



Federated Farmers of New Zealand

Submission on Kaikoura District Council Proposed Plan Change 3

29 April 2021



SUBMISSION TO KAIKOURA DISTRICT COUNCIL ON ITS PROPOSED PLAN CHANGE 3

Name of submitter: Federated Farmers of New Zealand

Contact: **Elisha Young-Ebert**
Senior Policy Advisor | Resource Management Solicitor

M 021 615 278
E eyoungbert@fedfarm.org.nz

Address for service: Federated Farmers of New Zealand
PO Box 20448
Christchurch 8543

This is a submission on Kaikoura District Council's Proposed Plan Change 3.

I do not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to, and the decisions Federated Farmers seeks from Council, are detailed on the following pages.

We wish to be heard in support of our submission.

1. Introduction

- 1.1 Federated Farmers appreciates the opportunity to comment on Kaikoura District Council's Proposed Plan Change 3 – Natural Hazards.
- 1.2 Federated Farmers of New Zealand (the Federation) is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers, as well many rural businesses and communities.
- 1.3 The Federation's primary objective is to ensure our members:
 - operate their business in a fair and flexible commercial environment
 - have access to services essential to the needs of the rural community; and
 - adopt responsible management and environmental practices.
- 1.4 We take this time to express our appreciation to the Council for including us in the working group that reviewed and recommended changes to the Natural Hazards chapter of the District Plan. We are also grateful to the staff, who we know have worked under great pressure and challenges, and who did their utmost to engage with stakeholders regularly and in good faith.
- 1.5 NCFF, alongside its members in Kaikoura and in the Hurunui, remember the dramatic, painful and ensuring changes the earthquake of 2016 wrought on the geography of these two districts and on the communities there. We understand change to the district plan is necessary to ensure there are appropriate safeguards for our communities and our natural resources.
- 1.6 The district is, literally, in unique situation, largely surrounded by a long and treasured coastline, and backed into many hills and mountains. There are very few areas where nature would not pose a risk of flood, debris and liquefaction.
- 1.7 NCFF finds this proposed plan change remarkable: we have opposed one policy, and only because there are other policies and rules that effectively cover it. Otherwise, we are pleased to offer our general support for the changes to the Natural Hazard chapter of the Kaikoura District Plan.
- 1.8 We believe this is because the Council has taken the time to consult with us throughout its review of the chapter and, most of all, it was clear the Council gave our comments and suggestions due consideration.
- 1.9 We express our gratitude to the Council for making this plan change process a straightforward experience. Our submissions points include some suggestions for word changes to ensure the intent is clear and easy to understand.
- 1.10 We ask the Council to adopt the provisions notified in plan change, subject to a few changes to some of the provisions.

2. General comments about our members in the Kaikoura district

- 2.1 The agriculture sector is the third largest employer in the Kaikoura District, representing just over 14 per cent of the employment base¹. It is also one of the major drivers of the district's economy.
- 2.3 Our members in the Kaikoura District are managers, stewards and funders (both financially and in terms of time and effort committed) of natural and physical resources. Many of them have proudly farmed their land for several generations and they aspire to leave environmentally responsible and economically viable farms to their children. They support plans that enable sustainable primary production, and do not unnecessarily inhibit constraints on farming activity, or impose unaffordable costs.

3. Summary of our recommendations on Plan Change 3

- 3.1 NCFE recommends ask the Council to adopt the provisions notified in plan change, subject to a few changes to some of the provisions.
- 3.2 Specific submission points are addressed in the next section of this submission.

¹ 2020 statistics sourced from *Infometrics New Zealand*

Chapter 1: Introduction				
Sub pt	Plan provision	Support/ Part Support/ Oppose	Reason	Decision Sought
1.	Amendments to sections: <ul style="list-style-type: none"> • 1.3.1 • 1.3.2 and • 1.7 	Support	We agree to the changes to include references to the types of natural hazards (for example, fault rupture, liquefaction and debris) and the applicable overlays in the plan.	Retain as notified.
Chapter 2: Policy and Legal Framework				
Sub pt	Plan provision	Support/ Part Support/ Oppose	Reason	Decision Sought
2.	Amendment to section 2.3	Support	We agree to the change that only a number of residential and low-density residential allotments will carry prohibited activity status in the Ocean Ridge Comprehensive Zone. We understand this will ensure risk to human life is well protected.	Retain as notified.
Chapter 3: User's Guide				
Sub pt	Plan provision	Support/ Part Support/ Oppose	Reason	Decision Sought
3.	Add clause 's' to section 3.2.1(4) – Drawings	Support	We agree that, where possible, land use consent applications should include the location of any known natural hazards in relation to the land.	Retain as notified.

4.	Amend clause 3.2.2(b) to include types of natural hazard areas	Support	We agree to the amendment relating to consent applications for subdivisions; that where possible, details of hazardous areas should be included in the site plan, where possible.	Retain as notified.
Chapter 4: Definitions				
Sub pt	Plan provision	Support/ Part Support/ Oppose	Reason	Decision Sought
5.	New definition for <i>Average Recurrence Interval</i>	Support	We agree to the new definition, as notified.	Retain as notified.
6.	New definition for <i>Critical Infrastructure</i>	Support	We agree to the new definition, as notified. It provides an appropriate level of protection for vital activities within the district.	Retain as notified.
7.	New definition for <i>Earthworks</i>	Support	We agree to the adoption of the National Planning Standards' definition for Earthworks. We would generally support the adoption of definitions set out under the NPS, where it is practical to do so.	Retain as notified.
8.	New definition for <i>Hazard Mitigation Works</i>	Partially oppose	We oppose the inclusion of this definition because the Council also proposes another new definition: <i>Natural Hazards Mitigation Works</i> .	Delete this new definition. There is another definition proposed that may be more suitable. means works intended to control the effects of natural hazards

			We cannot discern a marked difference in the two, so we suggest the Council adopts the latter and delete this one.	
9.	New definition for Hazard Sensitive Buildings	Partially Support	<p>We broadly agree to the proposed definition but submit many farm sheds are used for storage and sheltering animals during adverse weather events.</p> <p>Other examples may inadvertently be capture by this definition include shearing sheds, hen houses and dog kennels.</p> <p>We recommend an amendment to the list of buildings not included.</p>	<p>Recommend an amendment to the definition:</p> <p>For the purposes of clause 1, buildings such as the following are not included:</p> <ul style="list-style-type: none"> i. farm sheds used solely for storage <u>and animal shelter</u>; ii. carports; iii. garden <u>sheds</u>; and iv. any buildings with a dirt/gravel or similarly unconstructed floor.
10.	New definition for High Flood Hazard Area	Support	We agree to the adoption of the definition provided under the Canterbury Regional Policy Statement (CRPS).	Retain as notified.
11.	New definition for Land Disturbance	Support	We agree to the new definition, as notified.	Retain as notified.
12.	New definition for Liquefaction Hazard	Support	We agree to the new definition, as notified.	Retain as notified.
13.	Replace existing definition for Natural Hazard	Support	We agree to the adoption of the definition provided under the Resource Management Act 1991	Retain as notified.
14.	New definition for Natural Hazards Mitigation Works	Partially Support	<p>We agree to the new definition and note we asked for the deletion, above, for a similar definition "Hazard Mitigation Works".</p> <p>We suggest a slight change in wording to better reflection this definition concerns works</p>	Amend proposed definition: "means works intended to control the effects of natural events <u>hazards</u> ."

			to mitigate or control the effect of natural effects.	
15.	New definition for Natural Hazard Overlays	Support	We agree to the definition, as notified.	Retain as notified.
16.	New definition for Operational Need	Support	We agree to the definition, as notified.	Retain as notified.
17.	New definition for Plantation Forestry	Support	We agree to the adoption of the definition provided under the National Environment Standards – Plantation Forestry.	Retain as notified.
18.	New definition for Structure	Support	We agree to the adoption of the National Planning Standards' definition for Structure. We would generally support the adoption of definitions set out under the NPS, where it is practical to do so.	Retain as notified.
19.	New definition for Shelterbelt	Partially support	<p>We agree there must be a definition for shelterbelt in the plan; but we note the proposed definition for Plantation Forestry, which the Council plans to adopt from the NES-Plantation Forestry, may create confusion for users of the plan.</p> <p>The NES-PF's definition for Plantation Forestry provides the following exclusion: "...a shelter belt of forest species, where the tree crown cover has...an average width of less than 30m".</p> <p>The proposed definition for Shelterbelt, on the other hand, say "...any trees planted primarily to provide shelter...which are no more greater than 20m".</p>	We recommend the Council reviews the two proposed definitions for shelter belts, and retain the NES-PF's limit of an average width of less than 30m.

			We recommend the Council reviews the two proposed definitions and retain the NES-PF's limit of an average width of less than 30m.	
20.	New definition for Woodlot	Support	We agree to the definition, as notified.	Retain as notified.
Chapter 7: Development and Tourism				
Sub pt	Plan provision	Support/ Part Support/ Oppose	Reason	Decision Sought
21.	Amend Policy 7.2.2 (1)	Support	The amendment suitably changes the focus from the risk of flooding and coastal erosion/inundation, specifically, to where the risk natural hazards is acceptable.	Retain as notified
22.	Amend Policy 7.2.3	Support	The amendment suitably changes the focus from the risk of flooding and land instability, specifically, to where the risk of natural hazards is acceptable.	Retain as notified
23.	Amend Explanation and Reasons in Chapter 7	Support	<p>The amendment suitably changes the focus to where the risk of natural hazards is acceptable.</p> <p>We note the Council has introduced a risk matrix/assessment in Chapter 8, which would help all users understand what may constitute an 'acceptable risk'.</p> <p>We suggest the Council add a short note here to cross-refer readers to the risk assessment factors in Chapter 8.</p>	Retain as notified, and recommend the Council adds a short note here to cross-refer readers to the risk assessment factors in Chapter 8.
Chapter 8 – Natural Hazards				
Sub pt	Plan provision	Support/	Reason	Decision Sought

		Part Support/ Oppose		
24.	Insert a new Introduction at 8.1	Support	We agree to the Introductory section, as drafted.	Retain as notified
25.	Insert a new objective at 8.2.1 – Risk from natural hazards	Support	We agree to this objective, as drafted.	Retain as notified
26.	Insert a new objective at 8.2.2 – Infrastructure	Support	We agree to this objective, as drafted.	Retain as notified
27.	Insert a new policy at 8.3.1 – Identification of natural hazards	Support	We agree to this policy, as drafted.	Retain as notified
28.	Insert a new policy 8.3.2 – Risk based approach	Support	We agree to this policy, as drafted.	Retain as notified
29.	Insert a new policy 8.3.3 – Additions to buildings in all hazard overlays	Support	We agree to this policy, as drafted.	Retain as notified
30.	Insert a new policy 8.3.4 – Hazard mitigation works	Support	We agree to this policy, as drafted.	Retain as notified
31.	Insert a new policy 8.3.5 – Natural Features providing natural hazard resilience	Support	We agree to this policy, as drafted	Retain as notified
32.	Insert a new policy 8.3.6 – Operation, maintenance, replacement and repair of all infrastructure	Support	We agree to this policy, as drafted.	Retain as notified

33.	Insert new policy 8.3.7 – New and upgrading of non-critical infrastructure	Support	We agree to this policy, as drafted.	Retain as notified
34.	Insert new policy 8.3.8 – Critical Infrastructure	Support	We agree to this policy, as drafted.	Retain as notified
35.	Insert new policy 8.3.9 – Earthworks	Support	We agree to this policy, as drafted.	Retain as notified
36.	Insert new policy 8.3.10 – High Flood Hazard Areas within the Urban Flood Assessment Overlay	Support	We agree to this policy, as drafted.	Retain as notified
37.	Insert new policy 8.3.11 – High Flood Hazard Area outside of the Urban Flood Assessment Overlay	Support	We agree to this policy, as drafted.	Retain as notified
38.	Insert new policy 8.3.12 – Flooding outside of High Flood Hazard Areas	Oppose	<p>We find the wording of this policy is too broad. As it is currently written it can capture all buildings outside the High Flood Hazards areas. We do not believe this is what was intended.</p> <p>Furthermore, looking at the rules in this plan, this policy does not seem to apply, or refer, to any of the flood overlays, specifically.</p> <p>It is our view that proposed policies 8.3.11 (which covers the Urban flood assessment overlay) and 8.3.13 (covering the Non-urban flood assessment overlay), and the related rules, will provide sufficient safeguards.</p> <p>There are no other flood overlays in the plan.</p>	<p>We recommend the Council deletes policy 8.3.12 in its entirety.</p> <p>There are other policies and rules that will provide appropriately safeguard the community from installing hazard sensitive buildings flood-prone areas.</p>

39.	Insert new policy 8.3.13 – Debris Flow Flan Overlay and Landslide Debris Inundation Overlay	Support	We agree to this policy, as drafted.	Retain as notified
40.	Insert new policy 8.3.14 – The Fault Avoidance Overlay and Fault Awareness Overlay	Support	We agree to this policy, as drafted.	Retain as notified
41.	Insert new policy 8.3.15 – Other natural hazards	Support	We agree to this policy, as drafted.	Retain as notified
42.	Insert new chapter 8.4 – Coastal Hazards, which includes one objective, four policies, a list of implementation methods and an explanatory note.	Support	We agree to this Chapter, as drafted.	Retain as notified
<i>Natural Hazards Rules – 8.5</i>				
43.	Insert new Rule 8.5.1 – All zones Permitted activity rule for plantation forestry, woodlot or shelter: separation distance of 30m from any hazard sensitive building on an adjoining property.	Support	We agree to this rule, as drafted.	Retain as notified.
44.	Insert new Rule 8.5.2 – All zones within Urban Flood Hazard Assessment Overlay: Permitted to establish a hazard sensitive building	Support	We agree to this rule, as drafted. We note this rule says it is permitted to establish “a hazard sensitive building...”. This appears different to the new Rule 8.5.3 which says “a new (emphasis added) hazard sensitive building’.	Retain as notified. The Council may wish to consider if they intended to say ‘new’ in this proposed rule to correlate to new Rule 8.5.3

	<p>subject to conditions and Standard 8.6.1</p> <p>Otherwise, a Restricted Discretionary consent is required.</p>		<p>The Council may wish to consider if they intended to say 'new' in this proposed rule to correlate to new Rule 8.5.3</p>	
45.	<p>Insert new Rule 8.5.3 – All zones within the Non-Urban Flood Hazard Assessment Overlay:</p> <p>Permitted to establish a hazard sensitive building subject to conditions and Standard 8.6.1</p>	Support	<p>We agree to this rule, but we note the activity status for Non-complying is triggered if you do not meet 'rule 8.5.2.a'.</p> <p>Likewise, the activity status for Restricted Discretionary' is triggered if you do not meet 'rule 8.5.2.b'.</p> <p>We consider this a drafting mistake and the Council may need to correct it.</p>	<p>Amend the provisions of Non-complying and Restricted discretionary status:</p> <p><u>Non-complying:</u></p> <p>Activity status where compliance with rule 8.5.2.3.a is not achieved</p> <p><u>Restricted discretionary:</u></p> <p>Activity status where compliance with rule 8.5.2.3.b is not achieved</p>
46.	<p>Insert new Rule 8.5.4 – All zones within the Debris Flow Fan Overlay or the Landslide Debris Inundation Overlay:</p> <p>the establishment of any new hazard sensitive building will require a Restricted Discretionary consent</p>	Support	<p>We agree to this rule, as drafted.</p>	<p>Retain as notified</p>
47.	<p>Insert new Rule 8.5.5- All zones within the Fault Avoidance Overlay or Fault Awareness Overlay:</p> <p>the establishment of any new hazard sensitive building will require a Restricted Discretionary consent</p>	Support	<p>We agree to this rule, as drafted.</p>	<p>Retain as notified</p>

48.	<p>Insert a new Rule 8.5.6 – All zones within the Urban Flood Assessment Overlay; or Non-Urban Flood Assessment Overlay; or Debris Flow Fan Overlay; or Landslide Debris Inundation Overlay; or Fault Avoidance; or Fault Awareness Overlay:</p> <p>Additions to existing hazard sensitive buildings is permitted subject to certain conditions and Standard 8.6.1.</p> <p>Otherwise, the addition is subject to a restricted discretionary consent.</p>	Support	We agree to this rule, as drafted.	Retain as notified
49.	<p>Insert new Rule 8.5.7 – All zones within the Urban Flood Assessment Overlay or Non-Urban Flood Assessment Overlay:</p> <p>Above ground earthworks, buildings and new structures is permitted subject to certain conditions.</p> <p>Otherwise a Restricted Discretionary consent is required.</p>	Support	We agree to this rule, as drafted.	Retain as notified
50.	<p>Insert new Rule 8.5.8 – All zones within the Urban Flood Assessment Overlay or the</p>	Support	We agree to this rule, as drafted.	Retain as notified

	<p>Non-Urban Flood Assessment Overlay:</p> <p>New infrastructure, or upgrading of infrastructure and critical infrastructure is permitted so long as there is no permanent raising of the ground level.</p> <p>Otherwise, a Restricted discretionary consent is required.</p>			
51.	<p>Insert new Rule 8.5.9 – All zones within the Urban Flood Assessment Overlay; or Non-Urban Flood Assessment Overlay; or Landslide Debris Inundation Overlay; or Fault Avoidance Overlay; or Fault Awareness Overlay:</p> <p>A restricted discretionary consent is required for all new critical infrastructure.</p>	Support	We agree to this rule, as drafted.	Retain as notified
52.	<p>Insert new Rule 8.5.10 – All zones within the Urban Flood Assessment Overlay; Non-Urban Flood Assessment Overlay:</p> <p>Changing an existing non-hazard sensitive building, to one that is hazard sensitive, is permitted subject to certain conditions and Standard 8.6.1</p>	Support	<p>We agree to this rule, but we note the activity status for Non-complying is triggered if you do not meet 'rule 8.5.9.a'.</p> <p>Likewise, the activity status for Restricted Discretionary' is triggered if you do not meet 'rule 8.5.9.b'.</p> <p>We consider this a drafting mistake and the Council may need to correct it.</p>	<p>Amend the provisions of Non-complying and Restricted discretionary status:</p> <p><u>Non-complying:</u> Activity status where compliance with rule 8.5.9.10_a is not achieved</p> <p><u>Restricted discretionary:</u> Activity status where compliance with rule 8.5.9.10_b is not achieved</p>

53.	<p>Insert new Rule 8.5.11 – All zones within the Debris Flow Fan Overlay; or Landslide Debris Inundation Overlay; or Fault Avoidance Overlay; or Fault Awareness Overlay:</p> <p>Changing an existing non-hazard sensitive building, to one that is hazard sensitive, will require a Restricted Discretionary consent.</p>	Support	We agree to this rule, as drafted.	Retain as notified
54.	<p>Insert new Rule 8.5.12 – All zones within the Urban Flood Assessment Overlay; or Non-Urban Flood Assessment Overlay:</p> <p>Establishing a new camping ground is permitted so long as the land is not susceptible to flooding in a 500 year ARI flood event, and meets Standard 8.6.1</p> <p>Otherwise, a Restricted Discretionary consent is required.</p>	Support	We agree to this rule, as drafted.	Retain as notified
55.	<p>Insert new Rule 8.5.13 – All zones within Fault Avoidance Overlay; or Landslide Debris Overlay</p> <p>Establishing a new camping ground will require a Restricted Discretionary consent.</p>	Support	We agree to this rule, as drafted.	Retain as notified

<i>Natural Hazards Standards – 8.6</i>				
56.	<p>Insert new Standard 8.6.1, which sets out what information must be included in a Flood Assessment Certified.</p> <p>The certificate will be issued by the Council and is valid for three years from the date of issue.</p>	Support	We agree to this Standard, as drafted.	Retain as notified
Chapter 13 – Subdivision				
Sub pt	Plan provision	Support/ Part Support/ Oppose	Reason	Decision Sought
57.	Amend 13.2 Issue 1 – Natural Hazards	Support	<p>We agree to the amendment, as drafted.</p> <p>Terminology in the revised Natural Hazards has been carried across to provisions relating to Natural Hazards in the Subdivision chapter.</p> <p>The changes will mean there is consistent reference to natural hazards - like landslide debris inundation, debris flow, etc – across the plan.</p>	Retain as notified.
58.	Amend 13.2.1 Objective 1	Support	<p>We agree to the amendment, as drafted.</p> <p>Terminology in the revised Natural Hazards has been carried across to provisions relating to Natural Hazards in the Subdivision chapter.</p>	Retain as notified.

			The changes will mean there is consistent reference to natural hazards - like landslide debris inundation, debris flow, etc – across the plan.	
59.	Insert new Policy 13.2.2.7: <i>Manage subdivision within all natural hazard overlays to ensure risk to life and property is acceptable</i>	Support	We agree to the proposed new policy, as drafted.	Retain as notified.
60.	Amend and Add to Subdivision rule 13.11.1 – Controlled Activity Status The rule was amended to cross-refer to amendments and additions to other Subdivision rules. Matters for control for Liquefaction within the Liquefaction Hazard Overlay was also added.	Support	We agree to the proposed amendment and addition, as drafted.	Retain as notified.
61.	Insert new Rule 13.11.2 – Restricted Discretionary Subdivision Activities Renumber current 13.11.2 – Discretionary Subdivision Activities – to 13.11.3	Support	We agree to the new rule, as drafted. We note the consequential renumbering of the current 13.11.2 to 13.11.3.	Retain as notified.
62.	Renumber current 13.11.3 – Non-Complying Subdivision Activities – to 13.11.4	Support	We note the consequential renumbering of the current 13.11.3 to 13.11.4.	Retain as notified.

	<p>The new 13.11.4 will include new provisions to align with Natural Hazard chapter rules on the Fault Avoidance Overlay and the High Flood Hazard area within the Non-Urban Flood Assessment Overlay.</p>		<p>We agree to the amendments to new Rule 13.11.4, as drafted.</p> <p>We also note the consequential amendments:</p> <ul style="list-style-type: none"> • Current 13.11.4 will become 13.11.5 • The clause changes will applied to Table 13.12.1.a 	
--	--	--	--	--