DPR-0428	APL	FS006	Support	Accept the submission by deleting the Plains Flood Management Overlay until a more accurate assessment is undertaken.
DPR-0260	CRC	055	Support In Part	That the Plains Flood Management Overlay is amended to address any gaps or limitations that have resulted from directly mapping the Plains Flood Management Overlay in accordance with the raw rain-on-grid model results.
DPR-0215	Winstone	FS022	Oppose In Part	The Council makes any amendments to the Overlay available for public comment.
DPR-0217	Summerset	FS006	Oppose In Part	The Council makes any amendments to the Overlay available for public comments
DPR-0358	RWRL	FS093	Support	Adopt
DPR-0363	IRHL	FS093	Support	Adopt
DPR-0374	RIHL	FS093	Support	Adopt
DPR-0384	RIDL	FS093	Support	Adopt
DPR-0335	K & P Bowman	001	Oppose	That SDC undertake an on-site assessment of areas covered by the Plains Flood Management Overlay at

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				West Melton and possibly other urban areas of Selwyn District.
DPR-0428	APL	FS007	Support	Accept the submission and require an on-site assessment of areas covered by the Plains Flood Management Overlay within the Selwyn District.
DPR-0365	Stuart PC	042	Oppose	Remove the Plains Flood Management Overlay from Lots 609 and 615 DP 459900 and Lots 610-614 DP 468876 in Rolleston.
DPR-0374	RIHL	007	Oppose	Amend the extent of the Plains Flood Management Overlay following an independent peer review and validation of its accuracy, or otherwise delete this overlay.
DPR-0379	J Thomson	010	Oppose In Part	Amend the flood depth legend to show what is visible on the overlay when no flooding is likely to occur.
DPR-0384	RIDL	007	Oppose	Amend the extent of the Plains Flood Management Overlay following an independent peer review and validation of its accuracy, or otherwise delete this overlay.
DPR-0428	APL	FS008	Support	Accept the submission by amending the extent of the Plains Flood Management Overlay following an independent peer review and validation of its accuracy, or otherwise delete this overlay.
DPR-0388	Craigmore	009	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0422	FFNC	FS232	Support	Allow the submission point. Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay
DPR-0390	RIL	012	Oppose	Delete provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0402	M Brown	002	Oppose In Part	Remove the Plains Flood Management Overlay from 2 Rotherham Drive, West Melton
DPR-0419	Hughes	001	Oppose In Part	Rationalise the Plains Flood Management Overlay so that it only applies to those areas with a depth greater than 100mm.
DPR-0358	RWRL	FS094	Support	Adopt
DPR-0363	IRHL	FS094	Support	Adopt
DPR-0374	RIHL	FS094	Support	Adopt
DPR-0384	RIDL	FS094	Support	Adopt
DPR-0428	APL	002	Oppose	Delete flood management overlay on land legally described as Lot 1 Deposited Plan 514294, Lot 168 Deposited Plan 514294 and Lot 154 Deposited Plan 514294, to the south east corner of Darfield. Delete minimum floor level requirements as they apply to this land. Or (less preferred) retain existing minimum floor level rules as contained in the operative SDP.
DPR-0453	Midland & Lyttelton Ports	059	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0455	P & F McOscar	001	Oppose	Not specified
DPR-0466	GR & LS Barker	001	Oppose In Part	Amend the Flood Plain Management Overlay and Plan to reflect revised findings

Analysis

- 9.12 The Plains Flood Management Overlay is based on a combination of modelling of the Selwyn River by CRC and modelling of rainfall flooding by DHI. The evidence of Mr Whyte at **Appendix 3** explains the modelling process that was undertaken by DHI, including peer review and validation. I accept his evidence.
- 9.13 At the district scale, the model results are shown in Figure 1 below and illustrate that the whole of the Plains are a flood plain.

Figure 1: Flood model results, 200-year ARI rainfall depth and 200-year ARI Selwyn River flood depth (<https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/>)



- 9.14 At the level of an individual property, more finely grained modelled flood depth information is available, as shown for the Council offices at 2 Norman Kirk Drive, Rolleston in **Figure 2** below. Please note that areas with a modelled flood depth of less than 50mm were removed from the results, on the basis that this level of flooding is generally anticipated. It does however mean that areas without a modelled water depth can be incorrectly interpreted as not being subject to flooding.

Figure 2: Flood model results for 2 Norman Kirk Drive, Rolleston, 200-year ARI rainfall depth and 200-year ARI Selwyn River flood depth (<https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/>)



9.15 CRC¹⁵ request that the Plains Flood Management Overlay is amended to address any gaps or limitations that have resulted from directly mapping the Plains Flood Management Overlay in accordance with the raw rain-on-grid model results. This would take the form of a single polygon overlay that generally follows the borders of the area shown in Figure 1 above (but extending to the Rakaia River boundary of the district), rather than relying on the raw results of the current models.

9.16 I recommend that the submission point be accepted for the following reasons:

9.16.1 The current overlay is based on current modelling results. It is expected that flood hazard information will continue to improve over time as computing capacity increases and the cost of modelling decreases, and as other sources of flooding, such as the Rakaia River, are modelled. The requested amendment would allow the best available information to be used at the time a development was proposed, rather than relying on information that had since been superseded but where the District Plan had not yet been updated.

¹⁵ DPR-0260.055 CRC

- 9.16.2 Model results are just that – model results. LiDAR errors and changes to ground levels after the LiDAR data was collected and before development is proposed can result in differences between what the model suggests is required to address flood hazard, and what is actually required. There have been instances where a site-specific assessment has indicated that the potential for flooding at a particular site is greater than predicted by the modelling, and also where the potential is lesser than modelled.
- 9.16.3 As discussed in Section 17 of this report, the PDP rules mean that the location of a site within the Plains Flood Management Overlay would trigger the need for a site-specific assessment at the time certain developments were proposed, but in most cases would not result in the need for a resource consent application because the minimum floor height would be complied with. Given that almost all flat-land properties in Selwyn are within the current Plains Flood Management Overlay, the requested amendment would have little impact on the number of sites where an assessment is required. The largest area of change would be the area between the boundary of the currently modelled area and the Rakaia River.
- 9.17 Winstone and Summerset¹⁶ each request that the Plains Flood Management Overlay be retained as notified. Given my recommendation above in relation to the CRC submission point,¹⁷ I recommend that these submission points be rejected.
- 9.18 BE Faulkner¹⁸ supports the overlay but does not specify a requested decision. P & F McOscar¹⁹ oppose the overlay, but also do not specify a requested decision. Given the lack of requested decisions, I recommend that these submission points be rejected.
- 9.19 J Thomson²⁰ considers that it would be useful if the flood depth legend indicated, by using a blank square, areas where no flooding is likely to occur, and requests that the flood depth legend be amended to show what is visible on the overlay when no flooding is likely to occur. The Plains Flood Management Overlay does not contain a flood depth legend – that is available with the flood model maps which sit outside the PDP, at <https://apps.canterburymaps.govt.nz/SelwynNaturalHazards/>. Given my recommendation in relation to the CRC submission point,²¹ I recommend that this submission point be rejected.
- 9.20 R Potts²² requests that the Plains Flood Management Overlay be deleted in full until a more accurate assessment is undertaken. RIHL, RIDL and GR & LS Barker²³ also request that the Overlay be amended following an independent peer review and validation of its accuracy, or otherwise delete this overlay. Given my recommendation in relation to the CRC submission point,²⁴ I recommend that this submission point be rejected.

¹⁶ DPR-0215.002 Winstone, DPR-0217.002

¹⁷ DPR-0260.055 CRC

¹⁸ DPR-0125.009 BE Faulkner

¹⁹ DPR-0455.001 P & F McOscar

²⁰ DPR-0379.010 J Thomson

²¹ DPR-0260.055 CRC

²² DPR-0256.001 R Potts, DPR-0428.FS006 APL

²³ DPR-0374.007 RIHL, DPR-0384.007 RIDL, DPR-0466.001 GR & LS Barker

²⁴ DPR-0260.055 CRC

- 9.21 K & P Bowman²⁵ request that Council undertake an on-site assessment of areas covered by the Plains Flood Management Overlay at West Melton and possibly other urban areas of Selwyn District. Given my recommendation in relation to the CRC submission point,²⁶ I recommend that this submission point be rejected.
- 9.22 R Christie²⁷ requests that either the maps be reviewed in the light of more recent subdivisions, that the minimum flood height for inclusion in the overlay be 100mm rather than 50mm, that isolated areas be removed, and that land titles not have a flood risk notification added to them unless it is well established that a real flood risk exists. Given my recommendation in relation to the CRC submission point,²⁸ I recommend that this submission point be rejected.
- 9.23 GR & LS Barker²⁹ request that the overlay be amended to reflect the outcomes of earthworks undertaken as part of the Aurora Estates subdivision. Given my recommendation in relation to the CRC submission point,³⁰ I recommend that this submission point be rejected.
- 9.24 R Crooks, F Bills, M Brooker & A Roberts, M & D O'Brien, M & R Beight, Stuart PC, M Brown and APL³¹ each request that the Plains Flood Management Overlay be removed from specific listed properties. R Christie³² also makes this request as an alternative relief. Doing so would result in inconsistent provisions across the PDP and would not give effect to the CRPS. I therefore recommend that these submission points be rejected.
- 9.25 Hughes³³ requests that the Plains Flood Management Overlay be rationalised so that it only applies in those areas with a depth greater than 100mm. C Byers³⁴ also considers that a water depth of 100mm should also be used for inclusion in the overlay, but the decision requested appears to confuse high hazard areas, where development should generally be avoided, with hazard areas where development can proceed if appropriately managed. Given my recommendation in relation to the CRC submission point,³⁵ I recommend that these submission points be rejected.
- 9.26 Craigmore, FFNC, RIL, and Midland & Lyttelton Ports³⁶ each request the removal of provisions associated with high hazard areas, as they relate to the Plains Flood Management Overlay. The overlay itself does not contain any provisions relating to either high flood hazard or flood hazard, it merely identifies where the provisions apply, and so I recommend that these particular submission points be rejected.

Recommendations and amendments

- 9.27 I recommend, for the reasons given above, that the Hearing Panel amend the Overlay to address any gaps or limitations that have resulted from directly mapping the Plains Flood Management

²⁵ DPR-0335.001 K & P Bowman

²⁶ DPR-0260.055 CRC

²⁷ DPR-0133.001 R Christie

²⁸ DPR-0260.055 CRC

²⁹ DPR-0466.001 GR & LS Barker

³⁰ DPR-0260.055 CRC

³¹ DPR-0045.001 R Crooks, DPR-0099.001 F Bills, DPR-0234.001 M Brooker & A Roberts, DPR-0238.001 M & D O'Brien, DPR-0248.001 M & R Beight, DPR-0365.042 Stuart PC, DPR-0402.002 M Brown, DPR-0428.002 APL

³² DPR-0133.001 R Christie

³³ DPR-0419.001 Hughes

³⁴ DPR-0242.001 C Byers

³⁵ DPR-0260.055 CRC

³⁶ DPR-0388.009 Craigmore, DPR-0422.FS232 FFNC, DPR-0390.012 RIL, DPR-0453.059

Overlay in accordance with the raw rain-on-grid and Selwyn River flooding model results. I invite CRC to provide the Hearing Panel with a potential amended Overlay as described in their submission.

- 9.28 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation

- 9.29 The following points evaluate the recommended changes to the Plains Flood Management Overlay under Section 32AA of the RMA.

Effectiveness and efficiency

- 9.30 The current overlay is based on current modelling results. It is expected that flood hazard information will continue to improve over time as computing capacity increases and the cost of modelling decreases allowing more finely grained modelling to be undertaken, and as other sources of flooding, such as the Rakaia River, are modelled. Amending the overlay as requested would allow development in areas identified in future work as subject to flooding to be managed without the need for a plan change. Conversely, if areas were identified as no longer subject to flooding, this information could also be used straight away.
- 9.31 This will result in flood mitigation decisions that are more effective and efficient, than the notified overlay, because they will be made on the best available information.

Costs and benefits

- 9.32 Enlarging the area where an assessment is required will likely increase the number of assessments that are required, with associated economic cost. However, this is outweighed by the economic benefits of avoiding loss associated with a natural hazard event identified by future research but not yet included in the district plan because a plan change process had not yet been completed.

Risk of acting or not acting

- 9.33 Not extending the area where an assessment is required could lead to avoidable loss associated with a natural hazard event that was identified through future research but that hadn't yet been incorporated into the district plan.

Conclusion as to the most appropriate option

- 9.34 The extended overlay would allow the most recent information to be incorporated in a flood assessment, and so would be the most appropriate way to achieve the relevant PDP objectives, compared to the notified version.

High hazard areas within the Plains Flood Management Overlay

Submissions

- 9.35 Seven submission points and seven further submission points were received requesting that the high hazard areas of the Plains Flood Management Overlay be displayed as a separate overlay.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0205	Lincoln University	029	Plains Flood Management Overlay	Oppose	Either: 1. Amend the planning maps to show a High Hazard Area Overlay; or 2. Delete all Plan references to High Hazard Areas
DPR-0213	Plant and Food & Landcare	017	Plains Flood Management Overlay	Oppose	Either: 1. Amend the planning maps to show a High Hazard Area overlay; or 2. Delete all Plan references to High Hazard Areas
DPR-0215	Winstone	011	Plains Flood Management Overlay	Oppose In Part	Insert the 'High Hazard Areas' to the Planning Maps.
DPR-0217	Summerset	005	High Hazard Area	Oppose	Amend Planning Maps to show all of the High Hazard Areas. Alternatively, if satisfied that it is legal to have the maps held outside the district plan, provide clear links in the District Plan showing users how to access the hazard maps.
<i>DPR-0358</i>	<i>RWRL</i>	<i>FS008</i>	<i>High Hazard Area</i>	<i>Support</i>	<i>Adopt</i>
<i>DPR-0363</i>	<i>IRHL</i>	<i>FS008</i>	<i>High Hazard Area</i>	<i>Support</i>	<i>Adopt</i>
<i>DPR-0374</i>	<i>RIHL</i>	<i>FS008</i>	<i>High Hazard Area</i>	<i>Support</i>	<i>Adopt</i>
<i>DPR-0384</i>	<i>RIDL</i>	<i>FS008</i>	<i>High Hazard Area</i>	<i>Support</i>	<i>Adopt</i>
DPR-0367	Orion	064	Plains Flood Management Overlay	Oppose	Either: 1. Amend the planning maps to show a HHA overlay; or 2. Delete all Plan references to High Hazard Areas
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS633</i>	<i>Plains Flood Management Overlay</i>	<i>Oppose</i>	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0370	Fonterra	042	New	Oppose	Insert a High Hazard Area overlay which is determined using a robust methodology and accurately identifies areas exposed to a high flood risk.
<i>DPR-0209</i>	<i>M Singh</i>	<i>FS774</i>	<i>New</i>	<i>Oppose In Part</i>	<i>Reject submission in part</i>
<i>DPR-0367</i>	<i>Orion</i>	<i>FS015</i>	<i>New</i>	<i>Support</i>	<i>Accept the submission point</i>
DPR-0378	MoE	014	Plains Flood Management Overlay	Oppose	Amend the Plains Flood Management Overlay maps the high hazard areas.

Analysis

9.36 Lincoln University, Plant and Food & Landcare, Winstone, Summerset, Orion, Fonterra and MoE³⁷ have all requested that the planning map be amended to show the high hazard areas. I recommend that the submission points be rejected for the following reasons:

- 9.36.1 As noted in the s32 assessment, the areas subject to the Plains Flood Management Overlay have been identified through modelling, and as such may be subject to errors that either overestimate or underestimate the actual flood hazard risk on a particular site. It is also possible that ground levels have changed since the LiDAR data was collected, for example through subdivision site works. The models are therefore an appropriate place to start an assessment, but are not appropriate to be relied upon as the only method of identifying actual risk.
- 9.36.2 Mapping the modeled high hazard areas could result in appropriate development being prevented in areas where it could proceed because the actual site conditions do not meet the criteria for 'high hazard'. Conversely, it could result in inappropriate development proceeding in areas that the models have not identified as high hazard, even though the actual site conditions do meet the criteria for 'high hazard'.
- 9.36.3 Relying on a definition of 'high hazard' does not result in additional uncertainty for development. Everywhere within the Plains Flood Management Overlay requires an assessment to determine an appropriate floor height for development, and the first question to be answered is whether the site is high hazard, or not. Flood hazard maps that sit outside the PDP are readily available, and provide a starting point for floor height assessments. These maps also show the modelled indicative high hazard areas, and so the areas of initial concern are readily identified, which means that they can either be avoided when planning development, or subject to further investigation to determine their status as high hazard, or not.

Recommendations

- 9.37 I recommend, for the reasons given above, that the Hearing Panel decline to separately map the high hazard areas of the Plains Flood Management Overlay.
- 9.38 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

Fault Awareness Overlay

Submissions

- 9.39 One submission point was received in relation to the extent of the Fault Awareness Overlay.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	004	Support	Retain the Fault Awareness Overlay as notified.

³⁷ DPR-0205.029 Lincoln University, DPR-0213.017 Plant and Food & Landcare, DPR-0215.011 Winstone DPR-0217.005 Summerset, DPR-0367.064 Orion, DPR-0370.042 Fonterra, DPR-0378.014 MoE

Analysis

- 9.40 Winstone³⁸ have requested that the overlay be retained as notified. As no amendments to the overlay have been requested, I recommend that the submission point be accepted and the Fault Awareness Overlay be retained as notified.

Recommendations

- 9.41 I recommend, for the reasons listed above, that the Hearing Panel retain the Fault Awareness Overlay as notified.
- 9.42 It is recommended that submission be accepted as shown in **Appendix 1**.

Greendale Fault Avoidance Overlay

Submissions

- 9.43 Three submission points and no further submission points were received in relation to the Greendale Fault Avoidance Overlay.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0208	Ngāi Tahu Property	001	Oppose	Amend the Greendale Fault Avoidance Overlay so as to remove the word 'Avoidance', so that it is called the Greendale Fault Overlay.
DPR-0215	Winstone	003	Support	Retain the Greendale Fault Avoidance Overlay as notified.
DPR-0392	CSI	005	Support	Retain as notified.

Analysis

- 9.44 Winstone and CSI³⁹ seek that the overlay be retained as notified.
- 9.45 Ngāi Tahu Property⁴⁰ seek that the overlay be retained, but renamed 'Greendale Fault Overlay'. The overlay is a fault avoidance overlay in terms of the relevant 2003 MfE guidance [Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand](#), but the nature of the fault is such that only some activities need to be avoided within the overlay. I therefore recommend that the submission point be accepted.

Recommendations and amendments

- 9.46 I recommend, for the reasons given above, that the Hearing Panel amend the name of the Overlay as requested to better reflect the proposed provisions and as shown in **Appendix 2**.
- 9.47 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

³⁸ DPR-0215.004 Winstone

³⁹ DPR-0215.003 Winstone, DPR-0392.005 CSI

⁴⁰ DPR-0208.001 Ngāi Tahu Property

Liquefaction Damage Unlikely Overlay

Submissions

9.48 Two submission points were received in relation to the Liquefaction Damage Unlikely Overlay.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0217	Summerset	016	Oppose	Amend Liquefaction Damage Unlikely Overlay layer to be 'Liquefaction Risk Overlay' and apply it to areas where liquefaction has the potential to occur.
DPR-0323	Investore Property	006	Support	Retain as notified

Analysis

9.49 Investore Property⁴¹ seeks that the provision be retained as notified, while Summerset⁴² requests that it be renamed and 'flipped', so that provisions apply in areas where liquefaction has the potential to occur. I recommend that the Summerset submission point be rejected and the Investore Property submission point be accepted, for the following reasons:

9.49.1 The Liquefaction Damage Unlikely Overlay identifies that part of the District where liquefaction in the event of an earthquake is unlikely, but not where there is no potential for liquefaction to occur. Creating a 'Liquefaction Risk Overlay' inaccurately implies that areas outside such an overlay are not at any risk of liquefaction. The risk, while lower, still exists.

9.49.2 The Liquefaction Damage Unlikely Overlay is specific to liquefaction, which allows it to sit easily alongside overlays for other geotechnical hazards, such as the Fault Investigation Overlay. If the overlay was to be 'flipped', it would need to cover areas of the district beyond those where there is a higher risk of liquefaction, to include hill areas where liquefaction is not a primary concern but where other geotechnical hazards, such as slips, rockfall, tunnel gully erosion and avalanche, need to be considered.

9.49.3 The name of such an overlay would need to reflect these additional hazards, such as a 'Higher Geotechnical Risk Overlay'. The use of a term such as 'higher' in the overlay name, meaning in this case 'higher than unlikely', would potentially create unnecessary concern in the community, as it sounds similar to 'high risk'. However, as noted above, naming such an overlay something along the lines of 'Geotechnical Risk Overlay' inaccurately implies that areas outside the overlay are not at any level of risk.

9.49.4 The notified overlay and associated provisions are a refinement and continuation of an approach that has been taken within the district for a number of years, and as such is well understood within the local development community.

Recommendations

9.50 I recommend, for the reasons given above, that the Hearing Panel retain the Liquefaction Damage Unlikely Overlay as notified.

⁴¹ DPR-0323.006 Investore Property

⁴² DPR-0217.016 Summerset

- 9.51 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

10. NH-Overview

Submissions

- 10.1 Four submission points were received in relation to the NH-Overview section.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0358	RWRL	147	Support	Retain as notified
DPR-0363	IRHL	146	Support	Retain as notified
DPR-0374	RIHL	152	Support	Retain as notified
DPR-0384	RIDL	154	Support	Retain as notified

Analysis

- 10.2 The submission points from RWRL, IRHL, RIHL and RIDL⁴³ all seek that the Overview be retained as notified. On the basis that no changes have been requested, I recommend that the submission points be accepted.

Recommendations

- 10.3 I recommend, given that there were no requests to change it, that the Hearing Panel retain the Overview as notified.
- 10.4 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

11. Objectives

NH-01

Submissions

- 11.1 Twenty submissions and 11 further submissions were received in relation to NH-01.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	024	Oppose In Part	Amend as follows: New subdivision, use, and development, other than new important infrastructure and land transport infrastructure: 1. is avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being <u>significant unacceptable</u> ; and ...
DPR-0453	Midland & Lyttelton Ports	FS011	Support	Accept
DPR-0217	Summerset	007	Oppose In Part	Amend to clarify intent and provide greater certainty of language and interpretation.

⁴³ DPR-0358.147 RWRL, DPR-0363.146 IRHL, DPR-0374.152 RIHL, DOR-0384.154 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	018	Support	Retain as notified.
DPR-0343	CDHB	017	Support In Part	Amend as follows ... new subdivision, use, development, <u>or redevelopment</u> ...
DPR-0353	HortNZ	106	Support In Part	Amend as follows: ... 2. in all other areas, is undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure are appropriately mitigated <u>to the extent reasonably possible</u> .
DPR-0422	FFNC	FS038	Support	Allow the submission point
DPR-0358	RWRL	148	Support	Retain as notified
DPR-0363	IRHL	147	Support	Retain as notified
DPR-0367	Orion	065	Support	Retain as notified.
DPR-0407	Forest & Bird	FS634	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower	FS104	Support	Accept
DPR-0372	Dairy Holdings	022	Oppose	Amend to exclude irrigation infrastructure such as minor in-river works and intakes, and to set a clear threshold for determining "unacceptable" risk.
DPR-0422	FFNC	FS093	Support	Allow the submission point
DPR-0374	RIHL	153	Support	Retain as notified
DPR-0375	WKNZTA	071	Oppose	Amend Objective to either remove the transport network from its content or recognition is included that some infrastructure has to be within hazard areas.
DPR-0441	Trustpower	FS105	Support	Accept
DPR-0384	RIDL	155	Support	Retain as notified
DPR-0388	Craigmore	010	Oppose	Amend to exclude irrigation infrastructure such as minor in-river works and intakes, and set a clear threshold for determining "unacceptable" risk.
DPR-0390	RIL	013	Oppose	Amend to exclude irrigation infrastructure such as minor in-river works and intakes, and to set a clear threshold for determining "unacceptable" risk.
DPR-0427	DOC	026	Oppose In Part	Amend to remove exclusions for new important infrastructure and land transport infrastructure
DPR-0301	UWRG	FS168	Support	Allow in full
DPR-0375	WKNZTA	FS066	Oppose	Reject amendment
DPR-0407	Forest & Bird	FS192	Support	Accept the submission
DPR-0441	Trustpower	FS106	Oppose	Reject
DPR-0441	Trustpower	063	Support In Part	Amend as follows: New subdivision, use and development, other than new important <u>regionally significant</u> infrastructure and land transport infrastructure: 1. Is avoided, <u>where appropriate</u> , in areas where the risks from natural hazards to people, property and infrastructure are assessed as being unacceptable; and ...
DPR-0446	Transpower	068	Support	Retain as notified
DPR-0441	Trustpower	FS107	Support	Accept
DPR-0448	NZDF	026	Support	Retain as notified

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0441	Trustpower	FS108	Support	Accept
DPR-0458	KiwiRail	039	Support	Retain as notified.

Analysis

11.2 The submission points of CRC, RWRL, IRHL, Orion, RIHL, RIDL, Transpower, NZDF and KiwiRail⁴⁴ all seek that the provision be retained as notified. Given my recommendation below in relation to the WKNZTA⁴⁵ submission, I recommend that these submission points be accepted in part.

11.3 The submission points of Dairy Holdings, Craigmore and RIL⁴⁶ all seek amendment, firstly to exclude irrigation infrastructure such as minor in-river works and intakes, and secondly, to set a clear threshold for determining “unacceptable” risk. I recommend that the submission points be rejected for the following reasons:

11.3.1 The provisions of both the CRPS and the PDP recognise the functional and operational need of some important infrastructure to locate in areas where development should otherwise be avoided because of natural hazard risk. Public and community-scale irrigation and stockwater infrastructure is within the definition of ‘important infrastructure’. As such, works associated with this infrastructure is already exempt from NH-O1.

11.3.2 Where district plan (rather than regional plan) provisions do apply to in-river works and intakes outside the definition of ‘important infrastructure’, the submitters have not provided any justification for why the subsequent provisions (particularly relating to earthworks in hazard areas) should not apply to the works they are seeking to have exempt from the objective.

11.3.3 The policies, rule requirements and matters for control and discretion set out a range of thresholds for assessing acceptable risk in various circumstances. I consider that these are the appropriate locations for such details, rather than in a statement of intended outcomes such as an objective.

11.4 Winstone⁴⁷ seek an amendment, so that subdivision use and development is avoided in areas where the risks from natural hazards to people, property and infrastructure are assessed as being ‘significant’, rather than ‘unacceptable’. Likewise, Summerset⁴⁸ oppose the use of the term ‘unacceptable’ on the basis that it is subjective and unclear about who determines what is or is not acceptable. I recommend that the submission points be rejected for the following reasons:

11.4.1 As noted above, the subsequent provisions provide clarity about what is acceptable or not in terms of natural hazard risk.

11.4.2 The use of the term ‘significant’ rather than ‘unacceptable’ would result in a greater level of restriction than the objective as notified, because there may be circumstances where a

⁴⁴ DPR-0260.018 CRC, DPR-0358.148 RWRL, DPR-0636.147 IRHL, DPR-0367.065 Orion, DPR-0374.153 RIHL, DPR-0384.155 RIDL, DPR-0446.068 Transpower, DPR-0448.026 NZDF, DPR-0458.039 KiwiRail

⁴⁵ DPR-0375.071 WKNZTA

⁴⁶ DPR-0372.022 Dairy Holdings, DPR-0388.010 Craigmore, DPR-0390.013 RIL

⁴⁷ DPR-0215.024 Winstone

⁴⁸ DPR-0217.007 Summerset

proposed use or development was subject to a significant level of risk, but where that risk may be acceptable for some reason.

- 11.5 CDHB⁴⁹ seek an amendment to include redevelopment within the scope of the objective, rather than just new subdivision, use and development. I recommend that the submission point be rejected because anything beyond the scope of existing use rights would be new development and therefore within the scope of the objective.
- 11.6 HortNZ⁵⁰ seek recognition that the quantification of risk is not always straightforward, such as in the instance of wildfire. They argue that development should not be limited by the difficulty in quantifying the risk. I agree that the ability to quantify risk differs across different types of natural hazard, but recommend that the submission point is rejected because the flexibility the submitter is seeking is already provided by the phrase 'appropriately mitigated'. The nature and extent of appropriate mitigation works will vary depending on the nature of the development and the natural hazard risk, as will the resulting residual risk.
- 11.7 Trustpower⁵¹ seek, firstly, that the reference to 'important infrastructure' be replaced with 'regionally significant infrastructure', and secondly that new subdivision, use and development is avoided in areas of unacceptable risk only 'where appropriate'. I recommend that the submission point be rejected for the following reasons:
- 11.7.1 In terms of the use of 'important infrastructure' and 'regionally significant infrastructure', the latter is not a term used in the PDP as notified, although I note that the definitions of these two terms are both the subject of submissions being considered as part of the Energy and Infrastructure hearing. Should the objective be amended as sought, it would no longer apply in the same way to those facilities defined in the PDP as 'important infrastructure' but not in the CRPS as 'regionally significant infrastructure', including public healthcare facilities and emergency response facilities. I therefore do not consider it appropriate to use 'regionally significant infrastructure' in the context of NH-O1.
- 11.7.2 In terms of avoiding new subdivision, use and development, the appropriateness of the development is part of the assessment of whether the risk is acceptable or not. As such, the requested amendment does not add clarity or flexibility to the objective and so adds no value.
- 11.7.3 Objective NH-O1 does not apply to new important infrastructure, and so would not apply if the submitter wishes to extend their existing facilities in the district. Existing important infrastructure is also not subject to this objective, because it is not 'new'.
- 11.8 WKNZTA⁵² seeks that that objective be amended to either remove the transport network from the scope of the objective, or recognise that that some infrastructure must be within hazard areas. Conversely, DOC⁵³ seeks that the exclusion in NH-O1 for new important infrastructure and land transport infrastructure be removed from the objective.

⁴⁹ DPR-0343.017 CDHB

⁵⁰ DPR-0353.106 HortNZ

⁵¹ DPR-0446.068 Trustpower

⁵² DPR-0375.071 WKNZTA

⁵³ DPR-0427.026 DOC

11.9 NH-O1 is not intended to apply to new important infrastructure and land transport infrastructure, because there are circumstances where they have a functional or operational need to be in such areas. NH-O2 is intended to apply to new important infrastructure and land transport infrastructure. I recommend that the submission of WKNZTA be accepted and that of DOC be rejected, with NH-O1 being amended to improve clarity about which objective applies in which instance.

Recommendations and amendments

11.10 I recommend, for the reasons given above, that the Hearing Panel amend NH-O1 as shown in **Appendix 2** to provide better clarity and improve user understanding.

11.11 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

11.12 The scale of change does not require a s32AA evaluation.

NH-O2

Submissions

11.13 Thirteen submissions and two further submissions were received in relation to NH-O2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	019	Support	Retain as notified.
DPR-0358	RWRL	149	Support In Part	Amend as follows: Important infrastructure and <u>significant</u> land transport infrastructure is only located within areas of significant natural hazard risk where there is no reasonable alternative and <u>or</u> the important infrastructure or land transport infrastructure is designed so as not to exacerbate natural hazard risk to people and property <u>to an unacceptable level</u> .
DPR-0359	FENZ	041	Support	Retain as notified
DPR-0363	IRHL	148	Support In Part	Amend as follows: Important infrastructure and <u>significant</u> land transport infrastructure is only located within areas of significant natural hazard risk where there is no reasonable alternative and <u>or</u> the important infrastructure or land transport infrastructure is designed so as not to exacerbate natural hazard risk to people and property <u>to an unacceptable level</u> .
DPR-0367	Orion	066	Support	Retain as notified
DPR-0407	Forest & Bird	FS635	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0370	Fonterra	043	Support	Retain as notified
DPR-0209	M Singh	FS775	Oppose In Part	Reject submission in part
DPR-0374	RIHL	154	Support In Part	Amend as follows: Important infrastructure and <u>significant</u> land transport infrastructure is only located within areas of significant natural hazard risk where there is no reasonable

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				alternative and or the important infrastructure or land transport infrastructure is designed so as not to exacerbate natural hazard risk to people and property to an unacceptable level.
DPR-0375	WKNZTA	072	Support In Part	Amend Objective NH-O2 where necessary to ensure consistency with other objectives.
DPR-0384	RIDL	156	Support In Part	Amend as follows: Important infrastructure and <u>significant</u> land transport infrastructure is only located within areas of significant natural hazard risk where there is no reasonable alternative and or the important infrastructure or land transport infrastructure is designed so as not to exacerbate natural hazard risk to people and property to an unacceptable level.
DPR-0441	Trustpower	064	Support In Part	Amend as follows: <u>The functional and operational constraints of regionally significant infrastructure and land transport infrastructure are provided for by recognising such</u> Important infrastructure and land transport infrastructure is only located within areas of significant natural hazard risk where there is no reasonable alternative, and the important infrastructure or land transport infrastructure is designed so as not to exacerbate natural hazard risk to people and property.
DPR-0446	Transpower	069	Support	Retain as notified
DPR-0448	NZDF	025	Support	Retain as notified
DPR-0458	KiwiRail	040	Support	Retain as notified.

Analysis

11.14 CRC, FENZ, Orion, Fonterra, Transpower, NZDF and KiwiRail⁵⁴ all seek that the provision be retained as notified. Given that I am not recommending any changes to NH-O2, I recommend that these submission points be accepted.

11.15 RWRL, IRHL, RIHL and RIDL⁵⁵ seek to limit the scope of the objective to significant land transport infrastructure (rather than all land transport infrastructure), and to widen it to allow for important infrastructure and significant land transport infrastructure to locate in areas of significant natural hazard risk where either there is no reasonable alternative, or the infrastructure is designed so as not to exacerbate natural hazard risk to an unacceptable level. I recommend that the submissions be rejected for the following reasons:

11.15.1 CRPS Policy 11.3.4 requires new critical infrastructure (as defined by the CRPS) to be located outside high hazard areas unless there is no reasonable alternative. In all cases, CRPS Policy 11.3.4 requires new critical infrastructure to be designed to maintain, as far as practicable, its integrity and function during natural hazard events. The requested amendments would result in an objective that did not give effect to CRPS Policy 11.3.4.

⁵⁴ DPR-0260.019 CRC, DPR-0359.041 FENZ, DPR-0367.066 Orion, DPR-0370.043 Fonterra, DPR-0446.069 Transpower, DPR-0448.025 NZDF, DPR-0458.040 KiwiRail

⁵⁵ DPR-0358.149 RWRL, DPR-0363.148 IRHL, DPR-0374.154 RIHL, DPR-0384.156 RIDL

11.16 WKNZTA⁵⁶ seek that the objective be amended where necessary to ensure consistency with NH-O1. Given my recommendation to amend NH-O1, no change to NH-O2 is considered necessary. I therefore recommend that this submission be rejected.

11.17 Trustpower⁵⁷ seek that the objective be amended to better recognise the functional and operational constraints of regionally significant infrastructure. I recommend that the submission be rejected for the following reasons:

11.17.1 The term ‘regionally significant infrastructure’ is not defined in the PDP, and the CRPS definition does not include everything within the PDP definition of ‘important infrastructure’, and so the requested amendment would leave these activities subject to NH-O1 rather than NH-O2. ‘Important Infrastructure’ that is not ‘regionally significant infrastructure’ includes NZDF facilities, dairy processing plants within the Special Purpose Dairy Processing Zone, and West Melton Aerodrome.

11.17.2 The amendments sought by the submitter would not provide sufficient scope for the outcomes sought to be applied to all important infrastructure and land transport infrastructure. As such, it provides insufficient guidance to decision makers.

Recommendations

11.18 I recommend, for the reasons given above, that the Hearing Panel retain NH-O2 as notified.

11.19 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-O3

Submissions

11.20 Twelve submissions and one further submission were received in relation to NH-O3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	020	Support	Retain as notified.
DPR-0358	RWRL	150	Support In Part	Amend as follows: Methods to mitigate natural hazards do not create or exacerbate <u>The adverse effects on other people, property, infrastructure, or the environment associated with the methods used to mitigate natural hazards are avoided, remedied or mitigated.</u>
DPR-0363	IRHL	149	Support In Part	Amend as follows: Methods to mitigate natural hazards do not create or exacerbate <u>The adverse effects on other people, property, infrastructure, or the environment associated with the methods used to mitigate natural hazards are avoided, remedied or mitigated.</u>
DPR-0367	Orion	067	Support	Retain as notified.
DPR-0407	Forest & Bird	FS636	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>

⁵⁶ DPR-0375.072 WKNZTA

⁵⁷ DPR-0441.064 Trustpower

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0372	Dairy Holdings	023	Support	Retain as notified
DPR-0374	RIHL	155	Support In Part	Amend as follows: Methods to mitigate natural hazards do not create or exacerbate <u>The adverse effects on other people, property, infrastructure, or the environment associated with the methods used to mitigate natural hazards are avoided, remedied or mitigated.</u>
DPR-0375	WKNZTA	073	Support	Retain as notified.
DPR-0384	RIDL	157	Support In Part	Amend as follows: Methods to mitigate natural hazards do not create or exacerbate <u>The adverse effects on other people, property, infrastructure, or the environment associated with the methods used to mitigate natural hazards are avoided, remedied or mitigated.</u>
DPR-0390	RIL	014	Support	Retain as notified.
DPR-0441	Trustpower	065	Support	Retain as notified
DPR-0446	Transpower	070	Support	Retain as notified
DPR-0458	KiwiRail	041	Support	Retain as notified.

Analysis

11.21 The submission points of CRC, Orion, Dairy Holdings, WKNZTA, RIL, Trustpower, Transpower and KiwiRail⁵⁸ all seek to retain NH-O3 as notified.

11.22 The submissions of RWRL, IRHL, RIHL and RIDL⁵⁹ all seek to amend the objective in the same way, by allowing methods to mitigate natural hazards to have adverse effects on other people, property, infrastructure or the environment, provided that those effects are remedied or mitigated. I recommend that the submission points be rejected because the PDP objective has measurable outcomes – the methods to mitigate natural hazards do not create or exacerbate adverse effects on other people, property, infrastructure or the environment. The requested amendments do not provide the same level of certainty, as any remedy or mitigation would be sufficient to meet the requested objective, even if it still resulted in a new or exacerbated effect external to the site.

Recommendations

11.23 I recommend, for the reasons given above, that the Hearing Panel retain NH-O3 as notified.

11.24 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-O4

Submissions

11.25 Ten submissions and two further submissions were received in relation to NH-O4.

⁵⁸ DPR-0260.020 CRC, DPR-0367.067 Orion, DPR-0372.023 Dairy Holdings, DPR-0375.073 WKNZTA, DPR-0390.014 RIL, DPR-0441.065 Trustpower, DPR-0446.070 Transpower, DPR-0458.041 KiwiRail

⁵⁹ DPr-0358.150 RWRL, DPR-0363.149 IRHL, DPR-0374.155 RIHL, DPR-0384.157 RIDL

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	021	NH-O4	Support	Retain as notified.
DPR-0279	R Verity	002	NH-O4	Support In Part	Amend the Objective to address minimization and prevention measures in relation to climate change.
DPR-0358	RWRL	151	NH-O4	Support	Retain as notified
DPR-0363	IRHL	150	NH-O4	Support	Retain as notified
DPR-0374	RIHL	156	NH-O4	Support	Retain as notified
DPR-0375	WKNZTA	074	NH-O4	Support	Retain as notified.
DPR-0384	RIDL	158	NH-O4	Support	Retain as notified
DPR-0427	DOC	027	NH-O4	Support	Retain as notified.
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS169</i>	<i>NH-O4</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS193</i>	<i>NH-O4</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0441	Trustpower	066	NH-O4	Support In Part	Amend as follows: The effects of climate change, and its influence on sea levels and the frequency and severity of natural hazards, are recognised and provided for. <u>The positive benefits of regionally significant infrastructure in regards to climate mitigation are also recognised and provided for.</u>
DPR-0458	KiwiRail	042	NH-O4	Support	Retain as notified.

Analysis

11.26 The submission points of CRC, RWRL, IRHL, RIHL, WKNZTA, RIDL, DOC and KiwiRail⁶⁰ all seek to retain the provision as notified. I am not recommending any changes to NH-O4, and so recommend that these submission points be accepted.

11.27 R Verity⁶¹ seeks an amendment to NH-O4 to address minimisation and prevention measures in relation to climate change, arguing that the objective needs to be hugely strengthened and made the pre-eminent objective, going beyond limited adaptation and mitigation to also address minimisation and prevention measures in all development. I recommend that the submission point be rejected for the following reasons:

11.27.1 The pre-eminent objective in relation to natural hazards is not NH-O4 but SD-IR-O3, which requires that the risk from natural hazards, including the effects of climate change, to people, property, and important infrastructure is not increased, other than where necessary to provide for important infrastructure that has no reasonable alternative

11.27.2 NH-O4 recognises that knowledge about the effects of climate change will evolve over time, and that its effects need to be recognised and provided for.

11.27.3 As discussed in the Strategic Directions hearing, Council's ability to manage activities based on climate change effects is currently limited. It is anticipated that the Resource Management Amendment Act 2020 climate change provisions which come into force on 1

⁶⁰ DPR-0260.021 CRC, DPR-0358.151 RWRL, DPR-0363.150 IRHL, DPR-0374.156 RIHL, DPR-0375.074 WKNZTA, DPR-0384.158 RIDL, DPR-0427.027 DOC, DPR-0458.042 KiwiRail

⁶¹ DPR-0279.002 R Verity

December 2021, will result in changes to consenting processes and that and other future legislative changes will result in plan changes to give effect to that legislation.

11.28 Trustpower⁶² seeks to amend the objective to recognise the positive effects of regionally significant infrastructure in relation to climate mitigation. I recommend that this submission point be rejected because, as noted above, this objective relates to the effects of climate change, not to mitigation measures. The amendment sought would reduce the clarity of what is sought by the objective.

Recommendations

11.29 I recommend, for the reasons given above, that the Hearing Panel retain NH-O4 as notified.

11.30 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

12. NH General policies

NH-P1

Submissions

12.1 Nineteen submissions and 11 further submissions were received in relation to NH-P1.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	022	Support In Part	Amend as follows: Avoid new subdivision, use, or development of use or development: <u>1. is proposed to be located in a Residential Zone, Commercial Zone or Industrial Zone, that has not been rezoned since 6 December 2013, in which case the effects of the natural hazard must be avoided or appropriately mitigated; or</u> 4. is not likely to require new or upgraded <u>natural</u> hazard mitigation works to mitigate or avoid the natural hazard; and 5. is not likely 6. either is:- a. not likely to exacerbate the effects of the natural hazard; or b. proposed to be located in a Residential Zone, Commercial Zone or Industrial Zone, in which case the effects of the natural hazard must be avoided or appropriately mitigated. 1 or 2: 2 = all of ...
DPR-0358	RWRL	FS083	Oppose	Reject
DPR-0363	IRHL	FS083	Oppose	Reject
DPR-0374	RIHL	FS083	Oppose	Reject
DPR-0384	RIDL	FS083	Oppose	Reject
DPR-0414	Kāinga Ora	FS012	Oppose In Part	Not specified

⁶² DPR-0441.066 Trustpower

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0453	Midland & Lyttelton Ports	FS013	Support	Accept
DPR-0343	CDHB	018	Support In Part	Amend as follows ... new subdivision, use, development, <u>or redevelopment</u> ...
DPR-0358	RWRL	152	Support In Part	Retain as notified, subject to DPR-0358.026 seeking an amendment to the definition of High Hazard Area.
DPR-0363	IRHL	151	Support In Part	Retain as notified, subject to DPR-0363.025 seeking an amendment to the definition of High Hazard Area.
DPR-0370	Fonterra	036	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0209	M Singh	FS768	Oppose In Part	Reject submission in part
DPR-0422	FFNC	FS106	Support	Allow the submission point.
DPR-0372	Dairy Holdings	024	Oppose	Amend as follows: Avoid new subdivision, use, or development of land in high hazard areas (except for important infrastructure, and land transport infrastructure <u>and irrigation infrastructure</u>), unless the subdivision, use or development: ...
DPR-0422	FFNC	FS094	Support	Allow the submission point
DPR-0372	Dairy Holdings	134	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0374	RIHL	157	Support In Part	Retain as notified, subject to DPR-0374.031 seeking an amendment to the definition of High Hazard Area.
DPR-0375	WKNZTA	076	Support In Part	Amend Policy NH-P1 where necessary to ensure consistency with other policies.
DPR-0384	RIDL	159	Support In Part	Retain as notified, subject to DPR-0384.033 seeking an amendment to the definition of High Hazard Area.
DPR-0388	Craigmore	011	Oppose	Amend as follows: Avoid new subdivision, use, or development of land in high hazard areas (except for important infrastructure, and land transport infrastructure <u>and irrigation infrastructure</u>), unless the subdivision, use or development:
DPR-0388	Craigmore	056	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0390	RIL	015	Oppose	Amend as follows: Avoid new subdivision, use, or development of land in high hazard areas (except for important infrastructure, and land transport infrastructure <u>and irrigation infrastructure</u>), unless the subdivision, use or development: ...
DPR-0390	RIL	097	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0441	Trustpower	067	Support In Part	Amend the provision as follows: Avoid new subdivision, use, or development of land in high hazard areas (except for important <u>regionally significant</u> infrastructure and land transport infrastructure), unless the subdivision, use or development: ...
DPR-0367	Orion	FS032	Oppose In Part	Reject the submission point in part
DPR-0446	Transpower	071	Support	Retain as notified
DPR-0441	Trustpower	FS109	Support	Accept
DPR-0448	NZDF	027	Support	Retain as notified
DPR-0453	Midland & Lyttelton Ports	060	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay
DPR-0458	KiwiRail	043	Support	Retain as notified.

Analysis

- 12.2 The submissions of Transpower, NZDF, and KiwiRail⁶³ seek that the provision be retained as notified. Given that I am recommending changes to improve the clarity of the policy, I recommend that these submission points be accepted in part.
- 12.3 RWRL, IRHL, RIHL, and RIDL⁶⁴ seek that the provision be retained as notified, subject to their submission points requesting amendments to remove parts of the Plains Flood Management Overlay from the definition of 'high hazard area'. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be accepted only in part.
- 12.4 Fonterra, FFNC, Dairy Holdings, Craigmore, RIL, and Midland & Lyttelton Ports⁶⁵ seek removal of the provisions related to high hazard areas as they relate to the Plains Flood Management Overlay. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be rejected.
- 12.5 Dairy Holdings FFNC, Craigmore, and RIL⁶⁶ seek to exclude irrigation infrastructure from being subject to NH-P1. As noted in Section 11 above, some types of irrigation infrastructure fall within the definition of important infrastructure, and the higher-order provisions do not provide scope for separate consideration of irrigation infrastructure that is not important infrastructure, compared with other activities. It is therefore recommended that the submission points be rejected.

⁶³ DPR-0446.071 Transpower, DPR-0448.027 NZDF, DPR-0458.043 KiwiRail

⁶⁴ DPR-0358.152 RWRL, DPR-0363.151 IRHL, DPR-0374.157 RIHL, DPR-0384.159 RIDL

⁶⁵ DPR-0370.036 Fonterra, FFNC DPR-0372.134 Dairy Holdings, DPR-0388.056 Craigmore, DPR-0390.097 RIL, DPR-0453.060 Midland & Lyttelton Ports

⁶⁶ DPR-0372.024 Dairy Holdings, FFNC DPR-0388.011 Craigmore, DPR-0390.015 RIL

12.6 The submission of CRC⁶⁷ seeks amendments to more closely reflect the text of CRPS Policy 11.3.1.⁶⁸ It is recommended that the submission point be accepted in part for the following reasons (provision clause numbering as per the PDP):

- 12.6.1 In relation to NH-P1.1 and NH-P1.2, the PDP requirements are almost identical to CRPS Policy 11.3.1.1 and 11.3.1.2. Deleting them as requested would result in a policy that did not give effect to CRPS Policy 11.3.1, and so it is recommended that this part of the submission point be rejected.
- 12.6.2 In relation to NH-P1.3, 'natural hazard mitigation works' is a defined term in the PDP so it would provide clarity to use that term rather than 'hazard mitigation works' as used in the CRPS. It is recommended that this part of the submission point be accepted.
- 12.6.3 Contrary to the interpretation provided in the CRC submission, the combination of the use of 'and' and 'or' mean that there are four scenarios in CRPS Policy 11.3.1 where 'avoid' does not apply. CRPS Policy 11.1.3.4 is reflected in NH-P1.4.a, 11.3.1.5 does not apply to Selwyn because the whole of the district is within greater Christchurch, and 11.3.1.7 is reflected in NH-P2, discussed below.
- 12.6.4 CRPS Policy 11.3.1.6 allows new subdivision, use and development within high hazard areas of greater Christchurch (including Selwyn) where it is located in an area that was 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 (6 December 2013) . In this case the effect of the natural hazard must be avoided or appropriately mitigated.
- 12.6.5 Because the PDP as notified does not zone any high hazard area for urban residential, industrial or commercial use beyond what was in place on 6 December 2013, NH-P1.4.b as notified is a simplified form of CPRS Policy 11.3.1.6 that reflects the Selwyn context. Any changes to the zoning pattern, either through submissions on the PDP or through future plan changes, will need to demonstrate that the requested changes give effect to the CRPS, including all of Policy 11.3.1, but I consider that amending NH-P1.4.b. would aid clarity and prevent the assumption, in the event of future plan changes, that the District Plan gives effect to the CRPS and that no further consideration of CRPS Policy 11.3.1 is required. Given the zoning framework that was in place on 6 December 2013, I recommend that the amendment use the phrase "an area that was a Living Zone (but not a Living 3 Zone) or

⁶⁷ DPR-0260.022 CRC

⁶⁸ **CRPS Policy 11.3.1 Avoidance of inappropriate development in high hazard areas**

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:

- 1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and*
- 2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and*
- 3. is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and*
- 4. is not likely to exacerbate the effects of the natural hazard; or*
- 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 date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or*
- 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*
- 7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significance infrastructure.*

Business Zone on 6 December 2013”. Living 3 zones in the Operative District Plan are rural residential rather than urban residential, while commercial and industrial zones are Business zones. I therefore recommend that this part of the submission be accepted and that Policy NH-P1 be amended as shown in **Appendix 2**.

- 12.7 CDHB⁶⁹ seek an amendment to include redevelopment within the scope of the policy, rather than just new subdivision, use and development. I recommend that the submission point be rejected because anything beyond the scope of existing use rights would be new development and therefore within the scope of the policy.
- 12.8 WKNZTA⁷⁰ seek that NH-P1 be amended where necessary to ensure consistency with other policies. NH-P1 is not intended to apply to important infrastructure or land transport infrastructure, and so I recommend that the submission point be accepted to clarify the relationship between NH-P1 and NH-P2.
- 12.9 Trustpower⁷¹ seeks an amendment to only exempt regionally significant infrastructure, rather than all important infrastructure, from the policy. It is recommended that this submission point be rejected because, as discussed in Section 11 above, ‘important infrastructure’ is wider than just ‘regionally significant infrastructure’

Recommendations and amendments

- 12.10 I recommend, for the reasons given above, that the Hearing Panel amend NH-P1 as shown in **Appendix 2** to provide better clarity and improve user understanding.
- 12.11 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.
- 12.12 The scale of change does not require a s32AA evaluation.

NH-P2

Submissions

- 12.13 Sixteen submissions and three further submissions were received in relation to NH-P2.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	023	Support	Retain as notified.
DPR-0358	RWRL	153	Support In Part	Retain as notified, subject to DPR-0358.026 seeking an amendment to the definition of High Hazard Area.
DPR-0359	FENZ	042	Support	Retain as notified
DPR-0363	IRHL	152	Support In Part	Retain as notified, subject to DPR-0363.025 seeking an amendment to the definition of High Hazard Area.
DPR-0370	Fonterra	037	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0209	M Singh	FS769	Oppose In Part	Reject submission in part

⁶⁹ DPR-0343.018 CDHB

⁷⁰ DPR-0375.076 WKNZTA

⁷¹ DPR-0441.067 Trustpower

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0422	FFNC	FS107	Support	Allow the submission point.
DPR-0370	Fonterra	044	Support	Retain as notified
DPR-0209	M Singh	FS776	Oppose In Part	Reject submission in part
DPR-0372	Dairy Holdings	135	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0374	RIHL	158	Support In Part	Retain as notified, subject to DPR-0374.031 seeking an amendment to the definition of High Hazard Area.
DPR-0375	WKNZTA	077	Oppose	Amend Policy to either remove the transport network from its content or recognition is included that some infrastructure has to be within hazard areas.
DPR-0384	RIDL	160	Support In Part	Retain as notified, subject to DPR-0384.033 seeking an amendment to the definition of High Hazard Area.
DPR-0388	Craigmore	057	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0390	RIL	098	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0446	Transpower	072	Support	Retain as notified
DPR-0448	NZDF	028	Support	Retain as notified
DPR-0453	Midland & Lyttelton Ports	061	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay
DPR-0458	KiwiRail	044	Support	Retain as notified.

Analysis

12.14 CRC, FENZ, Fonterra, Transpower, NZDF and KiwiRail⁷² all seek that the provision be retained as notified. As I am not recommending any changes to NH-P1, I recommend that these submission points be accepted.

12.15 RWRL, IRHL, RIHL, and RIDL⁷³ seek that the provision be retained as notified, subject to their submission points requesting amendments to remove parts of the Plains Flood Management Overlay from the definition of 'high hazard area'. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be accepted only in part.

12.16 Fonterra (despite their submission to retain the whole provision as notified), Dairy Holdings, Craigmore, RIL, and Midland & Lyttelton Ports⁷⁴ seek removal of the provisions related to high hazard areas as they relate to the Plains Flood Management Overlay. This would result in provisions

⁷² DPR-0260.023 CRC, DPR-0359.042 FENZ, DPR-0370.044 Fonterra, DPR-0209.FS776 M Singh, DPR-0446.072 Transpower, DPR-0488.028 NZDF, DPR-0458.044 KiwiRail

⁷³ DPR-0358.153 RWRL, DPR-0363.152 IRHL, DPR-0374.158 RIHL, DPR-0384.160 RIDL

⁷⁴ DPR-0370.037 Fonterra DPR-0372.135 Dairy Holdings, DPR-0388-057 Craigmore, DPR-0390.098 RIL, DPR-0453.061 Midland & Lyttelton Ports

that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be rejected.

12.17 WKNZTA⁷⁵ request that the policy is amended to either remove the transport network from its content or include recognition that some infrastructure must be within hazard areas. It is recommended that the submission point be rejected because the policy as notified already achieves the requested outcome.

Recommendations

12.18 I recommend, for the reasons given above, that the Hearing Panel retain NH-P2 as notified.

12.19 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P3

Submissions

12.20 Sixteen submissions and three further submissions were received in relation to NH-P3.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	025	Support In Part	Clarify the intent of the Policy so that it recognises that the vulnerability of some use and development including quarrying is low such that no mitigation is required.
DPR-0260	CRC	024	Support	Retain as notified.
DPR-0343	CDHB	019	Support In Part	Amend as follows ... new subdivision, use, development, <u>or redevelopment</u> ...
DPR-0353	HortNZ	107	Support In Part	Amend as follows: Restrict new subdivision, use or development of land in areas outside high hazard areas but known to be vulnerable to a natural hazard, unless any potential risk of loss of life or damage to property is adequately mitigated <u>to the extent reasonably possible</u> .
DPR-0358	RWRL	154	Support In Part	Retain as notified, subject to DPR-0358.026 seeking an amendment to the definition of High Hazard Area.
DPR-0363	IRHL	153	Support In Part	Retain as notified, subject to DPR-0363.025 seeking an amendment to the definition of High Hazard Area.
DPR-0370	Fonterra	038	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0209	M Singh	FS770	Oppose In Part	Reject submission in part
DPR-0372	Dairy Holdings	025	Oppose	Amend to clarify which land is considered to be outside of "high hazard areas" but known to be vulnerable to a natural hazard such that this policy would apply to restrict new subdivision, use and development.
DPR-0422	FFNC	FS096	Support	Allow the submission point
DPR-0372	Dairy Holdings	136	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.

⁷⁵ DPR-0375.077 WKNZTA

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0374	RIHL	159	Support In Part	Retain as notified, subject to DPR-0374.031 seeking an amendment to the definition of High Hazard Area.
DPR-0384	RIDL	161	Support In Part	Retain as notified, subject to DPR-0384.033 seeking an amendment to the definition of High Hazard Area.
DPR-0388	Craigmore	012	Oppose	Clarify which land is considered to be outside "high hazard areas" but known to be vulnerable to a natural hazard such that this policy would apply to restrict new subdivision, use and development. Alternatively, delete NH-P3
DPR-0388	Craigmore	058	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0422	FFNC	FS233	Support	<i>Allow the submission point. Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay</i>
DPR-0390	RIL	016	Oppose	Clarify which land is considered by the Council to be outside of "high hazard areas" but known to be vulnerable to a natural hazard such that this policy would apply to restrict new subdivision, use and development. If no such clarity can be provided, submitter seeks that this policy be deleted.
DPR-0390	RIL	099	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0453	Midland & Lyttelton Ports	062	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay

Analysis

12.21 CRC⁷⁶ seeks that the provision be retained as notified. Given that I am not recommending an changes to NH-P3, I recommend that these submission points be accepted.

12.22 RWRL, IRHL, RIHL, and RIDL⁷⁷ seek that the provision be retained as notified, subject to their submission points requesting amendments to remove parts of the Plains Flood Management Overlay from the definition of 'high hazard area'. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be accepted only in part.

12.23 Winstone⁷⁸ request that the intent of the policy be amended so that it recognises that the vulnerability of some use and development, including quarrying, is low such that no mitigation is required. It is recommended that the submission point be rejected because the level of 'adequate mitigation' associated with a proposed use is a matter of fact and degree, and may, in some circumstances, be 'none'. Additional plan text is not required to state this.

⁷⁶ DPR-0260.024 CRC

⁷⁷ DPR-0358.154 RWRL, DPR-0363.153 IRHL, DPR-0374.159 RIHL, DPR-0384.161 RIDL

⁷⁸ DPR-0215.025 Winstone

- 12.24 CDHB⁷⁹ seek an amendment to include redevelopment within the scope of the policy, rather than just new subdivision, use and development. I recommend that the submission point be rejected because anything beyond the scope of existing use rights would be new development and therefore within the scope of the policy.
- 12.25 HortNZ⁸⁰ seek recognition that the quantification of risk is not always straightforward, such as in the instance of wildfire. They argue that development should not be limited by the difficulty in quantifying the risk. I agree that the ability to quantify risk differs across different types of natural hazard, but recommend that the submission point is rejected because the flexibility the submitter is seeking is already provided by the phrase 'appropriately mitigated'. The nature and extent of appropriate mitigation works will vary depending on the nature of the development and the natural hazard risk, as will the resulting residual risk.
- 12.26 Fonterra, Dairy Holdings, Craigmore, FFNC, RIL, and Midland & Lyttelton Ports⁸¹ seek removal of the provisions related to high hazard areas as they relate to the Plains Flood Management Overlay. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be rejected.
- 12.27 Dairy Holdings, FFNC, Craigmore, and RIL⁸² seek an amendment to clarify which land is considered to be outside a high hazard area but known to be vulnerable to a natural hazard, such that this policy would apply to restrict new subdivision, use and development. It is recommended that the submission points be rejected for the following reasons:
- 12.27.1 The PDP already identifies (in HPW-25 and through the PDP provisions) the areas where natural hazard risk needs to be avoided or managed for certain types of subdivision, use and development. The definition of 'high hazard area' provides a refinement, identifying areas particularly at risk.
- 12.27.2 As knowledge about natural hazard risk changes over time, different areas may be identified where natural hazard risk needs to be managed, and the appropriate changes to the district plan would be made.

Recommendations

- 12.28 I recommend, for the reasons given above, that the Hearing Panel retain NH-P3 as notified.
- 12.29 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P4

Submissions

- 12.30 Seven submissions and no further submissions were received in relation to NH-P4.

⁷⁹ DPR-0343.019 CDHB

⁸⁰ DPR-0353.107 HortNZ

⁸¹ DPR-0370.038 Fonterra, DPR-0372.136 Dairy Holdings, DPR-0388.058 Craigmore, FFNC DPR-0390.099 RIL, DPR-0453.062 Midland & Lyttelton Ports

⁸² DPR-0372.025 Dairy Holdings, FFNC DPR-0388.058 Craigmore, DPR-0390.016 RIL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	025	Support	Retain as notified.
DPR-0358	RWRL	155	Support In Part	Retain as notified, subject to DPR-0358.026 seeking an amendment to the definition of High Hazard Area.
DPR-0363	IRHL	154	Support In Part	Retain as notified, subject to DPR-0363.025 seeking an amendment to the definition of High Hazard Area.
DPR-0372	Dairy Holdings	026	Support	Retain as notified
DPR-0374	RIHL	160	Support In Part	Retain as notified, subject to DPR-0374.031 seeking an amendment to the definition of High Hazard Area.
DPR-0384	RIDL	162	Support In Part	Retain as notified, subject to DPR-0384.033 seeking an amendment to the definition of High Hazard Area.
DPR-0390	RIL	017	Support	Retain as notified.

Analysis

12.31 CRC, Dairy Holdings and RIL⁸³ all seek that the provision be retained as notified. Given that I am not recommending any changes to NH-P4, I recommend that these submission points be accepted.

12.32 RWRL, IRHL, RIHL, and RIDL⁸⁴ seek that the provision be retained as notified, subject to their submission points requesting amendments to remove parts of the Plains Flood Management Overlay from the definition of ‘high hazard area’. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be accepted only in part.

Recommendations

12.33 I recommend, for the reasons given above, that the Hearing Panel retain NH-P4 as notified.

12.34 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P5

Submissions

12.35 Seven submissions and two further submissions were received in relation to NH-P5.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	026	Support	Retain as notified.
DPR-0343	CDHB	020	Support In Part	Amend as follows ... new subdivision, use, development, <u>or redevelopment</u> ...
DPR-0358	RWRL	156	Support In Part	Retain as notified, subject to DPR-0358.026 seeking an amendment to the definition of High Hazard Area.
DPR-0363	IRHL	155	Support In Part	Retain as notified, subject to DPR-0363.025 seeking an amendment to the definition of High Hazard Area.
DPR-0374	RIHL	161	Support In Part	Retain as notified, subject to DPR-0374.031 seeking an amendment to the definition of High Hazard Area.

⁸³ DPR-0260.025 CRC, DPR-0372.026 Dairy Holdings, DPR-0390.017

⁸⁴ DPR-0358.155 RWRL, DPR-0363.154 IRHL, DPR-0374.160 RIHL, DPR-0384.162 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0384	RIDL	163	Support In Part	Retain as notified, subject to DPR-0384.033 seeking an amendment to the definition of High Hazard Area.
DPR-0427	DOC	028	Support	Retain as notified.
DPR-0301	UWRG	FS170	Support	Allow in full
DPR-0407	Forest & Bird	FS194	Support	Accept the submission

Analysis

12.36 CRC and DOC⁸⁵ seek that the provision be retained as notified. Given that I am not recommending any changes to NH-P5, I recommend that these submission points be accepted.

12.37 RWRL, IRHL, RIHL, and RIDL⁸⁶ seek that the provision be retained as notified, subject to their submission points requesting amendments to remove parts of the Plains Flood Management Overlay from the definition of 'high hazard area'. This would result in provisions that did not give effect to the CRPS, particularly Policy 11.3.1, and so it is recommended that the submission points be accepted only in part.

12.38 CDHB⁸⁷ seek an amendment to include redevelopment within the scope of the policy, rather than just new subdivision, use and development. I recommend that the submission point be rejected because anything beyond the scope of existing use rights would be new development and therefore within the scope of the policy.

Recommendations

12.39 I recommend, for the reasons given above, that the Hearing Panel retain NH-P5 as notified.

12.40 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

New NH-Policy – infrastructure

Submissions

12.41 One submission and three further submissions were received in relation to a proposed new policy to provide for infrastructure in natural hazard areas.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0375	WKNZTA	075	Neither Support Nor Oppose	Insert new policy: (or assign components to relevant topics) <u>Allow for the operation, maintenance, upgrading and construction of infrastructure including maintenance and upgrading of existing tracks, drains, or structures, associated earthworks or vegetation clearance, in areas subject to natural hazards when:</u> <u>(a) infrastructure is functionally or operationally required to locate in hazard areas, or it is not</u>

⁸⁵ DPR-0260.026 CRC, DPR-0427.028 DOC, DPR-0427.028 DOC

⁸⁶ DPR-0358.156 RWRL, DPR-0363.155 IRHL, DPR-0374.161 RIHL, DPR-384.163 RIDL

⁸⁷ DPR-0343.020 CDHB

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				<u>reasonably practicable that it be located elsewhere;</u> <u>(b) in coastal hazard areas the infrastructure does not significantly increase risk to people, property and the environment, and where risks cannot be avoided, adverse effects are mitigated; and</u> <u>(c) in all flood hazard areas risks to people, property and the environment are mitigated to the extent practicable.</u>
DPR-0370	Fonterra	FS008	Support	Accept the submission.
DPR-0446	Transpower	FS036	Support	Allow the submission.
DPR-0453	Midland & Lyttelton Ports	FS032	Support	Accept

Analysis

12.42 WKNZTA⁸⁸ have requested a new policy to provide for infrastructure in natural hazard areas. It is recommended that the submission point be rejected because the PDP does not generally manage natural hazard risk for important infrastructure or land transport infrastructure, other than in high hazard areas and the fault overlays. NH-REQ5 (referred to from the *Energy and Infrastructure* and *Transport* chapters) sets out the status for important infrastructure or land transport infrastructure within these areas, and NH-P2, NH-P15, NH-P16 and NH-P17 would guide the assessment of any such activity that did propose to locate in these areas.

Recommendations

12.43 I recommend, for the reasons given above, that the Hearing Panel decline to insert a new policy into the *Natural Hazards* chapter as requested in these submission points.

12.44 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

13. NH Coastal hazard policies

NH-P6

Submissions

13.1 Two submission points and two further submission points were received in relation to NH-P6.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	027	Support	Retain as notified.
DPR-0427	DOC	029	Support	Retain as notified.
DPR-0301	UWRG	FS171	Support	Allow in full
DPR-0407	Forest & Bird	FS195	Support	Accept the submission

Analysis

⁸⁸ DPR-0375.075 WKNZTA

13.2 CRC and DOC⁸⁹ seek that the provision be retained as notified. Given that no changes to the provision are requested, I recommend that the submission points be accepted.

Recommendations

13.3 I recommend, given that there are no requests to change the provision, that the Hearing Panel retain NH-P6 as notified.

13.4 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P7

Submissions

13.5 Four submissions and four further submissions were received in relation to the text of NH-P7.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0367	Orion	068	Neither Support Nor Oppose	Amend as follows: Recognise that hard protection structures may be the only practical means to protect existing important infrastructure and land transport infrastructure against coastal hazards.
DPR-0375	WKNZTA	FS062	Support	Adopt recommended amendment
DPR-0407	Forest & Bird	FS637	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0375	WKNZTA	078	Support In Part	Amend Policy to provided flexibility in determining appropriate engineering solutions based on the nature and characteristics of an area
DPR-0427	DOC	030	Support	Retain as notified.
DPR-0301	UWRG	FS172	Support	Allow in full
DPR-0407	Forest & Bird	FS196	Support	Accept the submission
DPR-0458	KiwiRail	045	Support	Retain as notified.

Analysis

13.6 DOC and KiwiRail⁹⁰ seek that the provision be retained as notified. As I am not recommending changes to NH-P7, I recommend that the submission points be accepted.

13.7 Orion and WKNZTA⁹¹ have both requested flexibility to better provide for engineering solutions to protect their infrastructure from coastal hazards, with Orion requesting an amendment that would enable hard protection structures to be used to protect all important infrastructure against coastal hazards, rather than just existing important infrastructure. It is recommended that the submission points be rejected for the following reasons:

13.7.1 Policy 27 of the NZCPS provides for hard protection structures to protect existing infrastructure of regional or national significance ('important infrastructure' in the context

⁸⁹ DPR-0260.027 CRC, DPR-0427.029 DOC

⁹⁰ DPR-0427.030 DOC DPR-0458.045 KiwiRail

⁹¹ DPR-0367.068 Orion, DPR-0375.078 WKNZTA

of the PDP), but requires a focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions.

13.7.2 New important infrastructure and land transport infrastructure do not have the benefit of Policy 27. Instead, new development is to be located away from areas prone to such risks (NZCPS Objective 5), with infrastructure to be encouraged to locate away from areas of hazard risk where practicable and the use of hard protection structures is discouraged (NZCPS Policy 25).

13.7.3 The amendment sought by Orion, and the flexibility sought by WKNZTA, would therefore not give effect to the NZCPS.

Recommendations

13.8 I recommend, for the reasons given above, that the Hearing Panel retain NH-P7 as notified.

13.9 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P8

Submissions

13.10 One submission point and two further submission points were received in relation to the text of NH-P8.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0427	DOC	031	Support	Retain as notified.
DPR-0301	UWRG	FS173	Support	Allow in full
DPR-0407	Forest & Bird	FS197	Support	Accept the submission

Analysis

13.11 DOC⁹² seek that NH-P8 be retained as notified. No changes to the PDP text have been requested and so I recommend that the submission point be accepted.

Recommendations

13.12 No changes to the PDP text have been requested and so I recommend that the Hearing Panel retain NH-P8 as notified.

13.13 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P9

Submissions

13.14 One submission point was received in relation to NH-P9.

⁹² DPR-0427.031 DOC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	028	Support	Retain as notified.

Analysis

13.15 CRC⁹³ seek that the provision be retained as notified. No changes to the PDP text have been requested and so I recommend that the submission point be accepted.

Recommendations

13.16 No changes to the PDP text have been requested and so I recommend that the Hearing Panel retain NH-P9 as notified.

13.17 It is recommended that the submission point be accepted as shown in **Appendix 1**.

14. NH Flood hazard policies

NH-P10

Submissions

14.1 Twenty-one submission points and seven further submission points were received in relation to NH-P10.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0068	MetroPort	013	Oppose	Amend to make it clearer that important infrastructure and land transport infrastructure do not form part of this policy.
DPR-0215	Winstone	026	Support	Retain as notified
DPR-0217	Summerset	008	Support	Retain as notified
DPR-0260	CRC	029	Support	Retain as notified.
DPR-0276	A Taylor	001	Oppose In Part	Either delete the clause completely or apply it to every property in Darfield.
DPR-0343	CDHB	021	Support In Part	Amend as follows ... new subdivision, use, development, <u>or</u> redevelopment...
DPR-0358	RWRL	157	Support In Part	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level, <u>or an alternative design solution is proposed that adequately remedies or mitigates hazard risk to an acceptable standard.</u>
DPR-0360	WMDRA	001	Oppose In Part	That Council rebuilds the 200 year ARI design flood levels to be less prone to simulation noise, and with higher resolution suitable for use with small land parcel sizes.

⁹³ DPR-260.028 CRC

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0363	IRHL	156	Support In Part	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level, <u>or an alternative design solution is proposed that adequately remedies or mitigates hazard risk to an acceptable standard.</u>
DPR-0367	Orion	069	Support	Retain as notified.
DPR-0407	Forest & Bird	FS638	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0370	Fonterra	045	Support In Part	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level.
DPR-0209	M Singh	FS777	Oppose In Part	<i>Reject submission in part</i>
DPR-0375	WKNZTA	FS065	Oppose In Part	<i>Retain and amend the definition where appropriate.</i>
DPR-0372	Dairy Holdings	027	Oppose In Part	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level.
DPR-0422	FFNC	FS095	Support	<i>Allow the submission point</i>
DPR-0374	RIHL	162	Support In Part	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level, <u>or an alternative design solution is proposed that adequately remedies or mitigates hazard risk to an acceptable standard.</u>
DPR-0384	RIDL	164	Support In Part	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level, <u>or an alternative design solution is proposed that adequately remedies or mitigates hazard risk to an acceptable standard.</u>
DPR-0388	Craigmore	013	Oppose	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level.
DPR-0388	Craigmore	059	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0390	RIL	018	Support	Retain as notified.
DPR-0390	RIL	100	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0422	FFNC	FS189	Support	Allow the submission point
DPR-0414	Kāinga Ora	057	Oppose In Part	Amend as follows: In <u>areas identified on the Council's GIS viewer as being subject to a 200 year Average Return Interval (ARI) flood hazard within the Plains Flood Management Overlay</u> that are not a high hazard area , provide for any new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level.
DPR-0446	Transpower	073	Support	Retain as notified
DPR-0453	Midland & Lyttelton Ports	066	Oppose	Amend as follows: In areas within the Plains Flood Management Overlay that are not a high hazard area, provide for: <u>1. important infrastructure and land transport infrastructure; and</u> <u>2. Any other</u> new subdivision, use, and development (other than important infrastructure and land transport infrastructure) only where every new residential unit or principal building has an appropriate floor level above the 200 year Average Return Interval (ARI) design flood level.
DPR-0358	RWRL	FS084	Support	Adopt
DPR-0363	IRHL	FS084	Support	Adopt
DPR-0374	RIHL	FS084	Support	Adopt
DPR-0384	RIDL	FS084	Support	Adopt

Analysis

- 14.2 Winstone, Summerset, CRC, Orion, RIL and Transpower⁹⁴ all seek that the provision be retained as notified.
- 14.3 Metroport⁹⁵ request that the policy be amended to make it clearer that important infrastructure and land transport infrastructure do not form part of this policy. Likewise, Midland & Lyttleton Ports⁹⁶ request that NH-P10 be reworded to improve clarity around the fact that important infrastructure and land transport infrastructure is not anticipated to be subject to the policy, and provide alternative drafting. Other than what appears to be a drafting error (it is inferred that “(other than ~~important infrastructure and land transport infrastructure~~)” should read “(other than ~~important infrastructure and land transport infrastructure~~)”, I consider that the suggested amendments to NH-P10 would improve clarity for users and therefore recommend that the submission points be accepted.
- 14.4 In contrast, Fonterra⁹⁷ request that the policy be amended so that it applies to important infrastructure and land transport infrastructure. I recommend that this submission point be rejected, because it would result in a policy that did not give effect to NH-O2, being the relevant Natural Hazards objective for important infrastructure and land transport infrastructure.
- 14.5 A Taylor⁹⁸ requests that either the policy be deleted, or applied to every property in Darfield. As outlined in the discussion in Section 9 about the geographic extent of the Plains Flood Management Overlay, I consider that the submission point should be accepted in part, in that it should apply to the whole of Darfield because the township is unlikely to contain any high hazard areas and therefore this is the appropriate policy for addressing all other areas in the Plains Flood Management Overlay.
- 14.6 CDHB⁹⁹ seek an amendment to include redevelopment within the scope of the policy, rather than just new subdivision, use and development. I recommend that the submission point be rejected because anything beyond the scope of existing use rights would be new development and therefore within the scope of the policy.
- 14.7 RWRL, IRHL, RIHL and RIDL¹⁰⁰ all request that the policy be amended by providing scope for other design alternatives to be considered. While on the surface this is a reasonable request, it would result in a policy that did not give effect to CRPS Policy 11.3.2, particularly Policy 11.3.2.3.b., which requires new buildings have an appropriate floor level above the 0.5% AEP design flood level and so I recommend that the submission points be rejected.
- 14.8 WMDRA¹⁰¹ submits that the 200-year ARI flood models need to be rebuilt to be less prone to simulation noise and with higher resolution suitable for use with small land parcels. As outlined in

⁹⁴ DPR-0215.026 Winstone, DPR-0217.008 Summerset, DPR-0260.029 CRC, DPR-0367.069 Orion, DPR-0390.018 RIL

⁹⁵ DPR-0068.013 MetroPort

⁹⁶ DPR-0453.066 Midland & Lyttleton Ports,

⁹⁷ DPR-0370.045 Fonterra, DPR-0446.073 Transpower

⁹⁸ DPR-0276.001 A Taylor

⁹⁹ DPR-0343.021 CDHB

¹⁰⁰ DPR-0358.157 RWRL, DPR-0363.156 IRHL, DPR-0374.162 RIHL, DPR-0384.164 RIDL

¹⁰¹ DPR-0360.001 WMDRA

the discussion in Section 9 about the geographic extent of the Plains Flood Management Overlay, the current modelling is both efficient and effective from a cost/benefit perspective. It is expected that information will improve over time as computing capacity increases and the cost of modelling decreases, but that is a matter for a future time rather than as part of the consideration of this PDP. I therefore recommend that the submission point be rejected.

- 14.9 Dairy Holdings and Craigmores¹⁰² each seek an amendment to the policy so that it only applies to residential units and not to other principal buildings. By definition, principal buildings are buildings used as part of the primary activity or activities on the site, and as such include commercial and industrial buildings and buildings essential to farm production, not just residential units. I consider that not considering these high-value assets under Policy NH-10 would fail to give effect to NH-O1 and so recommend that these submission points be rejected.
- 14.10 Craigmores and RIL (despite their request to retain NH-P10 as notified)¹⁰³ request that parts of the policy relating to high hazard areas of the Plains Flood management overlay be removed. NH-P10 does not apply to high hazard areas, and so I recommend that these submission points be rejected.
- 14.11 Kāinga Ora¹⁰⁴ request that, rather than referring to the Plains Flood Management Overlay, the policy refer to areas identified on the Council's GIS viewer as being subject to a 200-year ARI flood hazard. I am concerned that this would then result in the information being incorporated by reference into the PDP, which would then require a Schedule 1 process to be followed before any updated information could be used. This could prevent the most recent information from being considered when assessing a development proposal, in the period between any new modelling or other hazard assessment being completed and the completion of a Schedule 1 process to incorporate the findings into the district plan. I therefore recommend that the submission point be rejected.
- 14.12 The main hurdle with flood information sitting outside the PDP is that it is not subject to public participation or any formal testing, as would otherwise happen with a Schedule 1 process, before it becomes operational. However, in this instance, and in the light of my recommended changes to the Plains Flood Management Overlay as set out in Section 9, the new information would be information to inform flood assessments, rather than the trigger for a rule or rule requirement. As such, it would be open to testing through the site-specific flood assessment process.

Recommendations and amendments

- 14.13 I recommend, for the reasons given above, that the Hearing Panel amend NH-P10 as shown in **Appendix 2** to provide better clarity and improve user understanding.
- 14.14 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.
- 14.15 The scale of change does not require a s32AA evaluation.

¹⁰² DPR-0372.027 Dairy Holdings, FFNC DPR-0388.013 Craigmores

¹⁰³ DPR-0388.059 Craigmores, DPR-0390.100 RIL

¹⁰⁴ DPR-0414.057 Kāinga Ora

NH-P11

Submissions

14.16 Ten submission points and one further submission point were received in relation to NH-P11.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	030	Support	Retain as notified.
DPR-0358	RWRL	158	Support	Retain as notified
DPR-0360	WMDRA	002	Oppose In Part	That Council rebuilds the 200-year ARI design flood levels to be less prone to simulation noise, and with higher resolution suitable for use with small land parcel sizes.
DPR-0363	IRHL	157	Support	Retain as notified
DPR-0367	Orion	070	Neither Support Nor Oppose	Amend as follows: Avoid locating any residential unit or other asset of high value (including important infrastructure) between any waterbody and any defence against water designed or used to contain floodwater from that waterbody, unless that asset has a functional need or operational need to be in that location.
DPR-0407	Forest & Bird	FS639	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0372	Dairy Holdings	028	Support	Retain as notified
DPR-0374	RIHL	163	Support	Retain as notified
DPR-0375	WKNZTA	079	Oppose	Amend Policy to ensure adequate flexibility is provided in the establishment and maintenance of state highways.
DPR-0384	RIDL	165	Support	Retain as notified
DPR-0390	RIL	019	Support	Retain as notified.

Analysis

14.17 CRC, RWRL, IRHL, Dairy Holdings, RIHL, RIDL and RIL¹⁰⁵ all request that the provision be retained as notified. Given my recommendation in relation to the Orion¹⁰⁶ submission, I recommend that these submission points be accepted in part.

14.18 WMDRA¹⁰⁷ submits that the 200-year ARI flood models need to be rebuilt to be less prone to simulation noise and with higher resolution suitable for use with small land parcels. The Plains Flood Management Overlay is based on a combination of modelling of the Selwyn River by CRC and modelling of rainfall flooding by DHI. The evidence of Mr Whyte at **Appendix 3** explains the modelling process that was undertaken by DHI, including peer review and validation. I accept his evidence.

14.19 As outlined in the discussion in Section 9 about the geographic extent of the Plains Flood Management Overlay, it is expected that information will improve over time as computing capacity

¹⁰⁵ DPR-0260.030 CRC, DPR-0358.158 RWRL, DPR-0363.157 IRHL, DPR-0372.028 Dairy Holdings, DPR-0374.163 RIHL, DPR-0384.165 RIDL, DPR-0390.019 RIL

¹⁰⁶ DPR-0367.070 Orion

¹⁰⁷ DPR-0360.002 WMDRA

increases and the cost of modelling decreases, but that is a matter for a future time rather than as part of the consideration of this PDP. I therefore recommend that the submission point be rejected.

14.20 Orion¹⁰⁸ request that the policy be amended to explicitly include important infrastructure as an asset of high value. Important infrastructure are assets of high value, and so their explicit inclusion in the policy as requested by Orion would provide clarity for users, and so I recommend that the submission point be accepted.

14.21 Meanwhile, WKNZTA¹⁰⁹ seek that the policy be amended to ensure that adequate flexibility is provided in the establishment and maintenance of state highways. The policy provides for assets to locate between any waterbody and any associated defence against water where that asset has a functional need or operational need to be in that location, and so I consider that adequate provision for the establishment and maintenance of state highways has already been made. I therefore recommend that the submission point be rejected.

¹⁰⁸ DPR-0367.070 Orion

¹⁰⁹ DPR-0375.079 WKNZTA

Recommendations and amendments

14.22 I recommend, for the reasons given above, that the Hearing Panel amend NH-P11 as shown in **Appendix 2** to provide better clarity and improve user understanding.

14.23 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

14.24 The scale of change does not require a s32AA evaluation.

NH-P12

Submissions

14.25 Eleven submissions and four further submissions were received in relation to NH-P12.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0215	Winstone	027	Support In Part	Amend as follows: Manage earthworks undertaken in the Waimakariri Flood Management Overlay and the Plains Flood Management Overlay to ensure that they do not exacerbate flooding on any other property by displacing or diverting floodwater onto surrounding land.
DPR-0422	FFNC	FS091	Support	Allow the submission point
DPR-0217	Summerset	009	Support	Retain as notified
DPR-0260	CRC	031	Support	Retain as notified.
DPR-0358	RWRL	159	Support	Retain as notified
DPR-0363	IRHL	158	Support	Retain as notified
DPR-0372	Dairy Holdings	029	Support	Retain as notified
DPR-0374	RIHL	164	Support	Retain as notified
DPR-0384	RIDL	166	Support	Retain as notified
DPR-0388	Craigmore	014	Support	Retain as notified
DPR-0390	RIL	020	Support	Retain as notified.
DPR-0427	DOC	032	Support In Part	Retain NH-P12 as notified, subject to the inclusion of objectives, policies and rules to promote the maintenance and enhancement of indigenous biodiversity when undertaking these activities.
DPR-0301	UWRG	FS174	Support	Allow in full
DPR-0407	Forest & Bird	FS198	Support	Accept the submission
DPR-0422	FFNC	FS015	Oppose	Disallow the submission point

Analysis

14.26 Summerset, CRC, RWRL, IRHL, Dairy Holdings, RIHL, RIDL, Craigmore and RIL¹¹⁰ all seek that the provision be retained as notified. I am not recommending any changes to NH-P12, and so I recommend that these submission points be accepted.

¹¹⁰ DPR-0217.009 Summerset, DPR-0260.031 CRC, DPR-0358.159 RWRL, DPR-0363.158 IRHL, DPR-0372.029 Dairy Holdings, DPR-0374.164 RIHL, DPR-0384.166 RIDL, DPR-0388.014 Craigmore, DPR-0390.020 RIL

14.27 DOC¹¹¹ seek that NH-P12 be retained as notified, but subject to the inclusion of provisions regarding maintaining and enhancing biodiversity. With the exception of the maintenance or operation of any existing defence against water, the provisions of the EIB chapter apply to earthworks in flood management overlays, and so I do not consider that additional provisions are required. I therefore recommend that the submission point be rejected.

14.28 Winstone¹¹² request an amendment regarding the location of displaced floodwater. I recommend that the submission point be rejected because it limits the applicability of the policy to the effects of adding floodwater to surrounding land, rather than also addressing the potential of an activity to displace or divert floodwater on surrounding land that would be there anyway, but in a different location or to a different depth.

Recommendations

14.29 I recommend, for the reasons given above, that the Hearing Panel retain NH-P12 as notified.

14.30 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

15. NH Geotechnical hazard policies

NH-P13

Submissions

15.1 Five submission points and no further submission points were received in relation to NH-P13.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	032	Support In Part	Amend as follows: Provide for subdivision on flat land where the liquefaction <u>hazard</u> risk has been appropriately identified and assessed, and can be adequately remedied or mitigated.
DPR-0358	RWRL	160	Support	Retain as notified
DPR-0363	IRHL	159	Support	Retain as notified
DPR-0374	RIHL	165	Support	Retain as notified
DPR-0384	RIDL	167	Support	Retain as notified

Analysis

15.2 RWRL, IRHL, RIHL and RIDL¹¹³ all seek that the provision be retained as notified. Given my recommendation in relation to the CRC¹¹⁴ submission point, I recommend that these submission points be accepted in part.

15.3 CRC¹¹⁵ request that the term 'risk' be replaced with 'hazard' as referring to the liquefaction hazard will provide more accurate terminology than referring to the risk. I consider that the requested

¹¹¹ DPR-0427.032 DOC

¹¹² DPR-0215.027 Winstone

¹¹³ DPR-0358.160 RWRL, DPR-0363.159 IRHL, DPR-0374.165, DPR-0384.167 RIDL

¹¹⁴ DPR-260.032 CRC

¹¹⁵ DPR-260.032 CRC

change would improve clarity and ease of understanding for users, and therefore recommend that the submission point be accepted.

Recommendations and amendments

- 15.4 I recommend, for the reasons given above, that the Hearing Panel amend NH-P13 as shown in **Appendix 2** to provide better clarity and improve user understanding.
- 15.5 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.
- 15.6 The scale of change does not require a s32AA evaluation.

NH-P14

Submissions

- 15.7 Five submission points and no further submission points were received in relation to NH-P14.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	033	Support In Part	Amend as follows: Provide for subdivision, use, and development on hills and in the high country where the slope instability <u>hazard</u> risk has been appropriately identified and assessed, and can be adequately remedied or mitigated.
DPR-0358	RWRL	161	Support	Retain as notified
DPR-0363	IRHL	160	Support	Retain as notified
DPR-0374	RIHL	166	Support	Retain as notified
DPR-0384	RIDL	168	Support	Retain as notified

Analysis

- 15.8 RWRL, IRHL, RIHL and RIDL¹¹⁶ all seek that the provision be retained as notified. Given my recommendation in relation to the CRC¹¹⁷ submission point, I recommend that these submission points be accepted in part.
- 15.9 CRC¹¹⁸ request that the term 'risk' be replaced with 'hazard' as referring to the slope instability hazard will provide more accurate terminology than referring to the risk. I consider that the requested change would improve clarity and ease of understanding for users, and therefore recommend that the submission point be accepted.

Recommendations

- 15.10 I recommend, for the reasons given above, that the Hearing Panel amend NH-P14 as shown in **Appendix 2** to provide better clarity and improve user understanding.
- 15.11 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

¹¹⁶ DPR-0358.161 RWRL, DPR-0363.160 IRHL, DPR-0374.166, DPR-0384.168 RIDL

¹¹⁷ DPR-260.3032 CRC

¹¹⁸ DPR-260.3032 CRC

15.12 The scale of change does not require a s32AA evaluation.

NH-P15

Submissions

15.13 Four submission points and one further submission point were received in relation to NH-P15.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0208	Ngāi Tahu Property	002	Oppose In Part	Amend as follows: Within the Greendale Fault Avoidance Overlay, avoid the development or use of land, buildings or structures for any: ... 3. land transport infrastructure; or ...
DPR-0260	CRC	034	Support	Retain as notified.
DPR-0392	CSI	011	Support In Part	Amend as follows: Within the Greendale Fault Avoidance Overlay, avoid the development or use of land, buildings or structures for any: 1. community facility; or 2. important infrastructure; or 3. land transport infrastructure; or 4. Major Hazard Facility unless the activity: ...
DPR-0422	FFNC	FS105	Oppose	Disallow the submission point. Retain policy as notified.
DPR-0446	Transpower	074	Support	Retain as notified

Analysis

15.14 CRC and Transpower¹¹⁹ request that the provision be retained as notified. Given that I am not recommending any changes, except as already discussed elsewhere, I recommend that these submission points be accepted.

15.15 Ngāi Tahu Property¹²⁰ seek that the policy does not apply to land transport infrastructure. The policy does not prevent land transport infrastructure within the overlay – if infrastructure does not pose a significant risk or exacerbate an existing risk to people or property, has an operational or functional need to be in a location, and contributes to community resilience in the event of a natural disaster, then it's position inside the overlay is anticipated. I therefore consider that the submission point would not contribute to achieving NH-O2 and should be rejected.

15.16 Conversely, CSI¹²¹ seeks that the policy applies to all buildings and structures. The nature of the Greendale Fault is such that many activities can occur without additional restriction within the overlay in accordance with the relevant 2003 MfE guidance [Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand](#), and so I

¹¹⁹ DPR-0260.034 CRC, DPR-0446.074 Transpower

¹²⁰ DPR-0208.002 Ngāi Tahu Property

¹²¹ DPR-0392.011 CSIFFNC

consider that the CSI submission point is unnecessarily cautious. I therefore recommend that the submission point be rejected.

Recommendations

15.17 I recommend, for the reasons given above, that the Hearing Panel retain NH-P15 as notified, except as a result of amendments recommended elsewhere.

15.18 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P16

Submissions

15.19 Eight submission points and one further submission point were received in relation to NH-P16.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	035	Support	Retain as notified.
DPR-0358	RWRL	163	Support	Retain as notified
DPR-0363	IRHL	162	Support	Retain as notified
DPR-0374	RIHL	168	Support	Retain as notified
DPR-0375	WKNZTA	080	Oppose	Amend Policy NH-P16 to either remove the transport network from its content or recognition is included that some infrastructure has to be within hazard areas.
DPR-0441	Trustpower	FS110	Support	Accept
DPR-0384	RIDL	170	Support	Retain as notified
DPR-0441	Trustpower	068	Oppose	Amend as follows: Within the Fault Investigation Overlay, restrict the new development or use of land for buildings or structures for any: ... 1. important infrastructure and land transport infrastructure; or...
DPR-0446	Transpower	075	Support	Retain as notified

Analysis

15.20 CRC, RWRL, IRHL, RIHL, RIDL and Transpower¹²² all request that the provision be retained as notified.

15.21 WKNZTA¹²³ seek that the policy be amended to either remove the transport network from its content, or include recognition that some infrastructure has to be within hazard areas, as they are concerned that it may place undue limitations on the transportation network. Trustpower¹²⁴ requests that the policy only apply to new development or use, and that it not apply to important infrastructure, on the basis that the policy is overly restrictive for regionally significant infrastructure and does not recognise the operational or functional constraints associated with such infrastructure, neither does it comply with the natural hazards objectives.

¹²² DPR-0260.035 CRC, DPR-0358.163 RWRL, DPR-0363.162 IRHL, DPR-0374.168 RIHL, DPR-0384.170 RIDL, DPR-0446.075 Transpower

¹²³ DPR-0375.080 WKNZTA

¹²⁴ DPR-0441.068 Trustpower

15.22 The policy seeks only to ensure that, where buildings or structures for certain activities are located in the overlay, those buildings or structures are designed to mitigate the adverse effects of fault rupture to protect human health or safety. This policy gives effect to NH-O2, and focuses on human health and safety rather than the on-going integrity of the building or structure. I consider that this is a reasonable threshold and so I recommend that the submission point be rejected.

Recommendations

15.23 I recommend, for the reasons given above, that the Hearing Panel retain NH-P16 as notified.

15.24 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P17

Submissions

15.25 Seven submission points and no further submission points were received in relation to NH-P17.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	036	Support	Retain as notified.
DPR-0358	RWRL	164	Support	Retain as notified
DPR-0363	IRHL	163	Support	Retain as notified
DPR-0374	RIHL	169	Support	Retain as notified
DPR-0375	WKNZTA	081	Oppose	Amend Policy NH-P17 to either remove the transport network from its content or recognition is included that some infrastructure has to be within hazard areas.
DPR-0384	RIDL	171	Support	Retain as notified
DPR-0446	Transpower	076	Support	Retain as notified

Analysis

15.26 CRC, RWRL, IRHL, RIHL, RIDL and Transpower¹²⁵ all seek that the provision be retained as notified. Given that I am not recommending any changes to NH-P17, I recommend that these submission points be accepted.

15.27 WKNZTA¹²⁶ seek that the policy be amended to either remove the transport network from its content, or include recognition that some infrastructure has to be within hazard areas, as they are concerned that it may place undue limitations on the transportation network. This policy gives effect to NH-O2, and focuses on human health and safety rather than the on-going integrity of any building or structure. I consider that this is a reasonable threshold and so I recommend that the submission point be rejected.

Recommendations

15.28 I recommend, for the reasons given above, that the Hearing Panel retain NH-P17 as notified.

15.29 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

¹²⁵ DPR-0260.036 CRC, DPR-0358.164 RWRL, DPR-0363.163 IRHL, DPR0374.169 RIHL, DPR-0384.171 RIDL, DPR-0446.076 Transpower

¹²⁶ DPR-0375.081 WKNZTA

NH-P18

Submissions

15.30 Six submission points and one further submission point were received in relation to NH-P18.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0208	Ngāi Tahu Property	003	Oppose In Part	Amend to delete reference to Greendale Fault Avoidance Overlay from this provision.
DPR-0392	CSI	FS001	Oppose	Reject
DPR-0260	CRC	037	Support	Retain as notified.
DPR-0358	RWRL	165	Support	Retain as notified
DPR-0363	IRHL	164	Support	Retain as notified
DPR-0374	RIHL	170	Support	Retain as notified
DPR-0384	RIDL	172	Support	Retain as notified

Analysis

15.31 CRC, RWRL, RWRL, IRHL, RIHL and RIDL¹²⁷ all seek that the provision be retained as notified. Given that I am not recommending any changes, except as already discussed elsewhere, I recommend that these submission points be accepted.

15.32 Ngāi Tahu Property¹²⁸ request that the policy be amended to remove reference to the Greendale Fault Avoidance Overlay, on the basis that the Greendale Fault has been appropriately identified and assessed, and its classification as Class V fault means that the 2003 MfE guidance [Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand](#) is that subdivision should be permitted in this area, not restricted. Ngāi Tahu Property considers that it is inappropriate to include this fault within this policy, and that the policy also has implications for one of Council's identified growth areas.

15.33 The MfE guidance is designed primarily for land use, rather than subdivision, and for well-defined Class V faults, allows that development may be permitted, controlled or discretionary. The proposed policy requires the fault hazard to be identified and assessed at the time of rezoning or subdivision, so that the appropriate remediation or mitigation measures can be factored into the subdivision design. I consider that the PDP approach is appropriate for a known hazard and thus I recommend that the Ngāi Tahu Property submission point be rejected.

Recommendations

15.34 I recommend, for the reasons given above, that the Hearing Panel retain NH-P18 as notified, except as a result of amendments recommended elsewhere.

15.35 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

¹²⁷ DPR-0260.037 CRC, DPR-0358.165 RWRL, DPR-0363.164 IRHL, DPR-0374.170 RIHL, DPR-0384.172 RIDL

¹²⁸ DPR-0208.003 Ngāi Tahu Property

NH-P19

Submissions

15.36 Five submission points and no further submission points were received in relation to NH-P19.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	038	Support	Retain as notified.
DPR-0358	RWRL	166	Support	Retain as notified
DPR-0363	IRHL	165	Support	Retain as notified
DPR-0374	RIHL	171	Support	Retain as notified
DPR-0384	RIDL	173	Support	Retain as notified

Analysis

15.37 The submissions from CRC, RWRL, IRHL, RIHL and RIDL¹²⁹ all seek to retain the policy as notified. Given that no changes are requested, I recommend that the submission points be accepted.

Recommendations

15.38 I recommend, given that no changes are requested, that the Hearing Panel retain NH-P19 as notified.

15.39 It is recommended that the submission points and further submission points are accepted as shown in **Appendix 1**.

16. NH Wildfire hazard policies

NH-P20

Submissions

16.1 Eleven submission points and four further submission points were received in relation to NH-P20.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	039	Support	Retain as notified.
DPR-0353	HortNZ	108	Oppose In Part	Amend as follows: Restrict <u>Manage</u> the planting of any woodlot or shelterbelt if it is located in a position that increases the wildfire risk on any neighbouring residential unit or other principal building.
DPR-0359	FENZ	FS004	Oppose	Retain notified provision
DPR-0381	Coleridge Downs	FS065	Support	Allow
DPR-0358	RWRL	167	Support	Retain as notified
DPR-0359	FENZ	043	Support	Retain as notified
DPR-0363	IRHL	166	Support	Retain as notified
DPR-0374	RIHL	172	Support	Retain as notified
DPR-0379	J Thomson	037	Oppose In Part	Amend NH-REQ7.1 by inserting the word 'new' between 'Any' and 'woodlot' where they first appear.
DPR-0384	RIDL	174	Support	Retain as notified
DPR-0422	FFNC	122	Oppose In Part	Amend as follows: Restrict <u>Manage</u> the planting of any woodlot

¹²⁹ DPR-0260.038 CRC, DPR-0358.166 RWRL, DPR-0363.165 IRHL, DPR-0374.171 RIHL, DPR-0384.173 RIDL

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
				or shelterbelt if it is located in a position that increases the wildfire risk on any neighbouring residential unit or other principal building.
DPR-0427	DOC	033	Support	Retain as notified.
DPR-0301	UWRG	FS175	Support	Allow in full
DPR-0407	Forest & Bird	FS199	Support	Accept the submission
DPR-0448	NZDF	029	Support In Part	Amend to include important infrastructure

Analysis

- 16.2 CRC, RWRL, FENZ, IRHL, RIHL, RIDL and DOC¹³⁰ all seek that the provision be retained as notified. I am not recommending any changes to NH-P20, and so I recommend that these submission points be accepted.
- 16.3 J Thomson¹³¹ requests that NH-REQ7.1 be amended. I recommend that this submission point be rejected because it is identical to their submission point DPR-0379.39 on NH-REQ7 (which is the appropriate place to consider a change to NH-REQ7), and appears to have been duplicated and allocated to NH-P20 in error.
- 16.4 HortNZ and FFNC¹³² each seek an amendment to ‘manage’ planting rather than ‘restricting’ it. The submission points are on the basis that the location of residential units and principal buildings should be setback from shelterbelts, rather than shelterbelts being setback from buildings. This approach is discussed below in relation to the submission point requesting a new policy in relation to wildfire. I recommend that these submission points are rejected for the following reasons:
- 16.4.1 The amendment sought to NH-P20 would not achieve the outcome sought by the submitter of requiring buildings to separate from plantings, rather than requiring plantings to separate from buildings.
- 16.4.2 ‘Managing’ planting rather than ‘restricting’ it implies that there are circumstances where it is appropriate to allow shelterbelts and woodlots in a position that knowingly increases the risk to existing residential units or other principal buildings on neighbouring land. This would be inconsistent with NH-O1.
- 16.5 NZDF¹³³ seek an amendment to include important infrastructure. However, they have not sought any amendment to NH-REQ7 Wildfire setbacks to require a setback from important infrastructure, and principal buildings associated with important infrastructure would already be covered by the policy. Amending the policy as requested would therefore not add clarity or improve understanding, and would not achieve the intent of extending the coverage of the relevant rule requirement. I therefore recommend that the submission point be rejected.

¹³⁰ DPR-0260.039 CRC, DPR-0358.167 RWRL, DPR-359.043 FENZ, DPR-0363.166 IRHL, DPR-0374.172 RIHL, DPR-0384.174 RIDL, DPR-0427.033 DOC

¹³¹ DPR-0379.037 J Thomson

¹³² DPR-0353.108 HortNZ DPR-0422.122 FFNC

¹³³ DPR-0448.029 NZDF

Recommendations

- 16.6 I recommend, for the reasons given above, that the Hearing Panel retain NH-P20 as notified.
- 16.7 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-P21

Submissions

- 16.8 Nine submission points and two further submission points were received in relation to NH-P21.

Submitter ID	Submitter Name	Submission Point	Position	Decision Requested
DPR-0260	CRC	040	Support	Retain as notified.
DPR-0358	RWRL	168	Support	Retain as notified
DPR-0359	FENZ	044	Support	Retain as notified
DPR-0363	IRHL	167	Support	Retain as notified
DPR-0374	RIHL	173	Support	Retain as notified
DPR-0379	J Thomson	038	Oppose In Part	Amend NH-REQ7.1 by inserting the word 'new' between 'Any' and 'woodlot' where they first appear.
DPR-0384	RIDL	175	Support	Retain as notified
DPR-0427	DOC	034	Support	Retain as notified.
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS176</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS200</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0448	NZDF	030	Support In Part	Amend to include important infrastructure

Analysis

- 16.9 CRC, RWRL, FENZ, IRHL, RIHL, RIDL and DOC¹³⁴ all seek that NH-P21 be retained as notified. I am not recommending any changes to NH-P21, and so I recommend that these submission points be accepted.
- 16.10 J Thomson¹³⁵ requests that NH-REQ7.1 be amended. I recommend that this submission point be rejected because it is identical to their submission point DPR-0379.39 on NH-REQ7, and appears to have been allocated to NH-P21 in error.
- 16.11 NZDF¹³⁶ seek an amendment to include important infrastructure. However, they have not sought any amendment to NH-REQ7 Wildfire setbacks to require a setback from important infrastructure, and principal buildings associated with important infrastructure would already be covered by the policy. Amending the policy as requested would therefore not add clarity or improve understanding, and would not achieve the intent of extending the coverage of the relevant rule requirement. I therefore recommend that the submission point be rejected.

¹³⁴ DPR-0260.040 CRC, DPR-0358.168 RWRL, DPR-0359.044 FENZ, DPR-0363.167 IRHL, DPR-0374.173 RIHL, DPR-0384.175 RIDL, DPR-0427.034 DOC

¹³⁵ DPR-0379.038 J Thomson

¹³⁶ DPR-0448.030 NZDF

Recommendations

- 16.12 I recommend, for the reasons given above, that the Hearing Panel retain NH-P21 as notified.
- 16.13 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

New NH-Policy – wildfire setbacks

Submissions

- 16.14 One submission and no further submissions were received requesting a new policy regarding wildfire risk.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	109	New	Oppose	Insert as follows: <u>NH-PX: Require residential units and accessways in the General Rural zone to be setback from boundaries to mitigate potential wildfire risk.</u>

Analysis

- 16.15 HortNZ¹³⁷ request that the location of residential units and accessways be managed to address wildfire risk, along with new tree plantings.
- 16.16 Wildfire is a different type of natural hazard when compared to the others managed by the PDP, because the actions of people can have a direct and immediate impact on the level of threat to themselves and to others. Planting trees increases the fuel available to a fire, while creating and maintaining a defensible space around a residential unit increases the chance that it will survive a wildfire.
- 16.17 Managing the location of residential units in relation to wildfire risk is consistent with how other natural hazards are managed in the PDP. Managing the location of accessways is also of relevance to wildfire because firefighting services need to be able to access a fire before they can limit the loss such fires cause. Setbacks for buildings from boundaries to mitigate wildfire risk was accepted as a preferred option for further development, but this matter was not progressed to the development of provisions.
- 16.18 Where NH-P20 manages the location of new shelterbelts and woodlots in relation to existing residential units and other principal building in order to mitigate potential wildfire risk, the requested policy is intended to be complementary, to also manage the location of residential units and accessways on other properties, to mitigate potential wildfire risk.
- 16.19 However, I consider that the policy as proposed is inappropriately worded, for the following reasons:

¹³⁷ DPR-0353.109 HortNZ

16.19.1 Setbacks from boundaries are considered the only form of acceptable risk mitigation in the policy as submitted, where there may be other forms of risk mitigation that have an acceptable result.

16.19.2 There may also be instances where such risks need to be considered for residential units that are located other than in the General Rural Zone.

16.19.3 Principal buildings that are not residential units are generally either high value assets in themselves, or they contain high value assets. The loss of these buildings or their contents would slow the community's recovery following a wildfire event, and so they also need to be considered. This, however, is outside the scope of the submission and would need to be subject to a separate variation or plan change process.

16.19.4 By PDP definition (not subject to any submission), an accessway is *The area of land that provides access between any boundary and the net area of the site or sites it serves. Accessway includes any rights of way, access lot, access leg or private road.* It is therefore not always possible for an accessway to be set back from a boundary, because in the case of an access lot, access leg or private road, it is the area contained between two boundaries which are less than 30m apart.

16.20 I therefore recommend that the submission point be accepted in part and that NH-P22 be inserted in an amended form as shown in **Appendix 2**.

Recommendations and amendments

16.21 I recommend that the Hearing Panel amend the *Natural Hazards* chapter by inserting a new Policy NH-P22, as shown in **Appendix 2**.

16.22 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation

16.23 The following points evaluate the recommended change under Section 32AA of the RMA.

Effectiveness and efficiency

16.24 Requiring residential units to be located in a way to mitigate potential wildfire risk is complementary to the PDP policy to restrict the location of shelterbelts and woodlots proximate to existing buildings, such that the burden of reducing the risk of wildfire spread is shared between neighbouring properties. HPW-1 describes the General Rural Zone as being predominantly for primary production, not primarily for residential activities. The establishments of shelterbelts, in particular, typically supports rural production, and placing restrictions on their establishment without placing similar restrictions on the establishment of residential units (which would then affect the location of later shelterbelts), has the potential to reduce the usability of production land because it cannot be provided with shelter.

16.25 I therefore consider that this is a more effective and efficient approach than placing the burden only on those wishing to establish a shelterbelt or woodlot.

Costs and benefits

- 16.26 There may be an additional cost associated with limiting the location of buildings, but this would be limited by the general practice of providing large internal setbacks in the General Rural Zone and outweighed by the benefit of providing the opportunity (although not the obligation) to create defensible space around valuable buildings and providing the opportunity for the appropriate services are able to access the residential unit in order to fight a fire and reduce the level of loss.

Risk of acting or not acting

- 16.27 Not acting could result in situations where residential units establish in places where they are at a high risk in the event of a wildfire, resulting in material loss or potential loss of life.

Conclusion as to the most appropriate option

- 16.28 The proposed policy results in 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). I consider that the two policies, when taken in tandem and compared to the notified version, are the most appropriate way to achieve NH-O1 that subdivision, use, and development is undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure are appropriately mitigated.

17. NH Rules

Introduction

Buildings and structures in areas subject to inundation – NH-R1 Existing Buildings and Structures in Natural Hazard Overlays, NH-R2 New Buildings and Structures in Natural Hazard Overlays, NH-REQ1 Building Design, NH-REQ2 Building Position, NH-REQ3 Building Size, and New NH-SCHED – Flood Assessment Certificates

Introduction

- 17.1 Rules NH-R1 and NH-R2 relate to buildings and structures in areas that are subject to coastal or freshwater flooding, or a combination of the two. The submission points and decisions requested are consistent, and so to avoid repetition they have been considered together, along with their associated rule requirements NH-REQ1, NH-REQ2 and NH-REQ3.
- 17.2 No submissions were received in relation to the text of NH-REQ3.
- 17.3 An associated submission point was also received requesting the insertion of a new schedule relating to the Plains Flood Management Overlay, and so this has also been considered here.

Submissions – NH-R1 Existing Buildings and Structures in Natural Hazard Overlays

- 17.4 Thirty-three submission points and 23 further submission points were received in relation to NH-R1.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort	014	NH-R1	Oppose	Amend to provide an exclusion for important infrastructure and

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					land transport infrastructure within the rule.
DPR-0446	Transpower	FS002	NH-R1	Support	Allow the submission or such relief to achieve the outcome sought in the submission.
DPR-0212	ESAI	019	NH-R1	Oppose	Delete those parts of NH-R1 that relate to the Coastal Inundation Overlay
DPR-0215	Winstone	028	NH-R1	Oppose In Part	Amend as follows: 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building.
DPR-0378	MoE	FS017	NH-R1	Support	Allow
DPR-0217	Summerset	010	NH-R1	Oppose In Part	Amend as follows: 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building.
DPR-0378	MoE	FS018	NH-R1	Support	Allow
DPR-0256	R Potts	003	NH-R1	Oppose In Part	Amend NH-R1.15.b.ii. as follows: ii. a minimum building finished floor level 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event that is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.
DPR-0256	R Potts	006	NH-R1	Oppose In Part	Consider the implications of the rule.
DPR-0260	CRC	041	NH-R1	Support In Part	Amend as follows: Activity Status: PER 1. The repair, maintenance, alteration, reconstruction, or replacement of any existing building or structure Where: a. The building or structure is not a residential unit or other principal building <u>that has not</u> been damaged by the direct action of the sea.
DPR-0260	CRC	042	NH-R1	Support In Part	Amend as follows: 8. The repair, maintenance, alteration, reconstruction, or replacement of any existing building or structure. Where: a. The building or structure is not a residential unit or other principal building <u>that has not</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					been damaged by the direct action of the sea.
DPR-0260	CRC	043	NH-R1	Support In Part	Amend as follows: 4. The repair , alteration, reconstruction, or replacement of any residential unit or other principal building <u>that has been</u> damaged by the direct action of the sea.
DPR-0260	CRC	044	NH-R1	Support In Part	Amend as follows: 11. The repair , alteration, reconstruction, or replacement of any residential unit or other principal building <u>that has been</u> damaged by the direct action of the sea.
DPR-0260	CRC	045	NH-R1	Support In Part	Include a new advice in NH-R1.15 setting out that the existing finished floor level will still be subject to Building Act requirements. A possible advice note could be expressed as follows: <u>Advice Note: Information showing the modelled flood characteristics within specific parts of the district is publicly available online via Canterbury Maps. This information is indicative only and will be updated to reflect the best information as it becomes available. A party may provide the Council with a site-specific flood assessment prepared by a suitably qualified and experienced person.</u>
DPR-0358	RWRL	FS085	NH-R1	Oppose	Reject
DPR-0363	IRHL	FS085	NH-R1	Oppose	Reject
DPR-0374	RIHL	FS085	NH-R1	Oppose	Reject
DPR-0384	RIDL	FS085	NH-R1	Oppose	Reject
DPR-0260	CRC	046	NH-R1	Support In Part	Amend as follows: 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: a. ... ii. For additions more than 25m ² , a minimum building finished floor level <u>equal to or higher than the minimum floor level stated in a Flood Assessment</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>Certificate issued in accordance with XX (relevant schedule). 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.</u>
DPR-0215	Winstone	FS017	NH-R1	Support	Accept the submission.
DPR-0217	Summerset	FS001	NH-R1	Support	Accept the submission but details of the schedule to be provided to submitters.
DPR-0358	RWRL	FS086	NH-R1	Oppose	Reject
DPR-0363	IRHL	FS086	NH-R1	Oppose	Reject
DPR-0374	RIHL	FS086	NH-R1	Oppose	Reject
DPR-0378	MoE	FS019	NH-R1	Support In Part	Require additional information to be provided by CRC to demonstrate the effects of this change.
DPR-0384	RIDL	FS086	NH-R1	Oppose	Reject
DPR-0260	CRC	048	NH-R1	Support In Part	Include a new advice note in NH-R1.19 setting out that the existing finished floor level will still be subject to Building Act requirements.
DPR-0323	Investore Property	011	NH-R1	Oppose	Amend as follows: 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: ... b. The building finished floor height complies with one of: i. The building finished floor height of the existing building, where any addition after [date this rule has effect] results in a maximum total increase in residential unit or other principal building floor area <u>located within the Plain Flood Protection Overlay</u> of 25m ² , compared to the floor area of the residential unit or other principal building <u>located within the Plains Flood Protection Overlay</u> on [date this rule has effect]; or ...

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	172	NH-R1	Support In Part	Amend NH-R1.15 (Plains Flood Management Overlay) as follows: The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: a. b. <u>The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or</u> c. The building finished floor height complies with one of: ...
<i>DPR-0378</i>	<i>MoE</i>	<i>FS022</i>	<i>NH-R2</i>	<i>Support</i>	<i>Allow</i>
DPR-0363	IRHL	171	NH-R1	Support In Part	Amend NH-R1.15 (Plains Flood Management Overlay) as follows: The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: a. ... b. <u>The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or</u> ...
DPR-0367	Orion	071	NH-R1	Neither Support Nor Oppose	Amend as follows: 4. The repair, alteration, reconstruction, or replacement of any residential unit, <u>or</u> other principal building, <u>or existing utility infrastructure</u> damaged by the direct action of the sea. 11. The repair, alteration, reconstruction, or replacement of any residential unit, or other principal building, <u>or existing utility infrastructure</u> damaged by the

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>direct action of the sea.</p> <p>...</p> <p>15. The repair, alteration, reconstruction, or replacement of any residential unit, or other principal building <u>or existing utility infrastructure.</u></p> <p>....</p> <p>19. The repair, alteration, reconstruction, or replacement of any residential unit, or other principal building, <u>or existing utility infrastructure.</u></p> <p>...</p>
DPR-0407	Forest & Bird	FS640	NH-R1	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra	039	NH-R1	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0209	M Singh	FS771	NH-R1	Oppose In Part	Reject submission in part
DPR-0422	FFNC	FS108	NH-R1	Support	Allow the submission point.
DPR-0370	Fonterra	046	NH-R1	Oppose In Part	Amend as follows: 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building <u>used in association with a residential activity.</u>
DPR-0209	M Singh	FS778	NH-R1	Oppose In Part	Reject submission in part
DPR-0422	FFNC	FS109	NH-R1	Support	Allow the submission point.
DPR-0372	Dairy Holdings	030	NH-R1	Support In Part	Retain as notified
DPR-0372	Dairy Holdings	137	NH-R1	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0374	RIHL	177	NH-R1	Support In Part	<p>Amend NH-R1.15 (Plains Flood Management Overlay) as follows:</p> <p>The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building.</p> <p>Where:</p> <p>a. ...</p> <p>b. <u>The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or</u></p>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or</u> c. ...
DPR-0378	MoE	015	NH-R1	Oppose	Amend as follows: 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: a. The building is not located in a high hazard area <u>or is located in a high hazard area; and</u> i. <u>is not likely to result in loss of life or serious injuries; and</u> ii. <u>is not likely to suffer significant damage or loss; and</u> iii. <u>is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and</u> iv. <u>either is:</u> a. <u>not likely to exacerbate the effects of the natural hazard; or</u> b. <u>proposed to be located in a Residential Zone, Commercial Zone or Industrial Zone, in which case the effects of the natural hazard must be avoided or appropriately mitigated;</u> b. ...
DPR-0422	FFNC	FS194	NH-R1	Support	<i>Allow the submission point.</i>
DPR-0384	RIDL	179	NH-R1	Support In Part	Amend NH-R1.15 (Plains Flood Management Overlay) as follows: The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: a. The building is not located in a high hazard area; and b. <u>The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or</u> c. The building finished floor height complies with one of: ...

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0388	Craigmore	060	NH-R1	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0390	RIL	021	NH-R1	Support In Part	Subject to amendments to High Hazard Rule, retain NH-R1.15 as notified
DPR-0390	RIL	101	NH-R1	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0410	Urban Estates	002	NH-R1	Support In Part	Amend provisions to take into account the fact that, for greenfield sites, the post development land form will be different.
DPR-0414	Kāinga Ora	059	NH-R1	Oppose In Part	Amend as follows: Plains Flood Management Overlay <u>Plains Flood Management Area (shown on the Council's GIS viewer)</u> Activity Status: PER 15. The alteration, addition to, reconstruction or replacement of any existing residential unit or other principal building. Where: ...
DPR-0427	DOC	141	NH-R1	Oppose	Make amendments to the Proposed Plan to address to the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered.
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS283</i>	<i>NH-R1</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS306</i>	<i>NH-R1</i>	<i>Support</i>	<i>Accept the submission</i>
DPR-0453	Midland & Lyttelton Ports	063	NH-R1	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay
DPR-0453	Midland & Lyttelton Ports	067	NH-R1	Oppose	Amend NH-R1.15 to ensure that it does not extend to TEUs / Containers and ensure that containers can be located on land within the Plains Flood Management Overlay as a permitted activity.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	Midland & Lyttelton Ports	095	NH-R1	Oppose	Amend to give effect to Important Infrastructure exemption, and / or amend each provision in NH-R1.

Submissions – NH-R2 New Buildings and Structures in Natural Hazard Overlays

17.5 Twenty-six submission points and 26 further submissions were received in relation to NH-R2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0031	W Pettigrew	001	NH-R2	Oppose	Amend imposed flood level mitigation measures.
DPR-0068	MetroPort	015	NH-R2	Oppose	Amend to provide an exclusion for important infrastructure and land transport infrastructure within the rule.
DPR-0446	Transpower	FS003	NH-R2	Support	<i>Allow the submission or such relief to achieve the outcome sought in the submission.</i>
DPR-0212	ESAI	020	NH-R2	Oppose	Delete those parts of NH-R2 that relate to the Coastal Inundation Overlay
DPR-0215	Winstone	030	NH-R2	Support	Retain as notified
DPR-0217	Summerset	012	NH-R2	Support In Part	Amend as follows: 5. When compliance with any of NH-R2.3.c. is not achieved: RDIS <u>CON</u> Where a. A site-specific assessment demonstrates that an alternative minimum building finished floor level can be applied to the site. ... 6. When compliance with any of NH-R2.3 NH-R2.5 is not achieved: RDIS
DPR-0358	RWRL	FS087	NH-R2	Support	Adopt
DPR-0363	IRHL	FS087	NH-R2	Support	Adopt
DPR-0374	RIHL	FS087	NH-R2	Support	Adopt
DPR-0384	RIDL	FS087	NH-R2	Support	Adopt
DPR-0256	R Potts	004	NH-R2	Oppose In Part	Amend NH-R2.3.c as follows: ii. a minimum building finished floor level 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event that is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.
DPR-0256	R Potts	007	NH-R2	Oppose In Part	Consider the implications of the rule.
DPR-0260	CRC	049	NH-R2	Support In Part	Amend NH-R2.3 as follows: ... c. a minimum building finished floor

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					level equal to or higher than the minimum floor level stated in a Flood Assessment Certificate issued in accordance with XX (relevant schedule). 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.
DPR-0215	Winstone	FS019	NH-R2	Support	Accept the submission.
DPR-0217	Summerset	FS003	NH-R2	Support	Accept the submission but details of the schedule to be provided to submitters.
DPR-0358	RWRL	FS088	NH-R2	Oppose	Reject
DPR-0363	IRHL	FS088	NH-R2	Oppose	Reject
DPR-0374	RIHL	FS088	NH-R2	Oppose	Reject
DPR-0384	RIDL	FS088	NH-R2	Oppose	Reject
DPR-0363	IRHL	172	NH-R2	Support In Part	Amend NH-R2.3 (Plains Flood Management Overlay) as follows: The establishment of any new residential unit or other principal building. Where: a. c. The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or ...
DPR-0378	MoE	FS023	NH-R2	Support	Allow
DPR-0370	Fonterra	040	NH-R2	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0209	M Singh	FS772	NH-R2	Oppose In Part	Reject submission in part
DPR-0370	Fonterra	047	NH-R2	Oppose In Part	Amend as follows: 3. The establishment of any new residential unit or other principal building <u>used in association with a residential activity.</u>
DPR-0209	M Singh	FS779	NH-R2	Oppose In Part	Reject submission in part
DPR-0422	FFNC	FS110	NH-R2	Support	Allow the submission point.
DPR-0372	Dairy Holdings	031	NH-R2	Oppose In Part	Amend as follows: Activity status when compliance not achieved: 4. When compliance with any of NH-

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					R2.3.a. or NHR2.3.b. is not achieved: NE <u>RDIS</u>
DPR-0422	FFNC	FS097	NH-R2	Support	Allow the submission point
DPR-0372	Dairy Holdings	138	NH-R2	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0374	RIHL	178	NH-R2	Support In Part	Amend NH-R2.3 (Plains Flood Management Overlay) as follows: The establishment of any new residential unit or other principal building. Where: a. ... c. <u>The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or</u> d. ...
DPR-0378	MoE	FS021	NH-R2	Support	Allow
DPR-0378	MoE	016	NH-R2	Oppose	Amend as follows: 3. The establishment of any new residential unit or other principal building. Where: a. The building is not located in a high hazard area <u>or is located in a high hazard area; and</u> i. <u>is not likely to result in loss of life or serious injuries; and</u> ii. <u>is not likely to suffer significant damage or loss; and</u> iii. <u>is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and</u> iv. <u>either is:</u> a. <u>not likely to exacerbate the effects of the natural hazard; or</u> b. <u>proposed to be located in a Residential Zone, Commercial Zone or Industrial Zone, in which case the effects of the natural hazard must be avoided or appropriately mitigated;</u> b. ...
DPR-0422	FFNC	FS112	NH-R2	Support	Allow the submission point.
DPR-0384	RIDL	180	NH-R2	Support In Part	Amend NH-R2.3 (Plains Flood Management Overlay) as follows: The establishment of any new

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					residential unit or other principal building. Where: a. ... c. <u>The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard; or</u> d. ...
DPR-0378	MoE	FS020	NH-R2	Support	Allow
DPR-0388	Craigmore	015	NH-R2	Oppose	Amend as follows: Activity status when compliance not achieved: 4. When compliance with any of NH-R2.3.a. or NH-R2.3.b. is not achieved: NC <u>RDIS</u> ...
DPR-0388	Craigmore	061	NH-R2	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0390	RIL	022	NH-R2	Neither Support Nor Oppose	Retain as notified.
DPR-0390	RIL	102	NH-R2	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.
DPR-0410	Urban Estates	003	NH-R2	Support In Part	Amend provisions to take into account the fact that, for greenfield sites, the post development land form will be different.
DPR-0378	MoE	FS024	NH-R2	Support	Allow
DPR-0414	Kāinga Ora	061	NH-R2	Oppose In Part	Amend as follows: Plains Flood Management Overlay <u>Plains Flood Management Area (shown on the Council's GIS viewer)</u> Activity Status: PER 3. ...
DPR-0419	Hughes	002	NH-R2	Oppose In Part	Amend NH-R2.3 to read: 3. The establishment of any new residential unit or other principal building. Where:

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<p>a.</p> <p>c. a minimum building finished floor level 150mm above a 200 year Average Recurrence Interval (ARI) flood hazard event with a depth less than 100mm is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level</p> <p>d. a minimum building finished floor level 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event with a depth greater than 100mm is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.</p>
DPR-0358	RWRL	FS089	NH-R2	Support	Adopt
DPR-0363	IRHL	FS089	NH-R2	Support	Adopt
DPR-0374	RIHL	FS089	NH-R2	Support	Adopt
DPR-0384	RIDL	FS089	NH-R2	Support	Adopt
DPR-0427	DOC	142	NH-R2	Oppose	Make amendments to the Proposed Plan to address to the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered.
DPR-0301	UWRG	FS284	NH-R2	Support	Allow in full
DPR-0407	Forest & Bird	FS307	NH-R2	Support	Accept the submission
DPR-0453	Midland & Lyttelton Ports	064	NH-R2	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay
DPR-0453	Midland & Lyttelton Ports	068	NH-R2	Oppose	Amend NH-R2.3 to ensure that the provisions do not extend to TEU and ensures that containers can be located on land within the Plains Flood Management Overlay as a permitted activity.

Submissions – NH-REQ1 Building Design

17.6 One submission point and no further submission points were received in relation to NH-REQ1.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	022	NH-REQ1	Oppose	Delete those parts of NH-REQ1 that relate to the Coastal Inundation Overlay

Submissions – NH-REQ2 Building Position

17.7 Twelve submission points and seven further submission points were received in relation to NH-REQ2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	023	NH-REQ2	Oppose	Delete those parts of NH-REQ2 that relate to the Coastal Inundation Overlay
DPR-0215	Winstone	029	NH-REQ2	Oppose	Delete as notified
DPR-0217	Summerset	011	NH-REQ2	Oppose	Delete as notified
DPR-0256	R Potts	005	NH-REQ2	Oppose In Part	Amend NH-REQ2.6.b. as follows: a minimum building finished floor level 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event <u>that</u> is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.
DPR-0256	R Potts	008	NH-REQ2	Oppose In Part	Consider the implications of the requirement.
DPR-0260	CRC	052	NH-REQ2	Support In Part	Amend NH-REQ2.6 as follows: b. a minimum building finished floor level equal to or higher than the minimum floor level stated in a Flood Assessment Certificate issued in accordance with XX (relevant rule requirement or standard). 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event is identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level
DPR-0215	Winstone	FS020	NH-REQ2	Support	Accept the submission.
DPR-0217	Summerset	FS004	NH-REQ2	Support	Accept the submission but details of the schedule to be provided to submitters.
DPR-0358	RWRL	FS091	NH-REQ2	Oppose	Reject
DPR-0363	IRHL	FS091	NH-REQ2	Oppose	Reject
DPR-0374	RIHL	FS091	NH-REQ2	Oppose	Reject
DPR-0384	RIDL	FS091	NH-REQ2	Oppose	Reject
DPR-0422	FFNC	FS030	NH-REQ2	Oppose	Disallow the submission point
DPR-0358	RWRL	178	NH-REQ2	Support In Part	Amend as follows: 6. Any reconstruction or replacement of an existing building either: ... c. The building is subject to a design that is <u>certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard.</u>
DPR-0363	IRHL	177	NH-REQ2	Support In Part	Amend as follows: 6. Any reconstruction or replacement of

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					an existing building either: ... c. The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard.
DPR-0372	Dairy Holdings	033	NH-REQ2	Support	Retain as notified
DPR-0374	RIHL	183	NH-REQ2	Support In Part	Amend as follows: 6. Any reconstruction or replacement of an existing building either: ... c. The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard.
DPR-0384	RIDL	185	NH-REQ2	Support In Part	Amend as follows: 6. Any reconstruction or replacement of an existing building either: ... c. The building is subject to a design that is certified by a Chartered Professional Engineer with experience in Civil or Environmental engineering, as being adequate to remedy or mitigate flood hazard risk to an acceptable standard.
DPR-0390	RIL	103	NH-REQ2	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is greater than 1 or water depth is greater than 1m.

Submissions – New NH-SCHED – Flood Assessment Certificates

17.8 One submission point and 10 further submission points were received in relation to a new provision for flood assessment certificates to ‘fix’ a permitted minimum floor height for two years.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	047	New	Neither Support Nor Oppose	Add a new Natural Hazards Requirement for a flood assessment certificate as set out below: <u>A Flood Assessment Certificate will be issued by the Selwyn District Council (that is valid for 2 years from the date of issues) which specifies:</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					<u>1. whether or not the activity is located on land that is within a High Hazard Area; and</u> <u>2. where the activity is not located on land that is within a High Hazard Area, a minimum finished floor level for any new building or structure (or part thereof) that is 300mm above the 200 year ARI flood level.</u> <u>The minimum finished floor level will be determined with reference to: a. the most up to date models and maps held by Selwyn District Council or Canterbury Regional Council; and b. any relevant field information.</u>
DPR-0215	Winstone	FS018	New	Support	Accept the submission.
DPR-0217	Summerset	FS002	New	Support	Accept the submission but details of the schedule to be provided to submitters.
DPR-0358	RWRL	FS082	New	Oppose	Reject
DPR-0363	IRHL	FS082	New	Oppose	Reject
DPR-0372	Dairy Holdings	FS027	New	Support	Accept the submission.
DPR-0374	RIHL	FS082	New	Oppose	Reject
DPR-0384	RIDL	FS082	New	Oppose	Reject
DPR-0414	Kāinga Ora	FS013	New	Support In Part	Not specified
DPR-0422	FFNC-NC	FS032	New	Oppose In Part	Allow submission point in part, but the duration of the Flood Assessment Certificates should be three years, not two.
DPR-0453	Midland & Lyttelton Ports	FS014	New	Support	Accept

Analysis

17.9 Urban Estates¹³⁸ request that NH-R1 and NH-R2 each be amended to take into account the fact that, for greenfield sites, the post development landform will be different. Similarly, Kāinga Ora¹³⁹ request that, rather than referencing the Plains Flood Management Overlay, NH-R1 should reference flood maps that sit outside the PDP. As discussed in Section 9, I agree that there needs to be provision for updating, over time, the information referenced in flood hazard assessments, and that this information therefore needs to sit outside the PDP to avoid the need for a plan change when new information becomes available. However, unless the provision would apply to the whole district, the area where a flood assessment is required does need to be shown on the planning maps as a Plains Flood Management Overlay. I therefore recommend that the Urban Estates submission point be accepted, and the Kāinga Ora submission point be accepted in part as shown in **Appendix 2**.

¹³⁸ DPR-0410.002, DPR-0410.003 Urban Estates

¹³⁹ DPR-0141.059, DPR-0414.061 Kāinga Ora

- 17.10 Dairy Holdings¹⁴⁰ request that the NH-R1 and NH-REQ2 each be retained as notified. For the reasons discussed below, I am recommending amendments to both NH-R1 and NH-REQ2, and therefore recommend that that submission point be accepted in part.
- 17.11 RIL¹⁴¹ requests that NH-R1 be retained as notified, subject to their subsequent submission point relating to high hazard areas. For the reasons discussed below, I am recommending amendments to NH-R1 and therefore recommend that the submission point be accepted in part.
- 17.12 CRC¹⁴² request that NH-R1.15.b.ii, NH-R2.3.c and NH-REQ2.6.b each be amended to instead refer to compliance with a flood assessment certificate issued in accordance with a schedule to be inserted in the PDP, and provide possible text for such a schedule.¹⁴³ This would be consistent with the approach taken in Christchurch District Plan Rule 5.4.1.2, and NH-S1 of the recently notified Proposed Waimakariri District Plan, providing a level of consistency in approach across the three districts.
- 17.13 Council engineers are not currently confident that they have the necessary information base or technical skills to make such assessments and issue certification as requested, and so I recommend that these submission points be rejected at this time. If the Council was of a mind to investigate this option further, it could be addressed through a future plan change.
- 17.14 R Potts¹⁴⁴ asks that the Hearing Panel consider the implications of NH-R1, NH-R2 and NH-REQ2 in general and seeks an amendment to NH-R1.15.b.ii, NH-R2.3.c and NH-REQ2.6.b that they consider would improve the grammar of each clause. The Panel is considering the implications of the provisions through their deliberations, and I agree that the requested amendments would improve the grammar of the clauses. I therefore recommend that these submission points be accepted.
- 17.15 MetroPort and Midland & Lyttelton Ports¹⁴⁵ request that NH-R1 be amended to provide an exclusion for important infrastructure and land transport infrastructure within the rule. MetroPort¹⁴⁶ make the same request in relation to NH-R2. Similarly, Orion¹⁴⁷ request that existing utility infrastructure be included in the permitted activity list in each of NH-R1.4, NH-R1.11, NH-R1.15 and NH-R1.19. As discussed in the consideration of policies, the provisions of the *Natural Hazards* chapter apply to important infrastructure and land transport infrastructure only where listed in the *Energy and Infrastructure* or *Transport* chapters. NH-R1 and NH-R2 do not apply to either important infrastructure nor land transport infrastructure, and so I recommend that the submission points be rejected.
- 17.16 ESAI¹⁴⁸ seek that those parts of NH-R1, NH-R2, NH-REQ1 and NH-REQ2 relating to the Coastal Inundation Overlay be deleted. It is recommended that the submission be rejected because not addressing coastal inundation would result in the PDP not giving effect to the NZCPS and the CPRS.

¹⁴⁰ DPR-0372.030, DPR-0372.033 Dairy Holdings

¹⁴¹ DPR-0390.021 RIL

¹⁴² DPR-0260.046, DPR-0260.049, DPR-0260.052 CRC

¹⁴³ DPR-0260.047 CRC

¹⁴⁴ DPR-0256.003, DPR-0256.004, DPR-0256.006, DPR-0256.007 R Potts

¹⁴⁵ DPR-0068.014 MetroPort, DPR-0446.FS002 Transpower, DPR-0456.095 Midland & Lyttelton Ports

¹⁴⁶ DPR-0068.015 MetroPort, DPR-0446.FS003 Transpower

¹⁴⁷ DPR-0367.071 Orion, DPR-0407.FS640 Forest & Bird

¹⁴⁸ DPR-0212.019, DPR-0212.020, DPR-0212.022, DPR-0212.023 ESI

- 17.17 CRC¹⁴⁹ seek amendments to each of NH-R1.1 and NH-R1.8, so that repair and maintenance are not covered by the rule, and to clarify the intent of where the rule applies. I agree that repair and maintenance do not need to be included in the rule because such activities fall clearly within the scope of an existing use right, and that the proposed amendments for NH-R1.1.a and NH-R1.4.a would clarify the intent of when the rule applies. As such I recommend that these submission points be accepted and NH-R1 be amended as shown in **Appendix 2**.
- 17.18 CRC¹⁵⁰ seek amendments to each of NH-R1.4 and NH-R1.11 so that repair to an existing residential unit that has been damaged by the direct action of the sea is not captured by the rule. I agree that repair does not need to be included in the rule because such activities fall clearly within the scope of an existing use right. As such I recommend that these submission points be accepted and NH-R1 be amended as shown in **Appendix 2**.
- 17.19 Winstone and Summerset¹⁵¹ request that NH-R1.15 be amended so that it applies only to alterations and additions, but not to the reconstruction or replacement of existing buildings. I agree that the reconstruction or replacement of residential units would fall within the scope of existing use rights, and so recommend that the submission points be accepted and NH-R1 be amended as shown in **Appendix 2**.
- 17.20 The combination of the amendments in response to the CRC, Winstone and Summerset¹⁵² submissions would leave the alteration, reconstruction or replacement of existing residential units and other principal buildings permitted in coastal hazard areas and the Waimakariri Flood Management Overlay, subject to standards, and alterations and additions permitted, subject to standards in the Plains Flood Management Overlay.
- 17.21 One of the applicable standards in the Plains Flood Management Overlay is that the building is not in a high hazard area. This would leave alterations or additions to existing residential units or other principal buildings in high hazard areas of the Plains Flood Management Overlay as RDIS activities, even though the same activity is permitted, subject to floor height requirements, in the high hazard Waimakariri Flood Management Overlay. However, Fonterra, Dairy Holdings (despite their request that NH-R1 be retained as notified), Craigmore, RIL and Midland & Lyttelton Ports¹⁵³ request the removal of the provisions in NH-R1 associated with high hazard areas as they relate to the Plains Flood Management Overlay, which in this instance is NH-R1.15.a. These submissions provide scope to amend NH-R1.15 for consistency with the treatment of existing buildings in other high hazard areas, so that alterations and additions are permitted, subject to standards. I therefore recommend that these submission points be accepted and NH-R1.15 amended as shown in **Appendix 2**.
- 17.22 CRC¹⁵⁴ request that an advice note be included with NH-R1.15, advising that information showing the modelled flood characteristics within specific parts of the district is publicly available online via Canterbury Maps, that this information is indicative only and will be updated to reflect the best

¹⁴⁹ DPR-0260.141, DPR-0260.042 CRC

¹⁵⁰ DPR-0260.043, DPR-0260.044 CRC

¹⁵¹ DPR-0215.028 Winstone, DPR-0217.010 Summerset

¹⁵² DPR-0215.028 Winstone, DPR-0217.010 Summerset, DPR-0260.141, DPR-0260.042, DPR-0260.043, DPR-0260.044 CRC

¹⁵³ DPR-0370.039 Fonterra, DPR-0372.137 Dairy Holdings, DPR-0388.060 Craigmore, DPR-0390.101 RIL, DPR-0453.063 Midland & Lyttelton Ports

¹⁵⁴ DPR-0260.045 CRC

information as it becomes available, and that a party may provide the Council with a site-specific flood assessment prepared by a suitably qualified and experienced person. The first two parts are statements of fact – flood model information is publicly available via Canterbury Maps, it is indicative, and it is updated over time as information becomes available. The third reflects that a site-specific flood assessment may be prepared by someone other than Council, which is essentially as requested by the further submitters in their primary submissions¹⁵⁵. I consider that the inclusion of such information would be helpful, but given its wide applicability that it should form part of the Note to Plan Users at the start of the Rules section, rather than part of NH-R1.15. I therefore recommend that the submission point be accepted in part and that the PDP be amended as shown in **Appendix 2**.

- 17.23 Fonterra¹⁵⁶ request that NH-R1.15 be amended so that it applies only to residential units or other principal building used in association with a residential activity, rather than to residential units and all other principal buildings. In their submission on NH-P10, Fonterra¹⁵⁷ supported that part of the policy requiring all principal buildings to be an appropriate height above a 200-year ARI flood event, which is what NH-R1.15 as notified requires. The amendment requested would mean that principal buildings involving or housing substantial investments, such as dairy milking sheds, shearing sheds and vegetable packing houses, would be left vulnerable in a 200-year ARI flood event, thereby slowing or preventing community recovery from such an event. I therefore recommend that the submission points be rejected.
- 17.24 Investore Property¹⁵⁸ request that NH-R1.15.b.ii be amended to specify that the rule only applies in the Plain Flood Protection Overlay (presumed to be the Plains Flood Management Overlay). As noted in HPW5 – Rule Numbering and Shortcodes, the first column of the rules table references the area where the rule applies. NH-R1.15 is referenced as applying in the Plains Flood Management Overlay, and so that information need not be repeated in the text of the rule. I therefore recommend that the submission point be rejected.
- 17.25 Midland & Lyttelton Ports¹⁵⁹ request that NH-R1.15 and NH-R2 be amended to ensure that it does not extend to twenty-foot equivalent units (TEUs) / Containers and ensure that containers can be located on land within the Plains Flood Management Overlay as a permitted activity. This matter has been addressed in Hearing 2: Part 1 - Introduction and General Provisions as a recommended amendment to the definition of ‘principal building’. As such, TEUs/containers would not fall within the definition of ‘principal building’ within the Port zone, and so would not be subject to NH-R1.15 or NH-R2. No further amendment to the PDP is required to achieve the outcome sought and so I recommend that this submission point be rejected.
- 17.26 CRC¹⁶⁰ request that an advice note be included in NH-R1.19, stating that the existing finished floor level will still be subject to Building Act requirements. I consider that the inclusion of such information would be helpful, but given its wide applicability that it should form part of the Note to

¹⁵⁵ DPR-0358.172 RWRL, DPR-0363.171 IRHL, DPR-0374.177 RIHL, DPR-0384.179 RIDL

¹⁵⁶ DPR-0370.046 Fonterra

¹⁵⁷ DPR-0370.045 Fonterra

¹⁵⁸ DPR-0323.011 Investore Property

¹⁵⁹ DPR-0453.067, DPR-0453.068 Midland & Lyttelton Ports

¹⁶⁰ CRC-0260.048 CRC

Plan Users at the start of the Rules section, rather than part of NH-R1.19. I therefore recommend that the submission point be accepted in part and that the PDP be amended as shown in **Appendix 2**.

- 17.27 DOC¹⁶¹ request that NH-R1 and NH-R2 be amended to address the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered. I recommend that the submission point be rejected because the provisions relating to natural character, and the places where they apply, respond to the relevant objectives and higher order documents, and the provisions relating to natural character are clearly set out in the *Natural Character* chapter. There is little geographic alignment between the natural character areas and natural hazard areas, and it would be unreasonable to expand restrictions on use and development relating to natural hazards beyond where they are required.
- 17.28 RIL and Winstone¹⁶² request that NH-R2 be retained as notified. For the reasons discussed below, I am recommending amendments to NH-R2, and therefore recommend that that submission points be accepted in part.
- 17.29 In relation to NH-R2, W Pettigrew¹⁶³ considers that there should not be blanket requirements for flood risk mitigation, and that insurance companies must instead take responsibility for imposing mitigation measures and negotiating these with individual owners or developers. However, the management of significant risks from natural hazards is a s6 RMA matter of national importance that the PDP must recognise and provide for. I therefore recommend that the submission point be rejected.
- 17.30 Fonterra, Dairy Holdings, Craigmere, RIL and Midland & Lyttelton Ports¹⁶⁴ request the removal of the provisions in NH-R2 associated with high hazard areas as they relate to the Plains Flood Management Overlay, which in this instance is NH-R2.3.a. This would result in provisions that did not give effect to the CRPS, and so I recommend that the submission points be rejected. The difference in my recommendations for these points compared to my recommendations in relation to NH-R1 stems from the fact the NH-R1 covers existing buildings where a level of existing use applies, and that NH-R2 covers new buildings.
- 17.31 Hughes¹⁶⁵ request in relation to NH-R2 that a reduced minimum floor height of 150mm above a 200-year ARI flood event where the water depth is less than 100mm, with the 300mm minimum floor height retained where the projected water depth is greater than 100mm. The CRPS requires Council to provide an appropriate floor height above a 200-year flood of any depth¹⁶⁶. For housing, the Building Code requires, as an acceptable solution, at least one gully trap at least 150mm below the overflow level of the lowest sanitary fixture within the system which is generally the shower (because such fixtures are at ground level). The height of overflow level of the dish for this gully trap must also be above ground level, at a height that varies depending on the surface of the surrounding

¹⁶¹ DPR-0427.141, DPR-0427.142 DOC

¹⁶² DPR-0390.022 RIL, DPR-0215.030 Winstone

¹⁶³ DPR-0031.001 W Pettigrew

¹⁶⁴ DPR-0370.040 Fonterra, DPR-0372.138 Dairy Holdings, DPR-0388.061 Craigmere, DPR-0390.102 RIL, DPR-0453.064 Midland & Lyttelton Ports

¹⁶⁵ DPR-0419.002 Hughes

¹⁶⁶ CRPS Policy 11.3.2 Avoid development in areas subject to inundation

ground, in order to prevent the entry of ground water, but includes 100mm above ground level for unpaved surfaces.

- 17.32 This results in a requirement for 100mm ground level to gully trap and 150mm gully trap to overflow. When an allowance for the thickness of the floor is included above the overflow (finished floor height is measured from the top of the floor), a minimum floor height of 300mm above the water level results. 150mm is insufficient allowance and so I recommend that the submission point be rejected.
- 17.33 RWRL, IRHL, RIHL and RIDL¹⁶⁷ request that NH-R1.15, NH-R2.3 and NH-REQ2.6 be amended to allow for a permitted activity status where the floor height is lower than 300mm above a 200-yr ARI flood event, but where the building is subject to a design certified by an appropriate engineer, as being adequate to remedy or mitigate the flood hazard risk to an acceptable standard. Similarly, MoE¹⁶⁸ request that NH-R1.15.a be amended to provide criteria within the rule that allows for development in high hazard areas as a permitted activity.
- 17.34 Summerset¹⁶⁹ seeks that non-compliance with NH-R2.3.c be a CON activity rather than RDIS, where a site-specific assessment demonstrates that an alternative minimum building floor level can be applied to the site.
- 17.35 Rules determining activity status need to be certain and measurable, so that the status of a proposed activity is easily understood by all parties. The requested amendments introduce a need for judgment into the rule, which would create room for uncertainty and therefore argument. While the requested approaches require the provision of information that could be provided to accompany an application for resource consent, they do not provide adequate certainty for a rule that determines activity status. While an appropriate engineer would be in a position to recommend a complying floor height, where a lower floor height is proposed, the circumstances of the wider environment need to be considered through a resource consent process. I therefore recommend that these submission points be accepted in part, so that the ability to allow lower floor heights as a permitted activity be rejected, but that provision be made to enable an appropriate engineer would be in a position to recommend a complying floor height.
- 17.36 Fonterra¹⁷⁰ request that NH-R2.3 be amended so that it applies only to residential units or other principal building used in association with a residential activity, rather than to residential units and all other principal buildings. In their submission on NH-P10, Fonterra¹⁷¹ supported that part of the policy requiring all principal buildings to be an appropriate height above a 200-year ARI flood event, which is what NH-R2.3 as drafted requires. The amendment requested would mean that principal buildings involving or housing substantial investments, such as dairy milking sheds, shearing sheds and vegetable packing houses, would be left vulnerable in a 200-year ARI flood event, thereby slowing or preventing community recovery from such an event. I therefore recommend that the submission points be rejected.

¹⁶⁷ DPR-0358.172, DPR-0363.173, DPR-0358.178 RWRL, DPR-0363.171, DPR-0363.172, DPR-0363.177 IRHL, DPR-0374.177, DPR-0374.178, DPR-0374.183 RIHL, DPR-0384.179, DPR-0384.180, DPR-0384.185 RIDL

¹⁶⁸ DPR-0378.015, DPR-0378.016 MoE

¹⁶⁹ DPR-0217.012 Summerset

¹⁷⁰ DPR-0370.047 Fonterra

¹⁷¹ DPR-0370.045 Fonterra

17.37 Dairy Holdings and Craigmere¹⁷² both request that NH-R2.4 be amended so that establishment of any new residential unit or other principal building either in a high flood hazard area or between a stopbank and its waterbody becomes an RDIS activity, rather than NC. I do not consider that that either NH-P1 or NH-P11 would be given effect to by such an activity status, and recommend that the submission points be rejected.

17.38 Winstone and Summerset¹⁷³ request that NH-REQ2 be deleted as notified, while RIL¹⁷⁴ request the removal of the provisions in NH-REQ2 associated with high hazard areas as they relate to the Plains Flood Management Overlay. NH-REQ2 provides guidance about what will be considered an ‘existing use right’ in relation to the position of a reconstructed or replacement buildings, in order to provide certainty to Plan users, and so I recommend that the submission points be rejected.

Recommendations and amendments

17.39 I recommend, for the reasons given above, that the Hearing Panel amend the Note to Plan Users at the start of the Rules section as shown in **Appendix 2**, in order to improve clarity and certainty for Plan users.

17.40 I recommend, for the reasons given above, that the Hearing Panel amend NH-R1 and NH-R2 as shown in **Appendix 2**, in order to improve clarity and certainty for Plan users.

17.41 I recommend, for the reasons given above, that the Hearing Panel retain NH-REQ1 and NH-REQ3 as notified.

17.42 I recommend, for the reasons given above, that the Hearing Panel amend NH-REQ2 as shown in **Appendix 2**, in order to improve clarity and certainty for Plan users.

17.43 I recommend, for the reasons given above, that the Hearing Panel decline to insert a new schedule relating to the Plains Flood Management Overlay.

17.44 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

17.45 The extent of the recommended changes do not require a s32AA evaluation.

NH-R3 Earthworks in Natural Hazard Overlays, NH-REQ4 Natural Hazards and Earthworks, and the *Earthworks* Chapter

Introduction

17.46 In relation to natural hazards, earthworks are subject to NH-R3 and NH-REQ4 as a package, and so the two have been considered together.

17.47 Earthworks in natural hazards areas are also subject to the general provisions contained in the *Earthworks* chapter.

¹⁷² DPR-0372.031 Dairy Holdings, DPR-0388 Craigmere

¹⁷³ DPR-0215.029 Winstone, DPR-0217.011 Summerset

¹⁷⁴ DPR-0390.103 RIL

Submissions – NH-R3 Earthworks in Natural Hazard Overlays

17.48 Fifteen submission points and 11 further submission points were received in relation to NH-R3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	021	NH-R3	Oppose	Delete those parts of NH-R3 that relate to the Coastal Inundation Overlay
DPR-0213	Plant and Food & Landcare	018	NH-R3	Oppose	Delete as notified
DPR-0215	Winstone	031	NH-R3	Support	Retain as notified
DPR-0217	Summerset	013	NH-R3	Support	Retain as notified
DPR-0260	CRC	050	NH-R3	Support In Part	Amend as follows: 1. Earthworks <u>excluding</u> land disturbance.
DPR-0358	RWRL	FS090	NH-R3	Support	Adopt
DPR-0363	IRHL	FS090	NH-R3	Support	Adopt
DPR-0372	Dairy Holdings	FS028	NH-R3	Support	Accept the submission.
DPR-0374	RIHL	FS090	NH-R3	Support	Adopt
DPR-0384	RIDL	FS090	NH-R3	Support	Adopt
DPR-0422	FFNC	FS028	NH-R3	Support	Allow the submission point
DPR-0269	HNZPT	007	NH	Oppose	Require that activities such as earthworks and land instability mitigation works identified in the natural hazards section of Plan are required to comply with <i>Historic Heritage</i> rules - in a similar way as in TRAN-REQ1.3.
DPR-0358	RWRL	174	NH-R3	Support	Retain as notified
DPR-0363	IRHL	173	NH-R3	Support	Retain as notified
DPR-0372	Dairy Holdings	032	NH-R3	Support	Retain as notified
DPR-0374	RIHL	179	NH-R3	Support	Retain as notified
DPR-0384	RIDL	181	NH-R3	Support	Retain as notified
DPR-0390	RIL	023	NH-R3	Support	Retain as notified.
DPR-0414	Kāinga Ora	063	NH-R3	Support In Part	Shift the earthworks provision to the Earthworks chapter.
DPR-0427	DOC	039	NH-R3	Oppose In Part	Amend NH-R3 or NH-REQ4 to include a condition about adverse effects on indigenous biodiversity.
DPR-0301	UWRG	FS181	NH-R3	Support	Allow in full
DPR-0407	Forest & Bird	FS205	NH-R3	Support	Accept the submission
DPR-0422	FFNC	FS014	NH-R3	Oppose	Disallow the submission point
DPR-0427	DOC	143	NH-R3	Oppose	Make amendments to the Proposed Plan to address to the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered.
DPR-0301	UWRG	FS285	NH-R3	Support	Allow in full
DPR-0407	Forest & Bird	FS308	NH-R3	Support	Accept the submission

Submissions – NH-REQ4 Natural Hazards and Earthworks

17.49 Sixteen submission points and eight further submission points were received in relation to NH-REQ4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0154	E Moorhead	005	NH-REQ4	Neither Support Nor Oppose	Requests that Council maintain the focus of these networks on drainage and not be diverted into other considerations which then negatively impact drainage.
DPR-0205	Lincoln University	030	NH-REQ4	Oppose	Delete as notified.
DPR-0212	ESAI	024	NH-REQ4	Oppose	Delete those parts of NH-REQ4 that relate to the Coastal Inundation Overlay
DPR-0215	Winstone	032	NH-REQ4	Support	Retain as notified
DPR-0217	Summerset	014	NH-REQ4	Support	Retain as notified
DPR-0260	CRC	053	NH-REQ4	Support In Part	Amend as follows: 1. The activity does not <u>exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land</u> alter the flow of flood water from or onto any other property.
DPR-0215	Winstone	FS021	NH-REQ4	Support	Accept the submission.
DPR-0217	Summerset	FS005	NH-REQ4	Support	Accept the submission.
DPR-0358	RWRL	FS092	NH-REQ4	Support	Adopt
DPR-0363	IRHL	FS092	NH-REQ4	Support	Adopt
DPR-0374	RIHL	FS092	NH-REQ4	Support	Adopt
DPR-0384	RIDL	FS092	NH-REQ4	Support	Adopt
DPR-0422	FFNC	FS031	NH-REQ4	Support	Allow the submission point
DPR-0269	HNZPT	007	NH	Oppose	Require that activities such as earthworks and land instability mitigation works identified in the natural hazards section of Plan are required to comply with <i>Historic Heritage</i> rules - in a similar way as in TRAN-REQ1.3.
DPR-0358	RWRL	179	NH-REQ4	Oppose	Delete as notified
DPR-0363	IRHL	178	NH-REQ4	Oppose	Delete as notified
DPR-0367	Orion	072	NH-REQ4	Oppose	Delete as notified.
DPR-0407	Forest & Bird	FS641	NH-REQ4	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0372	Dairy Holdings	034	NH-REQ4	Support In Part	Amend as follows: 1. The activity does not <u>materially</u> alter the flow of flood water from or onto any other property.
DPR-0374	RIHL	184	NH-REQ4	Oppose	Delete as notified
DPR-0384	RIDL	186	NH-REQ4	Oppose	Delete as notified
DPR-0388	Craigmore	016	NH-REQ4	Support	Amend as follows: 1. The activity does not <u>materially</u> alter the flow of flood water from or onto any other property.
DPR-0390	RIL	024	NH-REQ4	Support In Part	Amend as follows: 1. The activity does not <u>materially</u> alter the flow of flood water from or onto any other property.
DPR-0414	Kāinga Ora	067	NH-REQ4	Support In Part	Shift the earthworks provision to the <i>Earthworks</i> chapter.

Analysis

- 17.50 Winstone and Summerset¹⁷⁵ each request that NH-R3 and NH-REQ4 both be retained as notified. As a result of the recommendation to delete NH-R3 below, I recommend that these submission points be rejected as they relate to NH-R3 and accepted as they relate to NH-REQ4.
- 17.51 RWRL IRHL, RIHL and RIDL¹⁷⁶ request that NH-R3 be retained as notified, but that NH-REQ4 be deleted. As a result of the recommendation to delete NH-R3 below, with reference to NH-REQ4 being moved to the relevant *Earthworks* chapter rules I recommend that these submission points be rejected.
- 17.52 Dairy Holdings and RIL¹⁷⁷ request that NH-R3 be retained as notified. As a result of the recommendation to delete NH-R3 below, I recommend that these submission points be rejected.
- 17.53 Plant and Food & Landcare¹⁷⁸ request that NH-R3 be deleted as notified, on the basis that the current drafting of the rule leads to a potential requirement that any development (of any scale or form within the spatially extensive Plains Flood Management Overlay) requires a flood modelling assessment. I agree that the rule as notified does require any proposed earthworks to be considered for their potential to cause or exacerbate flooding for any other property, at a scale and level of detail consummate with the scale of the proposed earthworks. That is the intent of the rule. I therefore recommend that the submission point be rejected.
- 17.54 Lincoln University and Orion¹⁷⁹ did not submit on NH-R3, but each requests that NH-REQ4 be deleted. The intent of the requirement is to ensure that earthworks on one property do not adversely affect flood water on another property, which I consider is a reasonable threshold. I therefore recommend that these submission points be rejected.
- 17.55 E Moorehead¹⁸⁰ did not submit on NH-R3 and neither supports nor opposes NH-REQ4, but requests that Council maintain the focus of land drains on drainage, without being diverted into other considerations which then negatively impact drainage. I consider that avoiding the creation of new or exacerbated flood issues on neighbouring land, as intended by NH-R3 and NH-REQ4, does contribute to land drainage and so recommend that the submission point be accepted.
- 17.56 ESAI¹⁸¹ seek that those parts of NH-R3 and NH-REQ4 relating to the Coastal Inundation Overlay be deleted. I recommend that the submission points be rejected because not addressing coastal inundation would result in the PDP not giving effect to the NZCPS or the CPRS.
- 17.57 Kāinga Ora¹⁸² request that both NH-R3 and NH-REQ4 be moved to the *Earthworks* chapter. As noted above, earthworks in natural hazard overlays are also subject to the provisions of the *Earthworks* chapter. I consider that it would improve plan effectiveness and efficiency to accept the Kāinga Ora

¹⁷⁵ DPR-0215.031, DPR-0215.032 Winstone, DPR-0217.013, DPR-0217.014 Summerset

¹⁷⁶ DPR-0358.174, DPR-0358.179 RWRL, DPR-0363.173 DPR-0363.178 IRHL, DPR-0374.179, DPR-0374.184 RIHL, DPR-0384.181, DPR-0384.186 RIDL

¹⁷⁷ DPR-0372.032 Dairy Holdings, DPR-0390.023 RIL

¹⁷⁸ DPR-0213.018 Plant and Food & Landcare

¹⁷⁹ DPR-0205.030 Lincoln University, DPR-0367.072 Orion

¹⁸⁰ DPR-0154.005 E Moorehead

¹⁸¹ DPR-0212.021, DPR-0212.024 ESAI

¹⁸² DPR-0414.063, DPR-0414.067 Kāinga Ora

submission in part by deleting NH-R3 and instead inserting NH-REQ4 as a rule requirement to be complied with for each of:

- EW-R1 Earthworks subject to a building consent
- EW-R2 Earthworks
- EW-R4 Earthworks in the Dairy Processing Zone, and
- EW-R5 Stockpiling

17.58 Including NH-REQ4 in EW-R3 Earthworks in the Grasmere Zone is considered unnecessary because the zone is outside any of the natural hazard overlays listed in NH-REQ4.

17.59 Including NH-REQ4 in EW-R6 Test Pits and EW-R7 Excavation for Wells/Bores is considered unnecessary because of the small-scale nature of the activities permitted by these rules means that they are extremely unlikely to have any natural hazard effect beyond the boundary of their site.

17.60 As the PDP is drafted, activities managed by these rules are already subject to NH-R3 where they are in a flood area and therefore already subject to NH-REQ4. Moving the reference from the *Natural Hazards* chapter to the *Earthworks* chapter would simplify the PDP, improving clarity and ease of use. However, NH-REQ4 implements the natural hazard objectives and policies, and so needs to remain in the *Natural Hazards* chapter.

17.61 CRC¹⁸³ request that NH-R3 be amended to clarify that land disturbance is not included in NH-R3. As noted above, earthworks in natural hazard overlays are also subject to the provisions of the Earthworks chapter, which includes rule requirements that essentially permit land disturbance. As such, and subject to the recommended amendments resulting from Kāinga Ora's submission I do not consider that the requested amendment is necessary and therefore recommend that it be rejected.

17.62 Dairy Holdings, RIL and Craigmore¹⁸⁴ each request that NH-REQ4 be amended so that the activity does not materially alter the flow of water. This introduces a level of judgement, and therefore uncertainty, into a rule requirement, which instead needs to be measurable and certain. I therefore recommend that the submission points be rejected.

17.63 CRC¹⁸⁵ also request that NH-REQ4 be amended to recognise that earthworks can result in changes to standing flood water on other land, not just the direction and speed of flowing water, which can also have impacts on surrounding land. I consider that the requested amendment would increase certainty and improve clarity for Plan users and therefore that it be accepted.

17.64 NZHPT¹⁸⁶ request that each of NH-R3 and NH-REQ4 be amended to require that activities such as earthworks and land instability mitigation works identified in the natural hazards section of the PDP are required to comply with Historic Heritage rules in a similar way as in TRAN-REQ1.3. I recommend that the submission point be rejected, as activities that are proposed within a heritage overlay are already subject to the *Historic Heritage* chapter, without the provisions needing to be replicated in

¹⁸³ DPR-0260.50 CRC

¹⁸⁴ DPR-0372.034 Dairy Holdings, DPR-0388.016 Craigmore, DPR-0390.024 RIL

¹⁸⁵ DPR-0260.053 CRC

¹⁸⁶ DPR-0269.007 HNZPT

a chapter that does not contain relevant objectives or policies. The *Transport* chapter is different because, as required by the Planning Standards and like the Energy and infrastructure chapter, it is a complete code in itself.

17.65 DOC¹⁸⁷ request that NH-R3 or NH-REQ4 be amended to include a condition about adverse effects on indigenous biodiversity. I recommend that the submission point be rejected, as activities that are proposed within an indigenous biodiversity overlay are already subject to the *Ecosystems and Indigenous Biodiversity* chapter, without the provisions needing to be replicated in a chapter that does not contain relevant objectives or policies.

17.66 DOC¹⁸⁸ also request that the PDP be amended to address the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered. I recommend that the submission point be rejected because the provisions relating to natural character, and the places where they apply, respond to the relevant objectives and higher order documents, as set out in the *Natural Character* chapter. There is little geographic alignment between the natural character areas and natural hazard areas, and it would be unreasonable to expand restrictions on use and development relating to natural hazards beyond where they are required.

Recommendations and amendments

17.67 I recommend, for the reasons given above, that the Hearing Panel delete NH-R3 as notified, and instead insert the requirement to comply with NH-REQ4 into each of Earthworks Rules EW-R1, EW-R2, EW-R4 and EW-R5, as shown in **Appendix 2**. The proposed amendment would delete an unnecessary rule while ensuring that the effects of earthworks in flood areas on other land are appropriately managed, with the need to comply with the relevant rule requirement more clearly signaled in the relevant earthworks rules.

17.68 I recommend, for the reasons given above, that the Hearing Panel amend NH-REQ4 as shown in **Appendix 2**, in order to increase certainty and improve clarity for Plan users.

17.69 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

17.70 The scale of change does not require a s32AA evaluation.

NH-R4 Natural Hazard Mitigation Works – Coastal Hazard Mitigation Works

Submissions

17.71 Five submissions and two further submissions were received in relation to NH-R4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	175	NH-R4	Support	Retain as notified
DPR-0363	IRHL	174	NH-R4	Support	Retain as notified
DPR-0374	RIHL	180	NH-R4	Support	Retain as notified
DPR-0384	RIDL	182	NH-R4	Support	Retain as notified

¹⁸⁷ DPR-0427.039 DOC

¹⁸⁸ DPR-0427.143 DOC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	DOC	040	NH-R4	Oppose In Part	Amend to delete earthworks provision exclusions.
DPR-0301	UWRG	FS182	NH-R4	Support	Allow in full
DPR-0407	Forest & Bird	FS206	NH-R4	Support	Accept the submission

Analysis

17.72 RWRL, IRHL, RIHL and RIDL¹⁸⁹ all request that the provision be retained as notified. As no changes to NH-R4 are proposed, I recommend that these submission points be accepted.

17.73 DOC¹⁹⁰ seek that the proposed exemption from complying with earthworks provisions for the operation or maintenance of an existing coastal hazard mitigation work be deleted. I recommend that the submission point be rejected for the following reasons:

17.73.1 The proposed exemption relates only to the operation and maintenance of an existing coastal hazard mitigation work, of all types. In allowing the mitigation work to be established in the first place, it has been accepted that operation and maintenance activities, potentially including a degree of earthworks, will be required over time. Earthworks associated with operation and maintenance are arguably within the scope of an existing use right, and the proposed exemption merely clarifies the Council's position in this respect.

17.73.2 Any replacement or upgrading of the mitigation works is not covered by the proposed exemption, and so all relevant effects would be assessed at the time such an upgrade or replacement was proposed.

17.73.3 The establishment of any new hard protection coastal hazard mitigation work is not covered by the proposed exemption and so all relevant effects would be assessed at the time such a work was proposed.

Recommendations

17.74 I recommend, for the reasons given above, that the Hearing Panel retain NH-R4 as notified.

17.75 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-R5 Natural Hazard Mitigation Works – Defences Against Water and NATC-REQ1 Setbacks from Surface Water Bodies - Earthworks and Earthworks Stockpiles

Introduction

17.76 In addition to the submissions relating to NH-R5, one submission point was received on NATC-REQ1 relating to earthworks undertaken for the operation or maintenance of any public flood, erosion or drainage works administered by a Regional or Territorial Authority.

¹⁸⁹ DPR-0358.175 RWRL, DPR-0363.174 IRHL, DPR-0374.180 RIHL, DPR-0384.182 RIDL

¹⁹⁰ DPR-0427.040 DOC

Submissions – NH-R5 Natural Hazard Mitigation Works – Defences Against Water

17.77 Seven submission points and three further submission points were received in relation to NH-R5.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	051	NH-R5	Support In Part	Amend as follows: 1. The maintenance or operation of any existing <u>public flood, erosion or drainage works administered by a Regional or Territorial Authority defence against water</u> . The earthworks provisions in any chapter shall not apply to any activity permitted under NH-R5.1. 2.. The upgrading of any existing <u>public flood, erosion or drainage works administered by a Regional or Territorial Authority defence against water</u> . 3. The establishment of any new <u>public flood, erosion or drainage works administered by a Regional or Territorial Authority defence against water</u> .
<i>DPR-0422</i>	<i>FFNC</i>	<i>FS029</i>	<i>NH-R5</i>	<i>Oppose</i>	<i>Disallow the submission point</i>
DPR-0358	RWRL	176	NH-R5	Support	Retain as notified
DPR-0363	IRHL	175	NH-R5	Support	Retain as notified
DPR-0374	RIHL	181	NH-R5	Support	Retain as notified
DPR-0375	WKNZTA	082	NH-R5	Oppose In Part	Amend Rule so that any water protection works associated with the protection of a state highway are a permitted activity, particularly regarding the upgrading of existing structures.
DPR-0384	RIDL	183	NH-R5	Support	Retain as notified
DPR-0427	DOC	041	NH-R5	Oppose In Part	Amend to delete earthworks provision exclusions.
<i>DPR-0301</i>	<i>UWRG</i>	<i>FS183</i>	<i>NH-R5</i>	<i>Support</i>	<i>Allow in full</i>
<i>DPR-0407</i>	<i>Forest & Bird</i>	<i>FS207</i>	<i>NH-R5</i>	<i>Support</i>	<i>Accept the submission</i>

Submissions – NATC-REQ1 Setbacks from Surface Water Bodies - Earthworks and Earthworks Stockpiles

17.78 One submission point was received in relation to NATC-REQ1, relating to the operation or maintenance of any public flood, erosion or drainage works administered by a Regional or Territorial Authority.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	108	NATC-REQ1	Support In Part	That permitted activity earthworks are provided for within the setbacks contained in NATC-REQ1 when undertaken for the operation or maintenance of any public flood, erosion or drainage works administered by a Regional or Territorial Authority.

Analysis

17.79 RWRL, IRHL, RIHL and RIDL¹⁹¹ each request that the provision be retained as notified.

17.80 CRC¹⁹² request that the defined term ‘defence against water’ be replaced with ‘public flood, erosion or drainage works administered by a Regional or Territorial Authority’. Their position is that the delivery of public flood, erosion and drainage works requires a wider works program than just maintaining the structures and devices included in the definition of a Defence Against Water. The extent of existing works undertaken in accordance with the Soil Conservation and Rivers Control Act 1941 and Land Drainage Act 1908 is recorded within the relevant Environment Canterbury Asset Management Plans. They are concerned that works outside of this scope would not be permitted under this rule. The examples given of such works are ‘proactive works for preparing, maintaining or enhancing existing flood protection vegetation that provide bank and land stability, or repairs and protection required in response to active bank erosion’.

17.81 CRC suggests that the alternative term ‘specified infrastructure’, as defined in the National Policy Statement for Freshwater Management 2020 could be used instead of the term ‘defence against water’. This definition reads:

specified infrastructure means any of the following:

(a) *infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)*

(b) *regionally significant infrastructure identified as such in a regional policy statement or regional plan*

(c) *any public flood control, flood protection, or drainage works carried out:*

(i) *by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or*

(ii) *for the purpose of drainage by drainage districts under the Land Drainage Act 1908*

17.82 I consider that the CRC’s concern is based on a misreading of s9(3) RMA, which, in general, allows any activity to occur unless it contravenes a district plan rule. NH-R5 as drafted does not make works outside the definition of ‘defence against water’ not a permitted activity. It does not manage them at all. Public flood, erosion and drainage works that are not a ‘defence against water’ are a permitted activity, unless they breach another district-wide or zone rule in the Plan. Therefore, there is no need to amend the rule as requested and so I recommend that the submission point be rejected.

17.83 CRC¹⁹³ also request that permitted activity earthworks are provided for within the setbacks contained in NATC-REQ1 when undertaken for the operation or maintenance of any public flood, erosion or drainage works administered by a Regional or Territorial Authority. I recommend that the submission point be rejected because NH-R5 already contains an exemption from all other earthworks rules in the PDP for the maintenance and operation of any defence against water, and so no amendments to the PDP are required.

17.84 WKNZTA¹⁹⁴ request that the rule be amended so that any water protection works associated with the protection of a state highway are a permitted activity, particularly regarding the upgrading of

¹⁹¹ DPR-0358.176 RWRL, DPR-0363.175 IRHL, DPR-0374.181 RIHL, DPR-0384.183 RIDL

¹⁹² DPR-0260.051 CRC

¹⁹³ DPR-0260.108 CRC

¹⁹⁴ DPR-0375.082 WKNZTA

existing structures. They advise that they frequently use structures and similar mechanisms to protect state highways from flooding and similar water related hazards. I recommend that the submission point be rejected, because land transport infrastructure, which includes water protection works associated with the protection of a state highway, is not subject to NH-R5. As such, the requested amendment is not required.

17.85 DOC¹⁹⁵ seek that the proposed exemption from complying with earthworks provisions for the operation or maintenance of a defence against water be deleted. I recommend that the submission point be rejected for the following reasons:

17.85.1 The proposed exemption relates only to the operation and maintenance of existing defences against water. In allowing the mitigation work to be established in the first place, it has been accepted that operation and maintenance activities, potentially including a degree of earthworks, will be required over time. Earthworks associated with operation and maintenance are arguably within the scope of an existing use right, and the proposed exemption merely clarifies the Council's position in this respect.

17.85.2 Any upgrading of a defence against water is not covered by the proposed exemption, and so all relevant effects would be assessed at the time such an upgrade or replacement was proposed.

17.85.3 The establishment of any new defence against water is not covered by the proposed exemption and so all relevant effects would be assessed at the time such a work was proposed.

Recommendations

17.86 I recommend, for the reasons given above, that the Hearing Panel retain NH-R5 as notified.

17.87 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-R6 Natural Hazard Mitigation Works – Retaining Walls and Land Instability Mitigation Works

Submissions

17.88 Six submission points and no further submission points were received in relation to NH-R6.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0269	HNZPT	007	NH	Oppose	Require that activities such as earthworks and land instability mitigation works identified in the natural hazards section of Plan are required to comply with <i>Historic Heritage</i> rules - in a similar way as in TRAN-REQ1.3.
DPR-0358	RWRL	177	NH-R6	Support	Retain as notified
DPR-0363	IRHL	176	NH-R6	Support	Retain as notified
DPR-0374	RIHL	182	NH-R6	Support	Retain as notified

¹⁹⁵ DPR-0427.041 DOC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0375	WKNZTA	083	NH-R6	Oppose	Amend Rule NH-R6 so that any land instability mitigation works associated with the protection of a state highway are a permitted activity.
DPR-0384	RIDL	184	NH-R6	Support	Retain as notified

Analysis

17.89 RWRL, IRHL, RIHL and RIDL¹⁹⁶ all request that the provision be retained as notified. I do not consider that any changes to NH-R6 are required, and therefor recommend that these submission points be accepted.

17.90 HNZPT¹⁹⁷ request that NH-R5 be amended to require that activities such as earthworks and land instability mitigation works identified in the natural hazards section of the PDP are required to comply with *Historic Heritage* rules in a similar way as in TRAN-REQ1.3. I recommend that the submission point be rejected, as activities that are proposed within a heritage overlay are already subject to the *Historic Heritage* chapter, without the provisions needing to be replicated in a chapter that does not contain the relevant objectives or policies. The *Transport* chapter is different because, as required by the Planning Standards and with the *Energy and infrastructure* chapter, it is a complete code.

17.91 WKNZTA¹⁹⁸ request that the rule be amended so that any land instability mitigation works associated with the protection of a state highway are a permitted activity, particularly regarding the upgrading of existing structures. They advise that they frequently use structures and similar mechanisms to protect state highways from land instability hazards. I recommend that the submission point be rejected, because land transport infrastructure, which includes land instability mitigation works associated with the protection of a state highway, is not subject to NH-R6. As such, the requested amendment is not required.

Recommendations

17.92 I recommend, for the reasons given above, that the Hearing Panel retain NH-R6 as notified.

17.93 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

18. NH Rule requirements

NH-REQ5 Natural Hazards and Infrastructure

Submissions

18.1 Fifteen submission points and six further submission points were received in relation to NH-REQ5.

¹⁹⁶ DPR-0358.177 RWRL, DPR-0636.176 IRHL, DPR-0374.182 RIHL, DPR-0384.184 RIDL

¹⁹⁷ DPR-0269.007 HNZPT

¹⁹⁸ DPR-0375.083 WKNZTA

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0124	The Paul Cockburn Trust	002	NH-REQ5	Neither Support Nor Oppose	Amend NH-REQ5 so that it better reflects what is sought by Policy NH-P15 and the associated criteria. Consider a two-tiered rule where only activities which are unable to achieve the criteria in the policy are non-complying otherwise they are a controlled or restricted discretionary.
DPR-0358	RWRL	180	NH-REQ5	Oppose	Delete as notified
DPR-0363	IRHL	179	NH-REQ5	Oppose	Delete as notified
DPR-0367	Orion	073	NH-REQ5	Neither Support Nor Oppose	Amend as follows: 2. When compliance with any of NH-REQ5.1. is not achieved: NC <u>CON</u> 4. When compliance with any of NH-REQ5.3. is not achieved: RDIS <u>CON</u>
DPR-0375	WKNZTA	FS063	NH-REQ5	Support	Adopt recommended amendment
DPR-0407	Forest & Bird	FS642	NH-REQ5	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra	041	NH-REQ5	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0209	M Singh	FS773	NH-REQ5	Oppose In Part	Reject submission in part
DPR-0372	Dairy Holdings	035	NH-REQ5	Oppose	Amend activity status depending on use of building/structure.
DPR-0422	FFNC	FS098	NH-REQ5	Support	Allow the submission point
DPR-0372	Dairy Holdings	139	NH-REQ5	Oppose	Remove provision associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0422	FFNC	FS099	NH-REQ5	Support	Allow the submission point
DPR-0374	RIHL	185	NH-REQ5	Oppose	Delete as notified
DPR-0375	WKNZTA	084	NH-REQ5	Oppose	Amend these requirements to either remove the transport network from its content or suitably recognise the transport network. Corresponding rules referring to these requirements should also be amended to both provide rule linkages and address relevant concerns.
DPR-0384	RIDL	187	NH-REQ5	Oppose	Delete as notified
DPR-0388	Craigmore	017	NH-REQ5	Oppose	Amend activity status depending on use of building/structure.
DPR-0388	Craigmore	064	NH-REQ5	Oppose	Remove provisions associated with High Hazard Areas as they relate to the Plains Flood Management Overlay.
DPR-0390	RIL	025	NH-REQ5	Oppose	Amend to exempt existing infrastructure within a high hazard area.
DPR-0390	RIL	104	NH-REQ5	Oppose	Remove provisions (including objectives, policies, rules and definitions) associated with High Hazard Areas as they relate to the Plains Flood Management Overlay but limited to land where, in a 1 in 500 year AEP event, water depth (in metres) x water velocity (in metres per second) is

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					greater than 1 or water depth is greater than 1m.
DPR-0441	Trustpower	069	NH-REQ5	Oppose	Amend as follows: 3. The activity is located outside all of: a. The Fault Investigation Overlay, <u>except where for the purpose of operating, maintaining, or upgrading the Coleridge HEPS</u> ; and b. The fault <u>Fault</u> Awareness Overlay Or: 2. Retain as notified and excluded from EI-R29.
DPR-0446	Transpower	077	NH-REQ5	Oppose	Amend as follows: 1. <u>Except for the maintenance and upgrade of existing infrastructure, the</u> The activity is located outside all of: a. Any high hazard area; and b. The Greendale Fault Avoidance Overlay 2. When compliance with any of NH-REQ5.1. is not achieved: NE DIS 3. <u>Except for the maintenance and upgrade of existing infrastructure, the</u> The activity is located outside all of: a. The Fault Investigation Overlay; and b. The Fault Awareness Overlay
<i>DPR-0441</i>	<i>Trustpower</i>	<i>FS111</i>	<i>NH-REQ5</i>	<i>Support</i>	<i>Accept</i>
DPR-0453	Midland & Lyttelton Ports	065	NH-REQ5	Oppose	Remove provisions associated with High Hazard Areas associated with the Plains Flood Management Overlay

Analysis

- 18.2 RWRL, IRHL, RIHL and RIDL¹⁹⁹ request that the provision be deleted as notified. Doing so would result in provisions that did not give effect to either the PDP objectives or the CRPS, and so I recommend that these submission points be rejected.
- 18.3 Fonterra, Dairy Holdings, Craigmere, RIL and Midland & Lyttelton Ports²⁰⁰ request that provisions associated with the high hazard areas of the Plains Flood Management Overlay be removed from NH-REQ5. Doing so would result in provisions that did not give effect to either the PDP objectives or the CRPS, and so I recommend that these submission points be rejected.
- 18.4 The Paul Cockburn Trust²⁰¹ requests that NH-REQ5 be amended to better reflect NH-P15, and asks that a 2-tiered rule be considered where only activities which are unable to achieve the criteria in the policy are non-complying otherwise they are a CON or RDIS activity. NH-REQ5 implements more than just NH-P15, and the extent to which a proposal meets the criteria in NH-P15 is a matter for assessment rather than a matter of fact. As such, it would not be possible to determine activity

¹⁹⁹ DPR-0358.180 RWRL, DPR-0363.179 IRHL, DPR-0374 RIHL, DPR-0384.187 RIDL

²⁰⁰ DPR-0370.041 Fonterra, DPR-0372.139 Dairy Holdings, DPR-0388.064 Craigmere, DPR-0390.104 RIL, DPR-0453.065 Midland & Lyttelton Ports

²⁰¹ DPR-0124.002 The Paul Cockburn Trust

status on the extent to which it met the criteria in NH-P15 alone. As such, I recommend that the submission point be rejected.

- 18.5 Orion²⁰² requests that non-compliance with either of NH-REQ5.1 or NH-REQ5.3 result in a CON status, rather than NC or RDIS. The areas subject to NH-REQ5.1 are those where a natural hazard event could have catastrophic effects, which is reflected in the wording of the objectives and policies to avoid development in these areas except in certain circumstances. Where development is generally to be avoided, NC is an appropriate activity status. For projects and in areas where NH-REQ5.3 applies, if the risk to human health and safety during and after an earthquake cannot be adequately mitigated, Council needs to retain the ability to decline a consent. The matters that need to be considered are limited, and so an RDIS status is appropriate. As such I recommend that the submission point be rejected.
- 18.6 WKNZTA²⁰³ request that NH-REQ5 be amended to either remove the transport network from its content or suitably recognise the transport network. They argue that corresponding rules referring to these requirements should also be amended to both provide rule linkages and address relevant concerns. I consider that the rules in the PDP are appropriate for the objectives and policies they support, and so that the submission point is rejected.
- 18.7 RIL²⁰⁴ request that NH-REQ5 be amended to exempt existing infrastructure within a high hazard area. This matter is addressed in the rules where compliance with NH-REQ5 is required, and so I recommend that the submission point be rejected.
- 18.8 Transpower²⁰⁵ request that the maintenance and upgrade of existing infrastructure be exempt from NH-REQ5.1 and NH-REQ5.3, and that failure to comply with NH-REQ5.1 result in a DIS status, rather than NC. As discussed above, I consider that the activity statuses in the PDP are appropriate for the objectives and policies they support, and so recommend that the submission point be rejected.
- 18.9 Dairy Holdings and Craigmere²⁰⁶ each request that the activity status be amended depending on the use of the building or structure. I consider that these submissions provide scope to consider which Energy and infrastructure and Transport rules are subject to NH-REQ5, in full or in part. These rules are:
- EI-R9 Temporary Network Utilities
 - EI-R10 Below Ground Network Utilities Upgrading or Installation
 - EI-R14 Telecommunication Cabinets (not regulated by the NESTF)
 - EI-R15 Electricity Cabinets and EV Charging Stations
 - EI-R17 Telecommunication Poles and Attached Antennas
 - EI-R19 Overhead Telecommunication Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment
 - EI-R21 Substations and Switching Stations
 - EI-R22 Environmental Monitoring Equipment Associated with a Network Utility

²⁰² DPR-0367.073 Orion

²⁰³ DPR-0375.84 WKNZTA

²⁰⁴ DPR-0390.025 RIL

²⁰⁵ DPR-0446.077 Transpower

²⁰⁶ DPR-0372.035 Dairy Holdings, DPR-0388.017 Craigmere

- EI-R24 Navigation Aids
- EI-R26 Artificial Waterways and Associated Structures
- EI-R27 Other Network Utility Structures
- EI-R28 Renewable Electricity Generation Investigations
- EI-R30 Small and Community-Scale Electricity Generation, and Small and Community-Scale Electricity Generation Activities
- EI-R32 Emergency Services Facility
- EI-R33 Public Healthcare Institution
- TRAN-R2 Creation of a new land transport corridor
- TRAN-R3 Land Transport Infrastructure not within a Land Transport Corridor

18.10 I recommend that the submission points be accepted in part in the following ways for the following reasons:

18.10.1 I agree with the Energy and Infrastructure Reporting Officer's conclusion in their [response to questions from the Hearings Panel](#) that NH-REQ5.1 should not apply to EI-R10 with respect to flooding. It should still apply in relation to the Coastal Erosion Overlay and the Greendale Fault Overlay, as these areas are potentially subject to permanent changes in landform, rather than the relatively temporary effects of inundation.

18.10.2 Following the same logic, that NH-REQ5.1 (in respect to flooding) need not apply to EI-R9, EI-R14, EI-R15, EI-R17, EI-R19, EI-R24, EI-R28. This would be best achieved by an amendment to NH-REQ5 as shown in **Appendix 2**, such that NH-REQ5.1 require avoidance of the Coastal Erosion Overlay with the flood high hazard areas moved to NH-REQ5.3, so that where compliance with all of NH-REQ5 is required, avoidance of the flood high hazard areas is still required.

18.10.3 EI-R22 permits small items of environmental monitoring equipment associated with a network utility, and as notified requires compliance with all of NH-REQ5. Following the logic above, and given the small footprint of the permitted structures, I consider it reasonable to remove the need to comply with NH-REQ5 from EI-R22, as shown in **Appendix 2**.

18.10.4 The management of significant risks from natural hazards is a s6 RMA matter which should be considered in association with a network utility. As such, I consider that compliance with all of NH-REQ5 is still required for each of EI-R26, EI-R27, EI-R30, EI-R32, EI-R33, TRAN-R2 and TRAN-R3.

18.11 Trustpower²⁰⁷ request that either NH-REQ5.3 be amended to exclude the operation, maintenance, or upgrade of the Coleridge hydroelectric power scheme, or that NH-REQ5 be excluded from EI-R29, which permits renewable electricity generation or electricity generation activities at Coleridge HEPS including any new building or addition, operation, maintenance, refurbishment, enhancement, or upgrading to an existing building, within size and noise limits. Where compliance with EI-R29.1 is not achieved, the activity as a DIS status, allowing all effects, including those relating to natural hazards, to be considered. They also identify a typographic error that has already been subject to a CI16

²⁰⁷ DPR-0446.077 Trustpower

amendment. I recommend that the submission point be rejected because EI-R29 as notified does not require compliance with NH-REQ5 and so no change is required.

Recommendations

18.12 I recommend, for the reasons given above, that the Hearing Panel amend NH-REQ5 as shown in **Appendix 2**, to allow small and/or temporary energy and infrastructure activities to establish in high flood hazard areas.

18.13 I recommend, for the reasons given above, that the Hearing Panel amend EI-R22, such that compliance with NH-REQ5 is not required in order to be a permitted activity.

18.14 It is recommended that the submission points and further submission points are accepted, accepted in part, or rejected as shown in **Appendix 1**.

NH-REQ6 Natural Hazards and Land Transport Infrastructure

Submissions

18.15 Four submission points and no further submission points were received in relation to NH-REQ6.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	181	NH-REQ6	Oppose	Delete as notified
DPR-0374	RIHL	186	NH-REQ6	Oppose	Delete as notified
DPR-0375	WKNZTA	085	NH-REQ6	Oppose	Amend these requirements to either remove the transport network from its content or suitably recognise the transport network. Corresponding rules referring to these requirements should also be amended to both provide rule linkages and address relevant concerns.
DPR-0384	RIDL	188	NH-REQ6	Oppose	Delete as notified.

Analysis

18.16 RWRL, RIHL and RIDL208 all request that the provision be deleted as notified. I do not consider that NH-REQ6 should be amended, and therefore recommend that these submission points are rejected.

18.17 WKNZTA²⁰⁹ request that either the requirements be amended to remove the transport network from its content or suitably recognise the transport network. Corresponding rules referring to these requirements should also be amended to both provide rule linkages and address relevant concerns.

18.18 I recommend that the submission points be rejected for the following reasons:

18.18.1 NH-REQ6 is limited in its applicability to the Coastal Erosion Overlay, which is a high hazard area. NH-O2 provides for land transport infrastructure to locate in such areas only where there is no reasonable alternative and where it is appropriately designed. New land transport infrastructure is provided for in NH-REQ6 where it either is within an existing land transport corridor or where it provides an access route to the coastal marine area. This

²⁰⁸ DPR-0358.181 RWRL, DPR-0374.186 RIHL, DPR-0384.188 RIDL

²⁰⁹ DPR-0375.085 WKNZTA

means that it is only new corridors within this high hazard area that do not provide an access route to the coastal marine area that are prohibited by NH-REQ6. If a land transport corridor does not provide access to the coastal marine area, then there are other reasonable alternatives for its location outside the Coastal Erosion Overlay.

18.18.2 The provision reflects existing Rule 9.3.e of the Regional Coastal Environment Plan for the Canterbury Region and therefore provides consistency with other parts of the rural Canterbury coastline where Rule 9.3.e of the Regional Coastal Environment Plan will continue to apply.

Recommendations

18.19 I recommend, for the reasons given above, that the Hearing Panel retain NH-REQ6 as notified.

18.20 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

Wildfire – NH-REQ7 Wildfire Setbacks, NH-MAT5 Wildfire, GRUZ-R23 Woodlot, and GRUZ-R25 Shelterbelt

Introduction

18.21 Woodlots and shelterbelts are managed in the General Rural Zone by Rules GRUZ-R23 and GRUZ-R25, which require compliance with NH-REQ7 relating to setbacks to manage the risk of wildfire. Where NH-REQ7 is not complied with, the matters for discretion are set out in NH-MAT5. Submission points on the four provisions have therefore been considered together.

Submissions – NH-REQ7 Wildfire Setbacks

18.22 Ten submission points and nine further submission points were received in relation to NH-REQ7.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	025	NH-REQ7	Oppose	Delete as notified
DPR-0359	FENZ	FS002	NH-REQ7	Oppose	Retain existing provision.
DPR-0299	S & J West	006	NH-REQ7	Oppose In Part	Amend the setbacks within Rule NH-REQ7 to make the requirements more workable. Refer to the original submission for full decision requested.
DPR-0212	ESAI	FS033	NH-REQ7	Support	Allow in full
DPR-0359	FENZ	FS003	NH-REQ7	Support In Part	Retain notified provision but an advice note or similar is provided to provide clarity for plan users.
DPR-0301	UWRG	037	NH-REQ7	Neither Support Nor Oppose	Council to carry out spatial planning to minimise fire risk from plantations and amenity plantings.
DPR-0407	Forest & Bird	FS345	NH-REQ7	Support	Accept the submission
DPR-0305	A Fitzjohn	001	NH-REQ7	Neither Support Nor Oppose	Not specified.
DPR-0212	ESAI	FS034	NH-REQ7	Oppose	Disallow in full

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	110	NH-REQ7	Oppose	Amend as follows: 1. 2. Any residential unit in the GRUZ shall be set back 30m from the boundary 3. Any accessway to a residential unit or principal building in the GRUZ shall be set back 5m from the boundary. Activity status when compliance not achieved: 2 4. When compliance with any of NH-REQ7.1.,NH-REQ7.2. or NH-REQ7.3 is not achieved: RDIS Matters for discretion: 3 5. The exercise of discretion in relation to NH-REQ7.24. is restricted to the following matters: Notification: 4 6. Any application arising from NH-REQ7.2 NH-REQ7.4. shall not be subject to public notification.
DPR-0359	FENZ	045	NH-REQ7	Support	Retain as notified
DPR-0375	WKNZTA	086	NH-REQ7	Oppose	Amend these requirements to either remove the transport network from its content or suitably recognise the transport network. Corresponding rules referring to these requirements should also be amended to both provide rule linkages and address relevant concerns.
DPR-0379	J Thomson	039	NH-REQ7	Oppose In Part	Amend NH-REQ7.1 by inserting the word 'new' between 'Any' and 'woodlot' where they first appear.
DPR-0422	FFNC	123	NH-REQ7	Oppose	Delete as notified.
DPR-0353	HortNZ	FS167	NH-REQ7	Oppose In Part	Amend NH-REQ7 as sought by HortNZ
DPR-0372	Dairy Holdings	FS060	NH-REQ7	Support	Accept the submission.
DPR-0427	DOC	036	NH-REQ7	Support	Retain as notified.
DPR-0301	UWRG	FS178	NH-REQ7	Support	Allow in full
DPR-0407	Forest & Bird	FS202	NH-REQ7	Support	Accept the submission

Submissions – NH-MAT5

18.23 One submission was received in relation to NH-MAT5.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0379	J Thomson	040	NH-MAT5	Oppose In Part	Amend NH-REQ7.1 by inserting the word 'new' between 'Any' and 'woodlot' where they first appear.

Submissions – GRUZ-R23 Woodlots

18.24 One submission point and three further submission points were received in relation to GRUZ-R23.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	DOC	037	GRUZ-R23	Support	Retain as notified.
DPR-0301	UWRG	FS179	GRUZ-R23	Support	Allow in full
DPR-0353	HortNZ	FS168	GRUZ-R23	Oppose In Part	Reject
DPR-0407	Forest & Bird	FS203	GRUZ-R23	Support	Accept the submission

Submissions – GRUZ-R25 Shelterbelts

18.25 Two submission points and three further submission points were received in relation to GRUZ-R25.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	250	GRUZ-R25	Oppose	Amend as follows: NH-REQ7 Wildfire Setbacks Refer to original submission for full decision requested.
DPR-0427	DOC	038	GRUZ-R25	Support	Retain as notified.
DPR-0301	UWRG	FS180	GRUZ-R25	Support	Allow in full
DPR-0353	HortNZ	FS169	GRUZ-R25	Oppose In Part	Reject
DPR-0407	Forest & Bird	FS204	GRUZ-R25	Support	Accept the submission

Analysis

18.26 DOC²¹⁰ seek that the suite of provisions be retained as notified. In light of my recommended changes discussed below, I recommend that the submission points be accepted in part.

18.27 FENZ²¹¹ seeks at that NH-REQ7 be retained as notified. In light of my recommended changes discussed below, I recommend that the submission point be accepted in part.

18.28 HortNZ²¹² seek that GRUZ-R25 be amended so that NH-REQ7 does not apply. This would leave shelterbelts as subject to NH-REQ7, but not woodlots. The two types of vegetation pose a similar risk in relation to the spread of wildfire, and so it does not make sense to treat them differently. I therefore recommend that the submission point be rejected and GRUZ-R25 be retained as notified.

18.29 ESAI and FFNC²¹³ request that NH-REQ7 be deleted. While both submitters agree that there is a need to help protect land use activities and property from wildfires, they consider that the requirement is impractical and will lead to unintended consequences. They note that shelterbelts are a very important part of rural land use systems for stock, soil and property protection.

²¹⁰ DPR-0427.036 DPR-0427.037, DPR-0427.03 DOC

²¹¹ DPR-0359.045 FENZ

²¹² DPR-0353.250 HortNZ

²¹³ DPR-0212.025 ESAI, DPR-0359 FENZ

- 18.30 S & J West²¹⁴ request that NH-REQ7 be amended to make it more workable, and to ensure that legitimate horticultural or other farming operations are not captured by the definitions of woodlot and shelterbelt. They consider that NH-REQ7 would better provide for the environmental, social, and economic needs of the community if it included appropriate exclusions for horticultural/farming planting (woodlots and shelterbelts) and planting that has an environmental or social benefit, such as riparian planting. The definitions of woodlot and shelter both include the purpose of the group of trees (primarily for shelter, in the case of shelterbelts, or for firewood or other specified purposes, in the case of woodlots). Horticultural plantings of food products do not fall within the definition of either shelterbelts or woodlots, and so would not be captured by either GRUZ-R23 or GRUZ-R25.
- 18.31 Although conservation planting is permitted by GRUZ-R26, depending on its type, riparian planting may also fall within the definition of woodlot (where it is a stand of trees for erosion control). Such planting is also subject to NATC-R3 Setbacks from Surface Water Bodies - Horticultural Planting, Woodlots and Shelterbelts.
- 18.32 To be a permitted activity under NATC-R3, the PDP requires compliance with NATC-REQ3 Setbacks from Surface Water Bodies - Vegetation Planting, which imposes a 10m or 20m setback from the bank of the waterbody. Any building on the other side of the waterbody would need to be set back a minimum of 10m from the bank of the waterbody (up to 100m in some circumstances), meaning that the minimum complying separation distance between a woodlot for riparian planting and a residential unit or other principal building on the other side of the waterbody would be 20m, plus the width of the waterbody itself. This separation distance would still provide a level of wildfire protection. I therefore recommend that, in response to the S & J West submission²¹⁵, and noting that NATC-R3 and NATC-REQ3 will be considered further as part of the hearing on the *Natural Character* chapter:
- 18.32.1 GRUZ-R25 be amended as shown in **Appendix 2**, so that compliance with NH-REQ7 is not required where NATC-R3 applies.
- 18.32.2 NATC-REQ3 be amended as shown in **Appendix 2**, to include NH-MAT5 as a matter of discretion, should compliance not be achieved in the General Rural Zone.
- 18.33 I agree with the submitters that shelterbelts are an integral part of rural land use systems in Selwyn, and that they have a variety of purposes. However, like woodlots, they do increase the available fuel for wildfires, thereby increasing the risk to existing, lawfully established, residential units and other principal buildings on adjoining properties, and that it is therefore appropriate to restrict the establishment of new shelterbelts and woodlots in proximity to those existing buildings, in order to achieve NH-O1.
- 18.34 HortNZ²¹⁶ also request that NH-REQ7 be amended to include setbacks from boundaries for residential units and accessways in the General Rural Zone. I agree that, in order to respond to the proposed new wildfire policy and for the reasons set out in Section 16, it is appropriate to introduce

²¹⁴ DPR-0299.006 S & J West

²¹⁵ DPR-0299.006 S & J West

²¹⁶ DPR-0353.110 HortNZ

provisions to restrict the location of residential units, in areas where the potential for loss in the event of a wildfire is greater.

- 18.35 A 30m setback from all boundaries is requested by HortNZ²¹⁷ for residential units, and a 5m setback is requested for accessways. While the numbers are the same as the setbacks in NH-REQ7, the points from which they are measured are proposed to be different, such that the setbacks requested by HortNZ are more restrictive for residential units (measured from the boundary) than they are for shelterbelts and woodlots (measured from the residential unit, which is within the adjoining property).
- 18.36 I agree that, for the establishment of new residential units, setbacks from boundaries provide a more certain measuring point than measuring setbacks from existing shelterbelts or woodlots on adjoining properties. The latter option would require wider site investigations on the part of those proposing to build, and more time spent checking building consent applications on the part of Council staff who would rely on aerial imagery and therefore be unaware of any plantings undertaken since the imagery was captured.
- 18.37 As noted in Section 16, the General Rural Zone is predominantly for rural production, and so permitting activities that would hinder the potential to undertake that activity need to be carefully considered. Where there are two adjoining properties without residential units, I consider that the future ability to establish a shelterbelt near or along the boundary of one should therefore take precedence over the future location of a residential unit near the boundary on the other. A building setback would therefore allow activities on each of these properties to establish without impacting on the ability to use the other for rural production, and without increasing the potential for loss from a wildfire on each other.
- 18.38 Assuming a building platform of 15m x 15m, as required by SUB-REQ2 Building Square for the General rural zone, an area of 75m x 75m, or 5,625m², would be required to establish a residential unit with a 30m setback from all boundaries. While this would be reasonably simple to achieve in most parts of the General Rural Zone, the following SCA-RD areas have minimum site sizes set out in GRUZ-SCHED2 that are smaller than 5,625m² (minimum site sizes in brackets):
- SCA-RD9 Claremont (5000m²) (three sites do not yet have a residential unit)
 - SCA-RD10 Edendale (5000m²) (one site does not yet have a residential unit)
 - SCA-RD12 Johnsons Road (5,000m²) (all sites have a residential unit)
 - SCA-RD13 Jowers Road (5,000m²) (one site does not yet have a residential unit, but is large enough that one could be established with 30m setbacks)
 - SCA-RD15 Railway Corner (2,000m²) (two sites do not yet have a residential unit)
- 18.39 To some extent, rural roads provide a firebreak, and so I do not consider that the full 30m setback requested is necessary in relation to road boundaries. The setbacks under discussion do not relate to plantings on the same property as the residential unit, but rather are about ensuring that there

²¹⁷ DPR-0353.110 HortNZ

are opportunities to create a defensible space around it, in relation to trees, or the potential for trees, on the neighbouring property. TRAN-SCHED3 - Road formation and operational standards requires a minimum road width of 15m for local roads in the General Rural Zone, while GRUZ-REQ4 Structure Setbacks requires buildings to be set back a minimum of 10m from road boundaries. A shelterbelt planted just inside a road boundary would therefore be a minimum of 25m from a residential unit that was positioned as close to the road boundary as permitted, on the property across the road.

18.40 If the requested 30m setback was to apply only in relation to internal boundaries, properties in the General Rural Zone would require an area of 55 x 75m (4,125m²) (where a 10m road boundary setback applies) or 65 x 75m (4,875m²) (where a 20m road boundary applies). Setting aside the question of site dimensions, this would leave only the two sites in SCA-RD15 that have not yet been built on as definitely needing a resource consent to establish a residential unit, should the owner choose to do so during the life of the PDP.

18.41 The requested amendment to NH-REQ7 would not achieve the outcome sought by HortNZ²¹⁸, because the establishment of residential units in the General Rural Zone is not subject to NH-REQ7, and there do not appear to be any submissions making such a request. I do, however, consider that it is within the scope of the submission point to amend the setbacks for residential units in the General Rural Zone, which would be better achieved through an amendment to GRUZ-REQ4 Structure Setbacks. I note that the wider HortNZ²¹⁹ submission seeks an amendment to GRUZ-REQ4 that achieves the same outcome, partly but not wholly for wildfire mitigation, which will be considered as part of the hearing on the General Rural Zone. I therefore recommend that the submission point be accepted in part and GRUZ-REQ4 be amended to require a 30m setback from internal boundaries for residential units.

18.42 Where compliance with GRUZ-REQ4 is not achieved, the matters for discretion include NH-MAT5, but this relates only to vegetation required for visual screening of a principal building. It does not address the wider issue of the degree of risk posed to life and property because of the non-compliance, as required by NH-REQ7. I consider that it is within the scope of the HortNZ²²⁰ submission point to amend NH-MAT5 to include this matter, with consequential amendments to each of the following, to preserve their matters of discretion as notified (these may be examined further as part of the s42A report for the General Rural Zone, but this is outside the scope of this report):

- NH-REQ7 Wildfire setbacks
- NFL-REQ4 Building and structure setbacks
- NFL-REQ5 Building and structure appearance
- NFL-REQ6 Building and structure height
- NFL-REQ8 Building Coverage
- GRUZ-REQ1 Building Coverage
- GRUZ-REQ2 Structure Height

²¹⁸ DPR-0353.110 HortNZ

²¹⁹ DPR-0353.280 HortNZ

²²⁰ DPR-0353.110 HortNZ

- GRUZ-REQ3 Height in Relation to Boundary

18.43 As noted in Section 16 of this report, it not always possible for an accessway to be set back from a boundary, because in the case of an access lot, access leg or private road, the accessway is the area contained between two boundaries. I am therefore not recommending any changes in this regard.

18.44 WKNZTA²²¹ seek an amendment to NH-REQ7 to either remove the transport network from its content or suitably recognise the transport network, and that corresponding rules referring to these requirements should also be amended to both provide rule linkages and address relevant concerns. I recommend that the submission point be rejected because compliance with NH-REQ7 is only required in relation to woodlots and shelterbelts, neither of which form part of the transport network.

18.45 J Thomson²²² seeks that NH-REQ7.1 be amended by inserting the word 'new' between 'Any' and 'woodlot' where they first appear. I consider that this would clarify the intent of the provision and provide clarity for plan users, particularly when a new residential unit was established within the setback of an existing woodlot or shelterbelt. As such, I recommend that the submission point be accepted in relation to NH-REQ7, but rejected in relation to NH-MAT5 because no amendment to NH-MAT5 is required.

18.46 UWRG²²³ request that Council carry out spatial planning to minimise the fire risk from plantations and amenity plantings. This is outside the scope of the PDP and so I recommend that the submission point be rejected.

18.47 A Fitzjohn²²⁴ has expressed concern at the risk of fire in the district, particularly relating to burn-offs, but has not identified any changes to the PDP. I recommend that the submission be rejected because the lighting of fires is outside the jurisdiction of the district council.

Recommendations and amendments

18.48 I recommend, for the reasons given above, that the Hearing Panel retain GRUZ-R23 and GRUZ-R25 as notified.

18.49 I recommend, for the reasons given above, that the Hearing Panel amend NH-REQ7, NH-MAT5 and GRUZ-REQ4 as shown in **Appendix 2** to provide better clarity and improve user understanding, and make consequential amendments to each of NFL-REQ4, NFL-REQ5, NFL-REQ6, NFL-REQ8, GRUZ-REQ1, GRUZ-REQ2 and GRUZ-REQ3 to preserve the notified matters of discretion when compliance is not achieved.

18.50 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation

18.51 The following points evaluate the recommended change under Section 32AA of the RMA.

²²¹ DPR-0375.086 WKNZTA

²²² DPR-0379.039, DPR-0379.040 J Thomson

²²³ DPR-0301.037 UWRG,

²²⁴ DPR-0305.001 A Fitzjohn

Effectiveness and efficiency

- 18.52 Requiring residential units to be located in a position to mitigate potential wildfire risk is complementary to the PDP policy to restrict the location of shelterbelts and woodlots proximate to existing buildings, such that the burden of reducing the risk of wildfire spread is shared between neighbouring properties, and implements the proposed new policy NH-P22. I consider that this is a more effective and efficient approach than placing the burden only on those wishing to establish a shelterbelt or woodlot. Requiring the setback from a boundary, rather than from an existing shelterbelt, allows for the future establishment of a shelterbelt on or near the boundary of the adjoining property to support rural production.

Costs and benefits

- 18.53 There may be an additional cost associated with limiting the location of buildings, but this would be limited by the general practice of providing large internal setbacks in the General Rural Zone and outweighed by the benefit of providing the opportunity to create defensible space around valuable buildings and ensuring that, in the event of a fire, the appropriate services are better able to fight the fire and reduce the level of loss.

Risk of acting or not acting

- 18.54 Not acting could result in situations where residential units establish in places where they are at a high risk in the event of a wildfire, resulting in material loss or potential loss of life.

Conclusion as to the most appropriate option

- 18.55 The proposed provisions result in 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 and those who would establish a residential activity in proximity to such fuels. I consider that the two approaches, when taken in tandem and compared to the notified version, are the most appropriate way to achieve the Natural Hazard objective that subdivision, use, and development is undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure are appropriately mitigated.

19. Matters for Control or Discretion

NH-MAT1 Natural Hazards Generally, and a new NH-MAT

Submissions

- 19.1 Seven submission points and four further submission points were received in relation to NH-MAT1.
- 19.2 Three separate submission points were also received, requesting that a new matter of discretion be inserted into all natural hazard rules. Given that NH-MAT1 applies to all activities where the exercise of discretion is restricted, and the similarity of the decisions requested to those requested for NH-MAT1, they are considered here as a group.

Submissions – NH-MAT1 Natural Hazards Generally

- 19.3 The submission points received in relation to NH-MAT 1 are:

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0215	Winstone	033	NH-MAT1	Support In Part	Amend as follows: 1. The <u>extent of any adverse effects of natural hazards on people and property.</u> 2. The <u>potential for the location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to increase or exacerbate natural hazard risk.</u> ... 4. <u>Whether the The timing, location, scale and nature of any earthworks in relation has the potential to increase the risk from natural hazard risk</u> ... 6. <u>The effectiveness of and any Any adverse effects on the environment of any proposed mitigation measures.</u>
DPR-0422	FFNC	FS090	NH-MAT1	Support	<i>Allow the submission point</i>
DPR-0217	Summerset	015	NH-MAT1	Support In Part	Amend as follows: 1. The <u>extent of any adverse effects of natural hazards on people and property.</u> 2. The <u>potential for the location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to increase or exacerbate natural hazard risk.</u> ... 6. <u>The effectiveness of and any Any adverse effects on the environment of any proposed mitigation measures.</u>
DPR-0358	RWRL	182	NH-MAT1	Support In Part	Amend as follows: ... 7. <u>Any characteristics of a proposed activity or site that make compliance unnecessary.</u> 8. <u>Alternative methods or design solutions that mitigate natural hazard risks to an acceptable level.</u>
DPR-0363	IRHL	181	NH-MAT1	Support In Part	Amend as follows: ... 7. <u>Any characteristics of a proposed activity or site that make compliance unnecessary.</u> 8. <u>Alternative methods or design solutions that mitigate natural hazard risks to an acceptable level.</u>
DPR-0367	Orion	074	NH-MAT1	Neither Support Nor Oppose	Amend as follows: 7. <u>Any functional need or operational need to locate important infrastructure within natural hazard areas.</u>
DPR-0375	WKNZTA	FS064	NH-MAT1	Support	<i>Adopt recommended amendment</i>
DPR-0407	Forest & Bird	FS643	NH-MAT1	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0446	Transpower	FS032	NH-MAT1	Support	Allow the submission.
DPR-0374	RIHL	187	NH-MAT1	Support In Part	Amend as follows: ... <u>7. Any characteristics of a proposed activity or site that make compliance unnecessary.</u> <u>8. Alternative methods or design solutions that mitigate natural hazard risks to an acceptable level.</u>
DPR-0384	RIDL	189	NH-MAT1	Support In Part	Amend as follows: ... <u>7. Any characteristics of a proposed activity or site that make compliance unnecessary.</u> <u>8. Alternative methods or design solutions that mitigate natural hazard risks to an acceptable level.</u>

Submissions – a new NH-MAT

19.4 The submission points in relation to a new matter of discretion be inserted to all natural hazard rules are:

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	171	New	Support In Part	Insert a new matter of discretion to all natural hazards rules, such that they refer to providing for consideration of any characteristics of a proposed activity or site that make compliance unnecessary, or alternative methods of hazard mitigation.
DPR-0363	IRHL	170	New	Support In Part	Insert a new matter of discretion to all natural hazards rules, such that they refer to providing for consideration of any characteristics of a proposed activity or site that make compliance unnecessary, or alternative methods of hazard mitigation.
DPR-0384	RIDL	178	New	Support In Part	Insert a new matter of discretion to all natural hazards rules, such that they refer to providing for consideration of any characteristics of a proposed activity or site that make compliance unnecessary, or alternative methods of hazard mitigation.

Analysis

19.5 Winstone and Summerset²²⁵ each seek that the clauses of NH-MAT1 be amended to improve clarity and Council's ability to appropriately assess the potential risks to activities from natural hazards.

19.6 I consider that the requested amendments to NH-MAT1.1, NH-MAT1.2 and NH-MAT1.6 would improve clarity and Council's ability to appropriately assess the potential risks to activities from

²²⁵ DPR-0215.003 Winstone, DPR-0217.015 Summerset

natural hazards. As such, I recommend that those parts of the Winstone submission point and the Summerset submission be accepted. From a drafting perspective, however, the effectiveness of mitigation measures and the adverse effects of such measures are two different things, and so I consider that they should be listed separately as shown in **Appendix 2**.

- 19.7 Of particular concern to Winstone²²⁶ is NH-MAT1.4, which refers to the timing of works. Winstone considers that it is unclear as to how the timing of works is related to natural hazard risk and would be opposed to any limitations on when earthworks could be undertaken. The timing of earthworks relates to natural hazard risk in the circumstances where the MAT applies because the timing of works in relation to season or weather can increase or decrease the risk, particularly in relation to off-site effects such as diversion of flood waters or slope stability. If there is no timing concern in relation to natural hazard risk and earthworks, then no condition needs to be applied, should consent be granted. I therefore recommend that the part of Winstone's submission point relating to NH-MAT1.4 be rejected.
- 19.8 RWRL, IRHL, RIHL and RIDL²²⁷ have each made a submission point seeking specific amendments to NH-MAT1, to insert a new matter of discretion to all natural hazards rules, such that they refer to providing for consideration of any characteristics of a proposed activity or site that make compliance unnecessary, or alternative methods of hazard mitigation. RWRL, IRHL and RIDL²²⁸ also each made a general submission point seeking the same relief. I recommend that these submission points be rejected for the following reasons:
- 19.8.1 The consideration of any characteristics of a proposed activity or site is a function of all of the proposed matters. If the site or activity characteristics are such that the risk is so low that compliance is unnecessary (noting that only those activities that require a resource consent for natural hazard reasons would need to consider NH-MAT1), this will be demonstrated in the resource consent application AEE in response to NH-MAT1.2.
- 19.8.2 The consideration of the details of any proposed alternative methods of hazard mitigation are already addressed in NH-MAT1 – the proposed variation from the anticipated methods of hazard mitigation is the purpose for considering any resource consent application.
- 19.9 Orion²²⁹ request that NH-MAT1 be amended to consider any functional need or operational need to locate important infrastructure within natural hazard areas. I recommend that the submission point be rejected for the following reasons:
- 19.9.1 As required by the National Planning Standards, unless relating specifically to a Special Purpose Zone, the 'Energy, Infrastructure and Transport' heading has been created to be self-contained for all energy, transport and infrastructure works and activities, with energy and infrastructure matters contained in a separate chapter to transport matters. Where a rule or rule requirement from another chapter, such as Natural Hazards, has been cross-

²²⁶ DPR-0215.003 Winstone

²²⁷ DPR-0358.182 RWRL, DPR-0363.181 IRHL, DPR-0374.187 RIHL, DPR-0384.189 RIDL

²²⁸ DPR-0358.171 RWRL, DPR-0363.170 IRHL, DPR-0384.178 RIDL

²²⁹ DPR-0367.074 Orion

referenced within those chapters, the relevant associated objectives and policies also apply when assessing an application for resource consent.

19.10 NH-MAT1 is not triggered by any rule requiring resource consent for any important infrastructure or transport, and so the amendment sought is unnecessary.

Recommendations and amendments

19.11 I recommend, for the reasons given above, that the Hearing Panel amend NH-MAT1 as shown in **Appendix 2** to provide better clarity and improve user understanding.

19.12 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

19.13 The scale of change does not require a s32AA evaluation.

NH-MAT2 Coastal Erosion

Submissions

19.14 No submissions were received in relation to NH-MAT2.

NH-MAT3 Geotechnical Considerations

Submissions

19.15 One submission point was received in relation to NH-MAT3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0217	Summerset	017	NH-MAT3	Oppose	That consideration is given to the need for this assessment matter and how it is triggered, to provide more appropriate application of the matter for discretion and whether this matter is more appropriately addressed through the building consent process.

Analysis

19.16 Summerset²³⁰ request that consideration be given to the need for the assessment matter and how it is triggered, particularly whether the matter is more appropriately addressed through the building consent process. I recommend that the submission point be rejected for the following reasons:

19.16.1 The investigations required by NH-MAT3 are wider than, but are needed to inform and guide, those required by the Building Code, as the Code is limited to consideration of the building rather than the wider environment.

19.16.2 The primary applicability of NH-MAT3 is at the time of subdivision, when the appropriateness of the development needs to be considered against the relevant objectives and policies of the PDP. It is inefficient to allow a subdivision to proceed, to then find out at

²³⁰ DPR-0217.017 Summerset

the time of building consent that the ground conditions are such that wide-spread ground strengthening works are required.

19.16.3 NH-MAT3 also applies where significant development is proposed outside subdivision, so that appropriate consideration is given to the wider geotechnical constraints of a site.

Recommendations

19.17 I recommend, for the reasons given above, that the Hearing Panel retain NH-MAT3 as notified.

19.18 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-MAT4 Land Instability Hazard Mitigation Works

Submissions

19.19 One submission point was received in relation to NH-MAT4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0269	HNZPT	007	NH	Oppose	Require that activities such as earthworks and land instability mitigation works identified in the natural hazards section of Plan are required to comply with <i>Historic Heritage</i> rules - in a similar way as in TRAN-REQ1.3.

Analysis

19.20 HNZPT²³¹ request that NH-MAT4 be amended to require that activities such as earthworks and land instability mitigation works identified in the Natural Hazards section of Plan are required to comply with *Historic Heritage* rules in a similar way as in TRAN-REQ1.3. I recommend that the submission point be rejected, as activities that are proposed within a heritage overlay are already subject to the *Historic Heritage* chapter, without the provisions needing to be replicated in a chapter that does not contain the relevant objectives or policies. The *Transport* chapter is different because, as required by the Planning Standards and like the Energy and infrastructure chapter, it is a complete code in itself.

Recommendations

19.21 I recommend, for the reasons given above, that the Hearing Panel retain NH-MAT5 as notified.

19.22 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

NH-MAT6 Tsunami

Submissions

19.23 No submissions were received in relation to NH-MAT6.

²³¹ DPR-0269.007 HNZPT

20. Relevant provisions in other chapters of the PDP

Introduction

CE-R3 Buildings and Structures

Submissions

- 20.1 One submission point and two further submission points relating to natural hazards were received against CE-R3 Buildings and Structures.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	DOC	076	CE-R3	Oppose	Make amendments to the Proposed Plan to address to the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered.
DPR-0301	UWRG	FS217	CE-R3	Support	Allow in full
DPR-0407	Forest & Bird	FS242	CE-R3	Support	Accept the submission

Analysis

- 20.2 DOC²³² request that amendments be made to address the overlap in provisions and ensure that effects on natural character and effects of natural hazard risk are appropriately considered. I recommend that the submission point be rejected because the provisions relating to natural character, and the places where they apply, respond to the relevant objectives and higher order documents and are specifically addressed in the *Natural Character* chapter. There is little geographic alignment between the natural character areas and natural hazard areas, and it would be unreasonable to expand restrictions on use and development relating to natural hazards beyond where they are required.

Recommendations

- 20.3 I recommend, for the reasons given above, that the Hearing Panel retain CE-R3 as notified.
- 20.4 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

SUB-R17 Subdivision and Natural Hazards

Submissions

- 20.5 Eight submission points and 34 further submission points were received in relation to SUB-R17 Subdivision and Natural Hazards.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0212	ESAI	074	SUB-R17	Oppose	Amend the activity status in SUB-R17.2 to Restricted discretionary.

²³² DPR-0427.076 DOC, DPR-0301.FS217 UWRG, DPR-0407.FS242 Forest & Bird

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	CRC	125	SUB-R17	Support In Part	Amend SUB-R17.4b as follows: a minimum building finished floor level equal to or higher than the minimum floor level stated in a Flood Assessment Certificate issued in accordance with XX (relevant schedule). 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event is identified for each site a maximum of 2 years before the relevant subdivision consent application is formally received by Council.
DPR-0157	K & B Williams	FS920	SUB-R17	Oppose In Part	Reject in part the amendments sought.
DPR-0209	M Singh	FS1068	SUB-R17	Oppose	Reject the submission in part.
DPR-0298	Trices Road	FS030	SUB-R17	Oppose In Part	Reject submission
DPR-0358	RWRL	FS117	SUB-R17	Oppose	Reject
DPR-0363	IRHL	FS117	SUB-R17	Oppose	Reject
DPR-0374	RIHL	FS117	SUB-R17	Oppose	Reject
DPR-0384	RIDL	FS117	SUB-R17	Oppose	Reject
DPR-0461	Dunweavin	FS411	SUB-R17	Oppose	Reject submission
DPR-0492	Kevler	FS748	SUB-R17	Oppose	Reject Submission
DPR-0493	Gallina & Heinz-Wattie	FS046	SUB-R17	Oppose	Reject submission in part being the amendments sought and the notified provisions sought to be retained
DPR-0358	RWRL	219	SUB-R17	Support In Part	Amend to insert a non-notification clause.
DPR-0157	K & B Williams	FS421	SUB-R17	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS508	SUB-R17	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS465	SUB-R17	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS512	SUB-R17	Support In Part	Accept submission in part
DPR-0492	Kevler	FS816	SUB-R17	Support	Accept submission in part
DPR-0493	Gallina & Heinz-Wattie	FS488	SUB-R17	Support In Part	Accept the submission in part.
DPR-0363	IRHL	208	SUB-R17	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0157	K & B Williams	FS753	SUB-R17	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS679	SUB-R17	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS632	SUB-R17	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS672	SUB-R17	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler	FS287	SUB-R17	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	RIHL	214	SUB-R17	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0157	K & B Williams	FS568	SUB-R17	Support In Part	Accept the submission in part
DPR-0209	M Singh	FS935	SUB-R17	Support In Part	Accept the submission in part
DPR-0298	Trices Road	FS783	SUB-R17	Support In Part	Accept submission in part
DPR-0461	Dunweavin	FS815	SUB-R17	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler	FS131	SUB-R17	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina & Heinz-Wattie	FS692	SUB-R17	Support In Part	Accept the submission in part.
DPR-0384	RIDL	226	SUB-R17	Support In Part	Amend the provision to insert a non-notification clause.
DPR-0414	Kāinga Ora	111	SUB-R17	Support	Retain as notified
DPR-0157	K & B Williams	FS177	SUB-R17	Oppose In Part	Reject the submission in part
DPR-0209	M Singh	FS367	SUB-R17	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road	FS137	SUB-R17	Oppose In Part	Reject submission
DPR-0461	Dunweavin	FS164	SUB-R17	Oppose In Part	Reject submission
DPR-0492	Kevler	FS533	SUB-R17	Oppose In Part	Reject submission points in part
DPR-0493	Gallina & Heinz-Wattie	FS157	SUB-R17	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street	FS048	SUB-R17	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0422	FFNC	208	SUB-R17	Oppose In Part	Amend activity status to discretionary with respect to: SUB-R17.2 SUB-R17.6 SUB-R17.7 Amend SUB-R17.4(b) as follows: b. A minimum <u>habitable</u> building finished floor level 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event is identified for each site a maximum of 2 years before the relevant subdivision consent application is formally received by Council.

Analysis

- 20.6 Kāinga Ora²³³ requests that SUB-R17 be retained as notified. Given that I am not recommending any changes to this provision, I recommend that the submission point be accepted.
- 20.7 ESAI²³⁴ request that the activity status for SUB-R17.2 (rural subdivision in the coastal erosion overlay or the coastal inundation overlay) be amended from NC to RDIS. In part of their submission, FFNC²³⁵ make the same request in relation to all of SUB-R17.2, SUB-R17.6 (subdivision in the Plains Flood Management Overlay where either the site is high hazard area or a floor height has not been established) and SUB-R17.7 (subdivision in the Waimakariri Flood Management Overlay).
- 20.8 The CRPS requires Council to avoid subdivision in high hazard areas such as these except in listed circumstances, and so the requested RDIS status would not be giving effect to higher order documents. I therefore recommend that the submission points be rejected (ESAI) and rejected in relation to high hazard areas (FFNC).
- 20.9 CRC²³⁶ request that SUB-R17.4b (subdivision within the Plains Flood Management Overlay, outside high hazard areas) be amended to refer to a flood assessment certificate, consistent with the approach they seek in relation to NH-R1, NH-R2 and NH-REQ2. I recommend that these submission points be rejected at this time, for the reasons set out in Section 17.
- 20.10 In the other part of their submission point, FFNC²³⁷ request that SUB-R17.4b (subdivision within the Plains Flood Management Overlay, outside high hazard areas) be amended such that minimum floor heights are established for habitable buildings as part of the subdivision process, rather than for all buildings. 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. This, together with the fact that I am recommending amendments to SUB-R17.4 that would render the requested amendment superfluous, means that I recommend that this part of the submission point be rejected.
- 20.11 RWRL and RIHL, IRHL and RIDL²³⁸ each request that SUB-R17 be amended by the insertion of a non-notification clause. I recommend that the submissions be rejected because the RMA notification tests allow for non-notification where it is appropriate, or a level of notification appropriate to the application, which is a matter of fact and degree. The management of natural hazards can have effects that are wider than a single property, and so it would be inappropriate to prevent those who may be adversely affected by a particular proposal from having the opportunity to participate in the process.

Recommendations

- 20.12 I recommend, for the reasons given above, that the Hearing Panel retain SUB-R17 as notified.

²³³ DPR-0414.111 Kāinga Ora

²³⁴ DPR-0212.074 ESAI

²³⁵ DPR-0422.208 FFNC

²³⁶ DPR-0260.125 CRC

²³⁷ DPR-0422.208 FFNC

²³⁸ DPR-0358.219 RWRL, DPR-0374.214 RIHL, DPR-0363.208 IRHL, DPR-0384.226 RIDL

20.13 It is recommended that the submission points and further submission points are accepted, accepted in part or rejected as shown in **Appendix 1**.

21. Conclusion

21.1 For the reasons set out in the Section 32AA evaluations and included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.