



Form 5

Submission on Proposed Natural Hazards Plan Change

To: Kaikoura District Council

Name of submitter: Canterbury Regional Council

This is a submission on the following proposed policy statement (or on the following proposed plan change)

Proposed Natural Hazards Plan Change

1. I could not gain an advantage in trade competition through this submission.
2. I am not directly affected by an effect of the subject matter on the submission that –
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition

The specific provision of the proposal that my submission relates to are:

Canterbury Regional Council's submission relates to the proposed plan change in its entirety. Please see Attachment 1 of this submission for specific submission points.

My Submission is:

Canterbury Regional Council (CRC) thanks Kaikoura District Council (the Council) for the opportunity to provide a formal submission on proposed Plan Change 3, which relates to Kaikoura District Plan's natural hazards provisions (excluding coastal hazards). We wish to acknowledge the considerable work that has been undertaken by the Council in preparing the proposed plan change and the collaborative approach the Council has taken to working with CRC staff and involving the Kaikoura community throughout development of the proposed plan change.

In general the CRC supports the proposed plan change. The proposed provisions, including the identification of natural hazard overlays, are generally consistent with the regional planning framework, specifically the Canterbury Regional Policy Statement.

In addition to CRC's overall support for the provisions, our submission contains a number of submission points, as outlined in Attachment 1 to this form. The submission points in the table generally support the intent of the proposed provisions, but seek amendments to achieve better alignment with the Canterbury Regional Policy Statement, and to improve readability, clarity and consistency. The table in Attachment 1 outlines the relevant provisions, the relief sought by CRC, and our reasons for seeking amendments.

CRC wishes to be heard in support of its submission.

CRC may consider presenting a joint case at a hearing if other submitters make a similar submission,



Andrew Parrish, Regional Planning Manager

Signature of submitter

(or person authorised to sign
on behalf of submitter)

Date __30 April 2021

Contact details for submitter:

Telephone: 027 836 7151_____

Postal address:__200 Tuam Street, Christchurch_____

Contact person: Jane Doogue, Team Leader Strategy & Planning

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission)

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

After the closing date for submissions, the Council will prepare a summary of the submissions that must be publicly notified. There will be an opportunity for anyone to make a further submission in support or opposition to any submission already made. Council will then arrange hearings to consider submissions and further submissions that have been lodged. Any person who has made a submission and who has indicated that they wish to be heard will have the right to attend the hearings and to present their submission. Decisions will then be made. Any person who has made a submission has the right of appeal against a Council decision to the Environment Court.

Canterbury Regional Council submission on Proposed plan Change 3 to Kaikōura District Plan

Attachment 1: Table of submission points (pink colour indicates minor and less substantive points, provided to enable the Council to make improvements for consistency and clarity)

General comments					
#	Reference	CRC position	Comment	Suggested amendment(s)	Reason
1	Key words and terms used throughout the proposed plan change	Support in part	<p>Inconsistent approaches to writing key words and terms:</p> <ul style="list-style-type: none"> • urban flood hazard assessment overlay vs urban flood assessment overlay • flood hazard assessment certificate vs flood hazard certificate • Inconsistent capitalisation of flood hazard assessment certificate • debris fan flows vs debris flow fans, debris fans overlay vs debris flow fan overlay • wild fire vs wildfire • risk based vs risk-based • Inconsistent capitalisation: 8.3 Natural Hazard Policies vs 8.5 Natural hazards rules • capitalisation of first word in defined terms, eg plantation forestry, hazard sensitive building, the use of 'new' in relation to activities managed, eg Rule 8.5.2 and 8.5.3/8.5.4 	Amend all key words and terms for consistency.	Improved consistency, clarity.

			<ul style="list-style-type: none"> Use of 'in' Vs 'within' and 'of' natural hazard overlays 		
2	Relevance of Chapter 3 and Chapter 25		<p>Chapter 3 requires specified information to be included in land use and subdivision applications, including natural hazards information.</p> <p>Chapter 25 lists assessment matters for guiding applicants, Council officers, consultants and decision makers, on what should be taken into account when considering resource applications for consent for land use and subdivision, and for permitted activities.</p> <p>The proposed plan change does not refer to the natural hazards matters in these two chapters, and there may be some overlap and/or inconsistencies.</p>	<p>Insert text in the Introduction sections of Chapters 8 and 13 that explains the role of Chapter 3 and Chapter 25, and consider amending the matters to improve consistency with the proposed plan change provisions.</p>	<p>These changes would improve consistency and clarity.</p>
Comments on provisions in order					
Chapter 1: Introduction					
3	1.3.2 The Management Role...	Support in part	<p>The control of subdivision of land is a function of the district council but it is separate to the control of any actual or potential effects ofnatural hazards.</p>	<p>Start <i>The control of subdivision of land</i> on a new line with a hyphen.</p>	<p>Improved clarity.</p>

Chapter 4: Definitions

4	Definition: Hazard Sensitive Building	Support in part	The definition is for a singular building, and as such should remain in singular.	Amend to read: <i>means any building which:</i> <i>1. is used as part of the ...</i> <i>2. contains...</i> <i>3. is serviced</i>	Improved clarity, consistency.
5	Definition: High Flood Hazard Area	Support in part	The definition is for a singular area and as such the definition should remain in singular. CRC prefers the use of Annual Recurrence Interval (ARI) over AEP. As such, we support proposed Chapter 4 including a definition of ARI, and prefer that the High Flood Hazard Area definition refers to ARI.	Amend to read: <i>High Flood Hazard Area</i> <i>means an area 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 500 year ARI flood.</i>	Improved clarity, consistency.
6	Definition: Natural Hazard Mitigation Works	Oppose	Proposed Chapter 4 already contains a definition for Hazard Mitigation Works, and the provisions refer to Hazard Mitigation Works. Therefore this definition is unnecessary duplication.	Remove the definition of Natural Hazard Mitigation Works.	Improved clarity, consistency.
7	Definition: Natural Hazard Overlays	Support in part	The definition should reflect that Natural Hazard Overlays is plural. Liquefaction overlay is the only overlay name containing the word	Amend to read: <i>Natural Hazard Overlays</i>	Consistency.

			'hazard', yet they are all hazard overlays.	<i>identify areas subject to a natural hazard ...</i> <i>g. Liquefaction Overlay</i>	
Chapter 7: Development and Tourism					
8	Explanation and reasons	Support in part	The paragraph refers to Kaikoura township and its surrounding land having a high probability of being flooded, and lists other natural hazards prevalent in the district. However it omits to mention that other parts of the district are also subject to flooding.	Amend the paragraph to reflect that flooding affects other parts of the Kaikoura district in addition to Kaikoura township and its surrounding land.	Improved accuracy, clarity.
Chapter 8: Natural Hazards					
9	Non-assessed areas	Support in part	Chapter 8 is silent on areas within the district that are subject to natural hazards but that have not been assessed or included in an overlay.	Include explanatory text as to how these situations will be managed, for example if it is via the Building Act. This could be achieved by inserting an additional paragraph in the Introduction section to Chapter 8. Chapter 3 and/or Chapter 25 may also have a role, in which case this could be explained (refer submission point 2).	These changes would give better effect to RPS policies 11.3.1 Avoidance of inappropriate development in high hazard areas 11.3.2 Avoid development in areas subject to inundation 11.3.3 Earthquake hazards

					11.3.5 General Risk Management Approach
10	8.1 Introduction First paragraph	Support in part	States that the Kaikoura District is susceptible to coastal inundation. Coastal hazards are not addressed by this plan change. Additionally, we are not aware of coastal hazards assessments of the Kaikoura District which identify areas susceptible to coastal inundation.	Remove the inclusion of coastal inundation as a natural hazard that the Kaikoura District is susceptible to.	A minor error - accuracy
11	8.1 Introduction Third paragraph	Support in part	Incorrect reference to the <i>International Panel on Climate Change</i> . It should read: <i>Intergovernmental Panel on Climate Change</i>	Amend to refer to <i>Intergovernmental Panel on Climate Change</i>	A minor error – correct reference
12	8.1 Introduction Under the heading Risk First paragraph	Support in part	The risk-based approach should ensure that both lives <u>and</u> significant assets are not likely to be harmed, not one or the other.	Amend to read: <i>Risk is a product ... while also ensuring that their lives and significant assets are not likely...</i>	Clarity, completeness
13	8.1 Introduction Paragraphs commencing <i>This chapter...</i> , and <i>Potential mitigation ...</i>	Support in part	The chapter includes a definition for hazard mitigation works, and this terminology should be used consistently instead of introducing a new term <i>hazard mitigation measures</i> .	Amend paragraphs to read: <i>This chapter anticipates the use of hazard mitigation works where it is appropriate....</i> <i>Potential hazard mitigation works than can be incorporated ...</i>	Consistency, clarity

14	<p>Paragraph commencing</p> <p><i>'The areas potentially at risk from flooding ...'</i></p>	Support in part	<p>This paragraph would benefit from a sub-heading for flooding. The text as written is confusing.</p>	<p>Insert a new heading Flooding and amend the paragraph for clarity and to reflect that not all areas of the district that may be at risk of flooding are identified by the two flood assessment overlays as shown on the planning maps.</p>	Clarity, completeness
15	<p>8.1 Introduction</p> <p>Section on Coastal erosion and inundation from the sea and tsunamis</p>	Oppose	<p>Coastal hazards are not addressed in this proposed plan change. The two paragraphs included in this section (greyed out to indicate out of scope) exclude some text that has been deleted from the operative plan, and include some additional text that is not in the operative plan.</p>	<p>Reinstate this section as per the operative district plan.</p>	<p>To remain consistent with the scope of the proposed plan change.</p>
16	Objectives	Support in part	<p>Objective 8.2.1's title - <i>Risk from natural hazards</i>, is an overall natural hazard objective and therefore applies to all natural hazards, while the first two clauses of the objective focus on flood hazard, and the third clause refers to all hazards covered by the overlays.</p> <p>CRC supports the objective in part but considers that the natural hazards objectives would be improved if there was one</p>	<p>Insert new Objective 8.2.1 to reflect an overarching objective for all natural hazards, whereby the outcome sought is management of all natural hazard risk (including in areas not identified by an overlay) to acceptable levels. For example:</p> <p><i>Objective 8.2.1 Risk from natural hazards</i></p> <p><i>New land use and development is managed in areas subject to</i></p>	<p>These changes would give better effect to RPS policies:</p> <p>5.3.2 Development conditions</p> <p>11.3.1 Avoidance of inappropriate development in high hazard areas</p>

			<p>overarching objective for management of natural hazards and a separate objective for flood hazards.</p> <p>In addition Clause 3 as written does not make sense, ie <i>New land use and development is managed in all other Hazard Overlays outside of High Flood Hazard Areas to acceptable level.</i></p>	<p><i>natural hazards to ensure that natural hazard risk is avoided or mitigated to an acceptable level.</i></p> <p>Objective 8.2.2 would become the objective focused on flooding and retain Clause 1 and 2 of the proposed objective 8.2.1.</p> <p>Objective 8.2.3 would become the objective focused on infrastructure.</p>	<p>11.3.2 Avoid development in areas subject to inundation</p> <p>11.3.3 Earthquake hazards</p> <p>11.3.5 General Risk Management Approach</p> <p>The changes would also improve the hierarchy of provisions, providing a clear line of sight from the objectives through to policies and rules.</p>
17	Objectives	Support in part	<p>There is a lack of objectives relating to natural hazard mitigation works.</p>	<p>Insert a new objective 8.2.4 relating to natural hazard mitigation works where the outcome sought is that communities avoid relying on hazard mitigation works to enable new development in the first instance, and that where new mitigation works are unavoidable, they do not have significant effects on the environment.</p>	<p>This addition would give better effect to RPS policies:</p> <p>11.3.1 Avoidance of inappropriate development in high hazard areas</p> <p>11.3.2 Avoid development in areas subject to inundation</p> <p>11.3.7 Physical mitigation works</p> <p>The change would also provide an outcome for policy 8.3.4 to achieve,</p>

					and a clear line of sight from the objectives through to policies and rules relating to mitigation works.
18	Policy 8.3.2 Risk-based approach	Support in part	The policy could go further to establish the requirement to manage natural hazards risk to acceptable levels.	Consider inserting a second clause Policy 8.3.2 requiring natural hazard risk to be managed to an acceptable level.	These changes would give better effect to RPS policy: 11.3.5 General Risk Management Approach
19	Policy 8.3.4 Hazard Mitigation Works (2)	Support in part	Clause 2 of Policy 8.3.4 as written captures hazard mitigation works undertaken by the Crown, CRC or the Council, but not works undertaken on behalf of these agencies.	Amend to read: <i>2. not undertaken by or on behalf of the Crown, Canterbury Regional Council ...</i>	These changes better give effect to RPS policies: 10.3.3: Management for flood control and protecting essential structures 11.3.7 Physical mitigation works
20	Policy 8.3.4 Hazard Mitigation Works (2.c)	Support in part	Clause 2(c) to Policy 8.3.4 as written is not grammatically correct, it contains full-stops between words which should be commas. Additionally, it is unclear as to who 'other' people are.	Amend to read: <i>2. c. the mitigation works ...to people, property, infrastructure or the natural environment.</i>	Drafting error - clarity.
21	Policy 8.3.5	Support in part	The policy refers to a singular wetland where it should be plural.	Amend to read: <i>Restore, maintain or enhance wetlands</i>	Minor error - drafting

22	Policy 8.3.5	Support in part	The policy refers to natural features <i>which assist in avoiding or reducing natural hazards</i> . It would be consistent with the rest of the provisions if it referred to <i>mitigating</i> rather than <i>reducing</i>	Amend to read: <i>Restore, maintain or enhance which assist in avoiding or mitigating natural hazards</i>	Improved consistency, clarity
23	Policy 8.3.8 (3)	Support in part	Inconsistent references to 'low' and 'acceptable' levels of risk Acceptable level of risk has been used predominantly in the provisions, and the Introduction section contains an explanation of acceptable risk. The risk-based approach included in the RPS also uses acceptable and unacceptable levels of risk. Introducing the term 'low risk' is inconsistent and may be confusing for plan users, especially as there is no explanation of what this means and how it is determined.	Amend references to 'low' risk to read acceptable risk or an acceptable level of risk. For example	These changes would improve consistency, clarity and give better effect to RPS policies: 11.3.2 Avoid development in areas subject to inundation 11.3.5 General Risk Management Approach
24	Policy 8.3.8, (4)(b)	Support in part	It is unclear that the first part of the clause applies to new critical infrastructure not increasing the risk on the site (as opposed to offsite), while the second part of the clause relates to effects on other sites. The second part of the clause should also apply to increased	Amend to read: <i>b. The critical infrastructure does not significantly increase the natural hazard risk to life on the site, or increase the risk to life or property on another site.</i>	Drafting error – this change would give better effect to RPS Policy: 11.3.4. Critical infrastructure

			risk to either life OR property on another site (replace <i>and</i> with <i>or</i>)		
25	Policy 8.3.10 Policy 8.3.11	Support in part	<p>The key difference between Policy 8.3.10 and 8.3.11, for hazard sensitive buildings, should be the option to mitigate the flood risk within the Urban Flood Assessment Overlay (consistent with RPS Policy 11.3.1 (5), while within the Non-Urban Flood Assessment Overlay hazard sensitive buildings should be avoided.</p> <p>Policy 8.3.10 applies to hazard sensitive buildings, rendering the first exemption in Policy 8.3.10 unnecessary, ie Hazard Sensitive Buildings by definition mean that the natural hazard risk is higher than buildings that do not fit this definition.</p> <p>Policy 8.3.10 should also require that development in these areas can demonstrate that it is able to be accessed and serviced in the event of flooding, and it should not be likely to require new or upgraded community hazard mitigation works.</p>	<p>Amend Policy 8.3.10 to read:</p> <p><i>Avoid land use and development for hazard sensitive buildings in High Flood Hazard Areas within the Urban Flood Hazard Assessment Overlay, unless it can be demonstrated that:</i></p> <ol style="list-style-type: none"> <i>1. minimum floor levels are incorporated ... to ensure buildings are located above the flood level so that the risk to life and potential for property damage is mitigated to an acceptable level</i> <i>2. the risk to surrounding ...</i> <i>4. the development is not likely to require new or upgraded community hazard mitigation works</i> <i>5. the hazard sensitive building can be accessed and serviced during flood events</i> <p>Amend Policy 8.3.11 to read:</p> <p><i>Avoid land use and development for hazard</i></p>	<p>These changes would give better effect to RPS Policy:</p> <p>11.3.1 Avoidance of inappropriate development in high hazard areas</p> <p>11.3.2 Avoid development in areas subject to inundation</p> <p>11.3.7 Physical mitigation works</p>

				<i>sensitive buildings in High Flood Hazard Areas outside of the Urban Flood Hazard Assessment Overlay, unless</i>	
26	Policy 8.3.10 Policy 8.3.11 Policy 8.3.12	Support in part	All three policies refer to <i>High Flood Hazard Areas as determined by a Flood Hazard Assessment Certificate</i> . CRC considers that the inclusion of ' <i>as determined by a Flood Hazard Assessment</i> ' is unnecessary because it is clear in the rules that High Flood Hazard areas will be determined by a Flood Hazard Assessment Certificate in accordance with activity standard 8.6.1.	Delete the words ' <i>as determined by a Flood Hazard Assessment</i> ' from policies 8.3.10, 8.3.11 and 8.3.12	Efficiency
27	Rule 8.5.1 Plantation forestry	Support in part	The restricted discretionary rule has no matters of discretion.	<i>Insert matters of discretion as follows:</i> <i>1. The wildfire risk to life and property on the site and to adjacent property</i> <i>2. Proposals to mitigate any risk including the enabling of firefighting and alignment with NZS 4509:2008 (Code of Practice for Firefighting Water Supplies)</i>	Incomplete drafting, clarity

28	Rules 8.5.4 and 8.5.6 Matter of discretion (2)	Support in part	Matter of discretion (2) refers to a structure when the rule applies only to buildings (which are one type of structure). The inclusion of structure is therefore unnecessary and confusing.	Amend (2) to read: <i>2. The nature, design and intended use of the building, and its susceptibility to damage.</i>	Consistency, clarity
29	8.6.1 Natural hazard standards	Support in part	8.6.1 is referred to in the rules as activity standard 8.6.1. Its title should reflect this.	Amend to read: 8.6.1 Natural Hazards Activity Standard	Consistency in drafting
Chapter 13: Subdivision					
30	Objective 1	Support in part	Objective 1 and Policy 7 as written are at odds. Objective 1 seeks the avoidance of subdivision in areas where it increases risk, unless it can be remedied, avoided or mitigated. Whereas Policy 7 requires management to ensure risk to life and property is acceptable.	Amend Objective 1 to read: <i>Subdivision is</i> <i>1. avoided in areas where the risk to life or property from natural hazards is unacceptable</i> <i>2. managed in other areas to ensure that the risk of natural hazards to people and property is appropriately mitigated</i>	Give better effect to RPS policies: 11.3.1 Avoidance of inappropriate development in high hazard areas 11.3.2 Avoid development in areas subject to inundation 11.3.3 Earthquake hazards 11.3.5 General Risk Management Approach The change would also provide an outcome for policy 13.2.2 to achieve,

					and a clear line of sight from the objective through to policies and rules relating to subdivision.
31	Policy 7	Support in part	<p>As noted in Submission point 30, Objective 1 and Policy 7 as written are at odds. Objective 1 seeks the avoidance of subdivision in areas where it increases risk, unless it can be remedied, avoided or mitigated. Whereas Policy 7 requires management to ensure risk to life and property is acceptable.</p> <p>Amendments to Objective 1 are suggested in Submission Point 30. Policy 7 would benefit from more specificity to provide policy direction on areas where subdivision is inappropriate (unacceptable risk), and where it may be appropriate.</p> <p>The policy should also require that development in these areas can demonstrate that it will not be likely to require new or upgraded community hazard mitigation works, and that properties are able to be accessed and serviced in the event of flooding.</p>	<p>Amend Policy 7 to read:</p> <ol style="list-style-type: none"> <i>1. Avoid subdivision within High Flood Hazard areas unless it is within the Urban Flood Overlay in which case the flood risk must be avoided or mitigated.</i> <i>2. Avoid subdivision within the Fault Avoidance Overlay</i> <i>3. Manage subdivision within all natural hazard overlays other than those referred to in Clause 1 and 2 above, to ensure that the natural hazard risk is acceptable</i> <i>4. Manage subdivision in areas of the district that are subject to natural hazards, but are not identified as within a natural hazards overlay, to ensure that the risk to life and property from natural hazards is acceptable.</i> <i>5. Manage subdivision to ensure that development is not likely to require new or upgraded community scale</i> 	<p>These changes would give better effect to RPS policies:</p> <p>11.3.1 Avoidance of inappropriate development in high hazard areas</p> <p>11.3.2 Avoid development in areas subject to inundation</p> <p>11.3.5 General Risk Management Approach</p> <p>11.3.7 Physical mitigation works</p> <p>The change would also improve the line of sight from the objective through to policies and rules.</p>

				<i>hazard mitigation works, and that in the event of a flood all properties continue to have physical access and services.</i>	
32	13.11.1 Controlled subdivision activities Matter of control: Natural Hazards		<p>The matter of control relating to natural hazards (first paragraph including the list of natural hazards) has been carried over from the operative plan, but it is inconsistent with the proposed natural hazards chapter and provisions, including the matters of discretion.</p> <p>CRC also considers that matter of control should require that a new subdivision is able to be accessed and serviced in the event of flooding, and it should not be likely to require new or upgraded community hazard mitigation works.</p>	<p>Delete the first paragraph under matters of control Natural Hazards (including the list of natural hazards but retaining the liquefaction paragraph), and replace the first paragraph with:</p> <p><i>Natural hazards</i></p> <p><i>1. The nature and extent of natural hazards that may affect the area proposed to be subdivided</i></p> <p><i>2. Proposals to avoid or mitigate natural hazards</i></p> <p><i>3. Whether proposed new allotment(s) would lead to an increase in risk from natural hazards, including to people, property on the new allotments or other properties</i></p> <p><i>4. Whether the new subdivision is likely to require new or upgraded community scale hazard mitigation works</i></p> <p><i>5. Proposals to ensure that any new Hazard Sensitive Buildings</i></p>	<p>These changes would give better effect to RPS policies:</p> <p>11.3.1 Avoidance of inappropriate development in high hazard areas</p> <p>11.3.2 Avoid development in areas subject to inundation</p> <p>11.3.5 General Risk Management Approach</p> <p>11.3.7 Physical mitigation works</p> <p>The change would also provide a clearer line of sight from the objective through to policies and rules</p>

				<i>to be developed as a result of the subdivision are able to be accessed and serviced in the event of flooding</i>	
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