

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED PLAN CHANGES 28, 29 AND 30 AND PROPOSED
DESIGNATIONS CHAPTER TO THE MACKENZIE DISTRICT PLAN**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of Proposed Plan Changes 28, 29 and 30 and Proposed Designations Chapter to the Mackenzie District Plan

**SUPPLEMENTARY STATEMENT OF EVIDENCE
OF JOLENE MARGARET IRVINE ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

NATURAL HAZARDS

6 June 2025

- 1 The Hearing Panel requested further information following the hearing into Proposed Plan Changes 28, 29 and 30 and Proposed Designations Chapter to the Mackenzie District Plan on 29 May 2025. The question posed to me was, “consider more nuanced approach to rule regarding natural hazard mitigation (**NH-R5**)”.
- 2 This is supplementary evidence in response to that question and is in addition to my substantive evidence submitted 9 May 2025.
- 3 I understand the premise for this question was to explore a Permitted Activity rule to allow Council(s) to undertake new, but small scale, natural hazard mitigation works. The drafting was to achieve an appropriate threshold suitable for a Permitted Activity pathway
- 4 Below I provide updated drafting, shown as amendments to the NH-R5 rule I requested in my substantive evidence (9 May 2025). To describe the reasoning and scale of this new proposed PER 2:
 - (a) Wording has some consistency with RMA 1991 s330 – ‘preventative’ and ‘remedial’;
 - (b) Only the Regional or Council or Territorial Authority can meet PER 2, given their role in protecting communities from hazards;
 - (c) The scope is limited to responding to damage and maintaining the current level of protection. To provide examples:
 - (i) a site may be protected by a naturally occurring cluster of trees, but if those trees are eroded away (perhaps in a flood), there could be an increase in erosion and flood risk to other infrastructure. PER 2 would permit either Council to reestablish the level of protection previously provided by the trees (likely through new planting).
 - (ii) riverbank erosion begins to threaten the exposure of a historic land-fill. This PER 2 would allow NHMW to defend against the proliferation of that erosion bay.
 - (d) This PER 2 is not anticipated to permit large scale flood protection improvement projects.

<u>Rule</u> <u>NH-R5</u>	<u>Natural Hazard Mitigation Works</u>	
<u>All zones</u>	<p>Activity Status: PER</p> <p>Where:</p> <p>The works are:</p> <ol style="list-style-type: none"> 1. <u>The maintenance of operation of any existing natural hazard mitigation works, or</u> 2. <u>The upgrading or establishment of any new natural hazard mitigation works administered by a Regional Council or Territorial Authority that is required for preventative or remedial measures in response to active erosion or flooding, and are limited to works that maintain or reinstate the pre-existing level of protection.</u> <p>Note: The <u>earthworks</u> provisions in <u>Earthworks</u> any other Chapter shall not apply to any activity permitted under NH-R5.4.</p>	<p>Activity status when compliance is not achieved with R5.1-R5.2: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. <u>NH-MD2</u>
<u>All zones</u>	<p>Activity Status: RDIS</p> <p>Where:</p> <p>The works are:</p> <ol style="list-style-type: none"> 3. <u>The establishment of any new natural hazard mitigation works administered by a Regional Council or Territorial Authority.</u> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. <u>NH-MD2</u> 	<p>Activity status when compliance is not achieved with R5.3: DIS</p>

5 I trust the addresses the panels question. I am willing to engage in any further requests relating to the drafting and provisions of this Rule.



Jolene Irvine

06 June 2025