

**BEFORE THE HEARINGS PANEL
FOR PROPOSED PLAN CHANGES 28, 29 AND 30 AND THE 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 the proposed Designations Chapter to the Mackenzie District Plan

**STATEMENT OF EVIDENCE OF RACHEL CLAIRE TUTTY
ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

**Proposed Plan Changes 28, 29 and 30 and the proposed Designations
Chapter to the Mackenzie District Plan**

9 May 2025

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SUMMARY STATEMENT

1. The Canterbury Regional Council (**Regional Council**) sought amendments to various provisions proposed under Plan Change 28 (**PC28**), Plan Change 29 (**PC29**), and Plan Change 30 (**PC30**) and the proposed Designations Chapter to the Mackenzie District Plan (**MDP**). These amendments were sought to better give effect to the Canterbury Regional Policy Statement (**CRPS**) and to ensure that the Regional Council can continue to undertake its statutory functions and responsibilities.
2. I have reviewed the s42A reports for PC28 written by Meg Justice and Emma Spalding, the s42A report for PC29 written by Liz White, the s42A reports for PC30 written by Emma Spalding and Nick Boyes, and the s42A report for the proposed Designations Chapter written by Suzanne Blyth for Mackenzie District Council (**MDC**). My evidence presents my opinion on their recommendations, with reasons, and suggests additional points for consideration. Specifically, these are in relation to the following topics:
 - (a) Natural Hazards – ensuring that the natural hazards provisions give effect to the CRPS and best practice, especially in regard to flood hazards and earthquake hazards.
 - (b) Designations – ensuring that the description and mapping of the Takapō Regional Park accurately reflects the extent of that park.
 - (c) Natural Hazard Mitigation Works – enabling the Regional Council to carry out its functions to protect communities from the effects of natural hazards
3. Amendments to the provisions to be included in the Mackenzie District Plan are proposed in my evidence, based on the evidence of Mr Griffiths (Team leader, Natural Hazards Science), Ms Jack (Senior Scientist – Natural Hazards Science) and Ms Irvine (Team leader, Rivers Planning). These amendments are included as **Appendix 1** to my evidence.

INTRODUCTION

4. My full name is Rachel Claire Tutty.
5. I am employed as a Principal Planner at the Regional Council, and I have been employed by the Regional Council since December 2020.

QUALIFICATIONS AND EXPERIENCE

6. My qualifications include a Bachelor of Science from the University of Canterbury, and a Postgraduate Certificate in Environmental Management (with Distinction) from Lincoln University.
7. I have worked in planning since 2020 and have experience in plan making and policy analysis. This experience includes drafting submissions on national legislation, district council plan changes and district council notified consents. It also includes preparing and presenting evidence on Plan Changes 23 to 26 to the Mackenzie District Plan.

CODE OF CONDUCT

8. I can confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving any oral evidence during this hearing. Except where I state that I am relying on the evidence of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
9. Although I am employed by the Regional Council, I am conscious that in giving evidence in an expert capacity that my overriding duty is to the Hearings Panel.

SCOPE OF EVIDENCE

10. This My evidence relates to PC28, PC29 and PC30, and the proposed Designations Chapter.
11. The Regional Council lodged submissions on those plan changes and provisions, largely in support of the proposals. The Regional Council sought some further alignment with the CRPS and some amendments to better enable the Regional Council's functions.
12. The Regional Council lodged further submissions on PC28 seeking to ensure that the MDP gives effect to the CRPS and that the Regional Council is able to carry out its functions.
13. My evidence has been structured to address:
 - (a) The Regional Council's interest in PC28, 29 and 30, and the proposed Designations Chapter; and
 - (b) A summary of the Regional Council's submissions, and my opinion on whether the recommended amendments of the section 42A authors address the concerns raised in this submission.
14. In preparing my evidence I have reviewed the following documents:
 - (a) The notified provisions contained in PC28, PC29 and PC30, and the proposed Designations Chapter;
 - (b) The Section 32 reports for PC28, PC29 and PC30, and the proposed Designations Chapter, prepared and notified by Mackenzie District Council (**MDC**);
 - (c) The Regional Council's submission on PC28, PC29 and PC30, and the proposed Designations Chapter;
 - (d) The Regional Council's further submissions on PC28;
 - (e) The summary of decisions requested on PC28, PC29 and PC30, and the proposed Designations Chapter;
 - (f) The section 42A reports, and associated appendices;
 - (g) The relevant provisions of the CRPS;
 - (h) The relevant provisions of the Canterbury Land and Water Regional Plan (**LWRP**);

- (i) The relevant provisions of the National Environmental Standards for Telecommunication Facilities 2016 (**NES-TF**);
- (j) The relevant matters within the National Planning Standards 2019; and
- (k) The relevant provisions in the National Environment Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

15. My evidence addresses the planning issues raised by the Regional Council's submission and further submissions.

CANTERBURY REGIONAL COUNCIL'S INTEREST IN PC28, PC29, PC30. AND THE PROPOSED DESIGNATIONS CHAPTER

- 16. The Regional Council has functions under section 30 of the Resource Management Act 1991 (**RMA**) relating to the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region. This is accomplished (in part) by establishing and administering the CRPS.
- 17. Section 75(3) of the RMA requires that a district plan (in this case PC28, PC29, PC30, and the proposed Designations Chapter) must give effect to several higher order statutory planning documents, including a regional policy statement. The CRPS was notified in 2011 and was made operative in 2013.
- 18. Section 62 of the RMA requires that a regional policy statement must state the local authority responsible in the whole or any part of the region for specifying the objectives, policies, and methods for the control of the use of land to avoid or mitigate natural hazards or any group of hazards.
- 19. Section 75(4) of the RMA requires that a district plan (in this case PC28, PC29 and PC30, and the proposed Designations Chapter) is not inconsistent with a regional plan that addresses regional council functions. The Canterbury Land and Water Regional Plan (**LWRP**) was made operative in 2015.
- 20. The focus of the Regional Council's submission is to support MDC in implementing and giving effect to the CRPS, and to ensure that the

provisions of PC28, PC29 and PC30, and the proposed Designations Chapter are consistent with the regional planning framework.

21. A secondary focus is to ensure that PC28, PC29 and PC30, and the proposed Designations Chapter provide for the Regional Council to continue to undertake its statutory functions and responsibilities.
22. I have not sought to repeat all of the relevant provisions contained in these national and regional planning documents. My evidence focuses on those I consider to be most relevant to the matters subject to PC28, PC29 and PC30 and the proposed Designations Chapter, and the submission made by the Regional Council.

Natural Hazard Provisions

23. The Regional Council has a responsibility for the control of the use of land for the purpose of avoiding or mitigating natural hazards under s30 of the RMA. This includes setting out, within the CRPS, the responsibilities of local authorities for managing natural hazards.
24. The policy framework in the CRPS for managing Natural Hazards is mostly contained within Chapter 11. This chapter sets out a risk-based approach for managing natural hazards in Canterbury. Risk is determined as a function of the likelihood and the consequences of a natural hazard occurring.
25. The CRPS applies a three-tiered management hierarchy to implement this approach. The priority is to avoid development in high-risk or hazard-prone areas and matching land use to anticipated change in climatic conditions in the future.¹
26. If avoidance is not possible, the second priority management approach is to mitigate or reduce the effects of natural hazards, with the acknowledgement that there will be some residual adverse effects from natural hazards. The third priority outlined in Chapter 11 provides for the response to and recovery from the consequences of natural hazard events.

¹ Outlined in the Introduction to Chapter 11 of the Canterbury Regional Policy Statement.

27. The CRPS requires the Regional Council to provide information it holds to define high hazard areas; to share any information it holds about natural hazards when requested, and to work with Territorial Authorities (TAs) to investigate and define potential high hazard areas where information is uncertain or insufficient. The Regional Council is also required to assist TAs in determining areas subject to 1 in 200 year flood events, by providing the information it holds, and guidance about appropriate floor levels to manage the adverse effects of flood events.
28. Specific provisions of the CRPS relevant to my evidence are assessed further in the body of this statement. Relevant CRPS provisions include:
 - (a) Policy 11.3.1 Avoidance of inappropriate development in high hazard areas
 - i. This policy seeks to avoid new subdivision, use and development (except critical infrastructure) of land in high hazard areas, unless a range of conditions are met. Those conditions include that in a natural hazard event, the subdivision, use or development is unlikely to result in loss of life or serious injury, suffer significant damage, or exacerbate the effects.
 - ii. Territorial authorities are required to set out objectives and policies, and may include methods in district plans, to avoid new subdivision, use and development that does not meet the conditions included in this policy, for known high hazard areas.
 - (b) Policy 11.3.2 Avoiding development in areas subject to inundation.
 - i. This policy seeks to avoid new subdivision, use or development outside high hazard areas, in areas that are subject to inundation by a 0.5% Annual Exceedance Probability (**AEP**) flood event unless there is no increased risk to life, and the subdivision, use or development meets several conditions. Those conditions include that it is unlikely to suffer material damage in an inundation event or has an appropriate floor level above the 0.5% AEP and hazardous substances will not be inundated during a 0.5% AEP flood event.

- ii. Territorial authorities are required to:
 1. set out objectives and policies and may include methods in district plans to avoid new subdivision, use or development of land in known areas subject to inundation by a 0.5% AEP flood event other than where the activity meets the conditions included in this policy.
 2. Where there is a known flooding risk, include provision in their district plans that require a 0.5% AEP flood event to be determined, and its effects assessed, prior to new subdivision, use or development of land taking place.

(c) Policy 11.3.3 Earthquake hazards

- i. This policy requires that new subdivision, use and development of land on or close to an active earthquake fault trace, or in areas susceptible to liquefaction and lateral spreading, shall be managed in order to avoid or mitigate the adverse effects of fault rupture, liquefaction and lateral spreading.
- ii. Territorial authorities are required to set out objectives and policies and may include methods in district plans to manage new subdivision, use and development of land in areas on or adjacent to a known active earthquake fault trace, and in areas known to be potentially susceptible to liquefaction and lateral spreading.

(d) Policy 11.3.4 Critical infrastructure

- i. This policy requires that new critical infrastructure will be located outside high hazard areas unless there is no reasonable alternative. In all areas critical infrastructure must be designed to maintain, as far as practicable, its integrity and function during a natural hazard event.
- ii. Territorial authorities are required to set out objectives and policies and may include methods in district plans to ensure that new critical infrastructure is located outside known high hazard areas unless there is no reasonable alternative.

(e) Policy 11.3.5 General risk management approach

- i. This policy requires that subdivision, use and development of land is avoided if the risks from natural hazards are unacceptable, for natural hazards and/or areas not addressed in the previous policies. Unacceptable risk is assessed by determining the likelihood of and potential consequences of the natural hazard event.
- ii. Territorial authorities are required to set out objectives and policies and may include methods in district plans to ensure that subdivision, use or development of land is avoided where the risk from natural hazards is unacceptable, and appropriately mitigated in areas where there is a residual risk from natural hazards.

(f) Policy 11.3.7 Physical mitigation works

- i. This policy states that new physical mitigation works to mitigate natural hazards will only be acceptable where the natural hazard risk cannot reasonably be avoided and any adverse effects of those works on the natural and built environment and on the cultural values of Ngāi Tahu are avoided, remedied or mitigated. Where the works are developed or maintained by local authorities, impediments to accessing those structures for maintenance purposes will be avoided.
- ii. Territorial authorities are required to set out objectives and policies, and may include methods in district plans to avoid impediments to accessing community owned structures for mitigation purposes, and to ensure new hazard mitigation works will only be undertaken in accordance with the provisions of this policy.

OVERVIEW OF CANTERBURY REGIONAL COUNCIL SUBMISSIONS AND FURTHER SUBMISSIONS

29. In summary, the Regional Council's submission (and further submission) on PC28 sought the amendment of provisions to:

- (a) Ensure that the natural hazards provisions and overlays give effect to the CRPS, and align with best practice, especially in regard to flood hazards and earthquake hazards.
- (b) Ensure that the effects of developing contaminated land on the wider environment are managed alongside human health impacts that are covered by the National Environmental Standards on Contaminated Soils.
- (c) Enable the Regional Council to carry out Natural Hazard Mitigation Works through Permitted Activity provisions.
- (d) Ensure that telecommunication facilities that are not managed by the NES-TF are managed under the district Plan.
- (e) Support provisions that limit the planting of wilding conifer species, to better give effect to the CRPS.

30. In summary, Regional Council's submission on PC29 sought the amendment of provisions to:

- (a) Ensure that wastewater associated with temporary residential accommodation is appropriately managed under the rule framework.

31. In summary, the Regional Council's submission on PC30 sought the amendment of provisions to:

- (a) Ensure that the natural hazards provisions align with the CRPS, and best practice, especially in regard to landslide hazards.

32. In summary, the Regional Council's submission on the proposed Designations Chapter sought the amendment of provisions to:

- (a) Ensure that the designation for the Takapō Regional Park soil conservation reserve includes the whole area of the park.

Recommendations in the section 42A reports

33. The section 42A reports have responded to the Regional Council's submission points on PC28, PC29 and PC30, and the proposed Designations chapter. I agree with the majority of recommendations provided in the s42A reports.

- 34. To assist the Panel, my evidence focusses on the submission points in the Regional Council's submission and further submission that have not been accepted or fully accepted by the s42A authors, and where I consider further changes are required from that recommended in the s42A report to give effect to the CRPS (or are otherwise appropriate).
- 35. The remainder of my evidence follows the sequence of topics set out in the s42A reports.
- 36. Additional amendments I consider necessary to the provisions proposed under the notified version of PC28, PC29 and PC30, and the s42A recommendations are provided in **Appendix 1** to my evidence.

PLAN CHANGE 28

Definitions

Critical infrastructure definition

- 37. The Regional Council submission sought that the notified definition of Critical Infrastructure be retained. The s42A report recommendation at [59] is to amend the definition to clarify that only permanent NZDF buildings and structures are included in the definition. I support this recommendation and agree with the reasoning set out in the s42A report.
- 38. The Regional Council, in its further submission, requested that the definition of Critical Infrastructure include “Telecommunication facilities (not covered by the NES-TF)”. The s42A report recommendation at [59] is to amend the definition to delete ‘telecommunications and’ to align with the NES-TF. I do not fully support the s42A officer’s recommendation on this point for the following reasons:
 - (a) At [54] and [55] of the s42A report, the officer outlines her reasoning for recommending that that the relief sought by the Telcos be accepted. While I agree that NESTF Regulation 57 makes it clear that natural hazard rules in district plans do not apply to a regulated activity under the NESTF, I consider that not all telecommunication facilities are regulated under the NESTF, and that facilities not regulated under the NESTF should be managed under the district plan. Facilities not managed under the

NES-TF include small cell units on new structures, and aerial lines that do not follow existing routes.

- (b) The Hearing Panel decision on the Kaikōura District Plan² included in the definition of critical infrastructure: “telecommunication installations and networks (excluding those which are regulated by the NESTF, as well as poles and antennas)”. The hearing panel’s reasoning is set out in [55] to [68] of its decision³. I support the reasoning of that hearing panel and the definition included in the Kaikōura District Plan.

39. I would support the use of the Kaikōura District Plan wording covering telecommunication installations and networks in the definition of critical infrastructure and consider that it more accurately defines the activities to be managed under the pMDP than the definition requested in the Regional Council further submission on PC28. I have included my requested amendment to the definition of Critical Infrastructure in Appendix 1 to this evidence.

Natural Hazard Sensitive Building definition

40. The Regional Council submission on PC28 requested an amendment to the definition of ‘natural hazard sensitive building’ to include ‘attached garages’ in the definition. The s42A report at [64] correctly states that no reason was given for this request at the time the submission was made. [70] of the s42A report outlines the officer’s reasoning for disagreeing with the Regional Council submission. I disagree with that reasoning and seek to amend the definition as requested in the Regional Council submission.

41. Mr Griffith’s evidence at [16] outlines his reasoning for including ‘attached garages’ in the definition, and I agree with that reasoning. Attached garages often contain items of value that could be damaged or destroyed in a flood. I also agree with Mr Griffith’s point in [17] of his evidence that should the definition be amended as requested, there would still be resource consent pathway for them to be built with lower floor levels in certain circumstances.

² Kaikōura District Plan [District Plan - Kaikōura District Council](#)

³ [District Plan Review - Kaikōura District Council](#)

42. I have included my requested amendment to the definition of Natural Hazard sensitive Building in Appendix 1 to this evidence.

Contaminated Land Chapter

43. I support the recommendations contained in the s42A report in regard to the Contaminated Land chapter.

Hazardous Substances Chapter

Objectives

44. The Regional Council supported the notified objectives in the Hazardous Substances Chapter and requested that they be retained as notified. I agree with the s42A officer's recommended amendment to HAZS-O2 as it provides greater clarity as to the purpose of the objective.
45. The s42A report at [103] recommends that HAZS-O1 is amended to include the words "to an appropriate level". I agree with this recommendation as it gives effect to CRPS Policy 18.3.2.

Policies

46. The Regional Council supported the notified policies in the Hazardous Substances Chapter and sought that they be retained as notified. I agree with the s42A officer's recommended amendments to HAZS-P2 and HAZS-P3 as they provide greater clarity as to the purpose of those policies.

Rules and Matters of discretion

47. The Regional Council sought an amendment to HAZS-R1 matter of discretion (a) to change the wording from "0.5% AEP" to "0.2% AEP". I agree with the recommendation at [117] of the s42A report to amend the wording in both HAZS-R1 and HAZS-MD1 to "1:500 year ARI flood return event" as that wording is consistent with both the relief sought by the Regional Council, and with the proposed definition of 'high flood hazard area'.
48. The Regional Council sought that HAZS-R2 be retained as notified. The s42A officer at [117] has recommended that HAZS-R2.1 be amended to enable any potential risks, including cumulative risks, to be identified in

the Quantitative Risk Based assessment. I agree with that recommendation as it better enables all potential risks to be included in the assessment.

49. The Regional Council sought that HAZS-R3 be retained as notified. The s42A officer at [117] has recommended that HAZS-R3 be amended to include an additional matter of discretion to allow for the consideration of reserve sensitivity effects. I agree with this recommendation.

Natural Hazards Chapter

Natural Hazards Overlays

50. For the reasons laid out in the evidence of Ms Jack, I request that the following overlays are renamed:

- (a) Liquefaction Overlay to Liquefaction Assessment Overlay
- (b) Fault Hazard (Critical Infrastructure) Overlay to Fault Hazard (Critical Infrastructure) Assessment Overlay
- (c) Fault Hazard (Subdivision) Overlay to Fault Hazard (Subdivision) Assessment Overlay.

51. I consider that should the requested amendments be accepted, the names will more accurately reflect the purpose of the overlays as areas where natural hazard risks *may* be present rather than *will* be present.

52. I consider that these changes can be made under clause 16 of schedule 1 to the RMA as they will have no impact on the application of the overlays, but only clarify their (unchanged) purpose. The requested amendments to the overlay names are included in Appendix 1 to this evidence.

Introduction

53. I note the recommendation at [189] of the s42A report that “a sentence should be added to the Introduction of the NH Chapter to advise plan users that activities which divert water, including floodwaters, may require resource consent under the CLWRP”. I consider that should such a sentence be included, it should apply only to effects managed by the Regional Council, that is where floodwaters are diverted into the waterbodies specified in Rules 5.142 and 5.142A in the CLWRP. My

requested amendment to that sentence is included in Appendix 1 to this evidence.

Objectives

54. I agree with the s42A report recommendation at [165] and [166] that NH-O1 and NH-O2 are amended to better manage critical infrastructure in areas of high natural hazard risk, as those amendments better give effect to CRPS Policy 11.3.4. I consider that the recommended amendment to NH-O2 resolves the Regional Council's submission point on that objective.

Policies

55. The Regional Council sought amendments to NH-P4 and NH-P5 to manage activities that may exacerbate flooding on other sites. Paragraphs [185] to [189] in the s42A report outline the analysis carried out by the officer in coming to her recommendation to reject the requested relief. I disagree with that analysis and recommendation.

56. Section 31 of the RMA outlines the functions of territorial authorities. These include (b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of (i) the avoidance or mitigation of natural hazards. At [187], the officer states that the issue is appropriately addressed in regional plans, effectively seeking to discharge Mackenzie District Council's role in managing the effects of natural hazards under section 31 of the RMA when it comes to exacerbation of flooding on other sites.

57. Under Chapter 11 of the CRPS (Natural Hazards), the Statement of Local Authority Responsibilities sets out the following responsibilities for the control of the use of land for natural hazards in the Canterbury Region. The relevant responsibilities (that do not relate only to coasts or greater Christchurch) are:

The Canterbury Regional Council

Will be responsible for specifying the objectives, policies and methods for the control of the use of land in the following areas:

- c. within the beds of rivers and lakes

Territorial Authorities

Will be responsible for specifying the objectives, policies and methods for the control of the use of land, to avoid or mitigate natural hazards in their respective areas excluding coastal areas and the beds of rivers and lakes.

58. The responsibilities outlined above demonstrate that the Regional Council does not have responsibility for setting rules for the control of the use of land to manage natural hazards outside the beds of rivers and lakes.
59. Territorial Authorities are responsible for managing the use of land resulting in diversion of ponded water outside the beds of rivers. If water is diverted to a waterbody, the Regional Council would have responsibility.
60. As such, I consider that NH-P4 and NH-P5 should be amended as outlined in Appendix 1 to this evidence.
61. I agree with the recommended amendment to NH-P4 at [204] in the s42A report as this amendment is necessary to provide for the development of critical infrastructure within the Flood Hazard Assessment Overlay, outside of High Flood Hazard Areas.
62. I agree with the recommendation to insert a new policy before NH-P5 to provide policy guidance for the operation, maintenance, repair, replacement and upgrading of critical infrastructure within a High Flood Hazard Area.

Rules, standards, and matters of discretion – natural hazard mitigation works

63. The Regional Council requested amendments to NH-R5 and NH-MD2 to allow for Natural Hazard Mitigation Works to be undertaken by the Regional Council as a permitted activity. The recommendation at paragraph [243] in the s42A report is that “rule NH-R5, and the associated Note, is amended to provide for soft engineering natural hazard mitigation works as a permitted activity outside of SASM, ONL and ONF locations, and when undertaken by a territorial authority or Regional Council, to better provide for the management of natural hazard risks.”
64. While I note that this recommendation offers some relief to the concerns raised in the Regional Council submission, I do not consider that it

adequately provides for Regional Council Natural Hazard Mitigation Works. I agree with the following reasoning set out in [32] of Ms Irvin's evidence. The addition on the s42A recommended PER-3 does not achieve the Regional Council's recommended outcome, as the majority of waterbodies in Mackenzie District are captured by those three overlays. The addition of 'soft engineering natural hazard mitigation works' also adds unnecessary ambiguity and restrictions.

65. As outlined in the evidence of Ms Irvin, the Regional Council is responsible for keeping communities safe from floods. As stated in [18] of her evidence, the activities undertaken by the Regional Council for that purpose must still be compliant with the RMA, including consenting requirements under Regional and District Plans.
66. The Regional Council has existing controls in place to ensure potential environmental risks are avoided or mitigated and is committed to continual improvement. Works undertaken by the Regional Council are designed and completed in accordance with the Canterbury Regional Code of Practice for Defences Against Water and Drainage Schemes⁴ (**COP**). This COP is linked to a Permitted Activity rule within the CLWRP to enable the Regional Council's flood and erosion protection work.
67. I note that Ms Irvin at [37] of her evidence, has recommended alternative relief should the submission version of NH-R5 not be accepted. I have included that alternative relief in Appendix 1 to this evidence.
68. The amendment to NH-R5 as requested in the Regional Council submission is my preferred option and is included in Appendix 1 to this evidence.

Rules, standards, and matters of discretion – offsite flooding effects

69. The Regional Council requested the insertion of a new rule covering management of activities that may exacerbate flooding on other sites. The s42A officer recommended that the submission is rejected. I disagree with that recommendation for the following reasons:

⁴ <https://www.ecan.govt.nz/your-region/your-environment/river-and-drain-management/defences-against-water-code-of-practice/>

70. The Regional Council considers that activities should only be permitted where there will be no offsite flood effects and require resource consent where there will be offsite flood effects.
71. I note that at [188] in the s42A report, the officer acknowledges that other District Councils in the Canterbury Region have included rules in their District Plans to manage the diversion/displacement of floodwaters. Rules similar to that suggested in our submission are included in the Kaikoura and Selwyn district plans and have been recommended for inclusion in Section 42A reports for the Waimakariri and Timaru district plans. Inclusion of similar rules within all District Plans in the region would provide a consistent approach and provide certainty in regards to the management of activities that could displace floodwaters.
72. The section 42A report at [187] also makes mention of the management of surface water and effects on other property. I consider that it is more efficient and effective to manage such effects in the District Plan, as that Plan already manages the activities that could cause such effects.
73. [187] of the s42A report states that Rule 5.6 of the CLWRP requires a discretionary consent for the diversion of floodwaters. Rule 5.6 of the CLWRP is a general rule that covers:

Any activity that –

 - (a) Would contravene sections 13(1), 14(2), s14(3) or s15(1) of the RMA; and
 - (b) Is not a recovery activity; and
 - (c) Is not classified by this Plan as any other of the classes of activity listed in section 87A of the RMA -is a discretionary activity
74. Rule 5.6 of the CLWRP is in no way specific to the management of the diversion of floodwaters. Rules 5.142 and 5.142A of the CLWRP do specifically manage the diversion of floodwaters but are limited to managing diversion within a property, or into a specified waterbodies, so do not cover the situation where floodwaters are diverted onto another property. Hence the s42A officer's recourse to Rule 5.6.
75. Rule 5.6 of the CLWRP does not manage the effects of the diversion of floodwaters, and only provides recourse back to the RMA. There is a need for management of those effects in the District Plan.

76. Paragraphs 56 to 59 of my evidence outline my reasoning relating to the responsibilities of the Canterbury Regional Council and Territorial Authorities in the control of the use of land for natural hazards in the Canterbury Region. That reasoning also applies to my request to include the requested rule in the Mackenzie District Plan.
77. I note that other proposed provisions in the Natural Hazards Chapter do seek to manage the effects of diversion/displacement of floodwaters. NH-P4(2) NH-R3 and NH-MD1 include offsite effects of floodwaters. Mackenzie District Council have taken responsibility for managing those effects in some circumstances.
78. As acknowledged by the s42A officer, the Mackenzie District Plan already manages the activities that can cause diversion/displacement effects (earthworks, buildings, structures) and therefore they are much better placed than we the Regional Council to manage effects associated with these activities.
79. Paragraph [186] in the s42A report states that “complying with this rule will impose an expensive requirement that will apply to a very wide range of activities in the District. In practice, this rule would require anyone undertaking earthworks or erecting a new building or structure, within the Flood Hazard Assessment Overlay, to engage a technical expert to advise whether or not the works will worsen flooding on another property. Such an assessment may require modelling of potential flood flows and proposed developments, which is not realistically available to most landowners wanting to carry out what could be small scale developments on their land.”. I do not agree with this assessment and consider that the Regional Council’s proposed approach would not require an assessment to demonstrate compliance with the rule. I note that similar requirements are included in other proposed rules, where NH-MD1 comes into play (NH-R1, R2 and R3).
80. I believe that the rule suggested in the Regional Council submission is the most appropriate and streamlined approach and will ensure all offsite flooding effects are regulated. It would also better give effect to CRPS policies 11.3.1 and 11.3.5. As such, I have proposed an appropriate new rule in Appendix 1 to my evidence along with any consequential changes that would be necessary.

81. For these reasons, in my opinion, a new rule as outlined in Appendix 1 of my evidence should be included in the Natural Hazards Chapter.

Subdivision Chapter

82. I support the recommendations contained in the s42A report in regard to the Subdivision Chapter

PLAN CHANGE 29

Temporary Activities Chapter

83. The Regional Council requested amendments to either the definition of Temporary residential accommodation or to TEMP-R3 to ensure that temporary residential accommodation is either associated with a residential dwelling or self-contained in terms of wastewater discharge.
84. The s42A officer states at [234] of her report that most types of accommodation falling within the definition will tend to be self-contained in terms of wastewater, and that where they are not, associated discharges will fall under the Regional Council's jurisdiction. She further states that it would not be appropriate to manage this through the district plan and recommends that the submission points are rejected. I disagree with the officer's analysis and recommendation for the following reasons:
 - (a) The proposed definition of temporary residential accommodation is "temporary residential accommodation in tents, caravans, campervans, buses, or mobile homes, including any vehicle fixed or movable that is used as a place of accommodation". It is by no means certain that all of these accommodation types will be self-contained in terms of wastewater. The requested amendment would not impose restrictions beyond what is already required in, for example, freedom camping areas.
 - (b) Other dwelling types covered in the Mackenzie District Plan require wastewater to be managed collaboratively between MDC and the Regional Council. For example, dwellings in the Rural Lifestyle Zone must comply with RLZ-S9 that requires all residential units which are not connected to a reticulated sewer

network, but which require the discharge of wastewater shall be provided with an on-site wastewater treatment and disposal system, authorised by Canterbury Regional Council by way of a rule in a regional plan or a resource consent.

85. I consider that it is more appropriate to include the requested wastewater management requirements in the rule rather than in the definition. I consider that an amendment should be made to TEMP-R3 as outlined in Appendix 1 to my evidence.

PLAN CHANGE 30

86. I support the recommendations contained in the s42A report in regard to PC30

DESIGNATIONS CHAPTER

Introduction

87. The Regional Council's submission sought amendments to the introduction to the Designations Chapter. The s42A officer at paragraph [54] has recommended that the introduction be amended in accordance with the Regional Council's submission.

88. I support the recommendation of the s42 A officer.

CRC-1 Soil Conservation Reserve

89. This designation covers the Takapō Regional Park, which is owned and managed by Canterbury Regional Council as a soil conservation reserve.
90. The Regional Council submission supported the mapping of the designation and sought that it be retained. The Regional Council submission sought to include Section 1 SO 17373 in the site identifier information. This section was included in the notified mapped extent of the designation but was not included in the site identifier information in the notified Designations Chapter.

91. The Section 42A officer has recommended at [95] that the Regional Council submission is accepted and that the Hearing Panel recommend to the Regional Council that CRC-1 is amended to incorporate Section 1 SO 17373 in the site identifier information included in the Designations Chapter.
92. I support the recommendation of the s42 A officer.

Dated this 9th day of May 2025



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Rachel Claire Tutty

APPENDIX 1 – RECOMMENDED AMENDMENTS TO PC28, 29 AND 30**PC28**

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Relief Sought (in red)
Critical Infrastructure definition	<p>Critical infrastructure (in relation to the Natural Hazards Chapter only)</p> <p>Those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Canterbury, or Mackenzie, which if interrupted, would require immediate reinstatement. Critical infrastructure includes:</p> <ul style="list-style-type: none"> a. Strategic transport network b. Telecommunication and radio communications networks c. National, regional and local electricity generation activities d. The National Grid and electricity distribution networks including emergency electricity supply facilities e. Public and community wastewater collection, treatment and disposal networks f. Public and community land drainage infrastructure g. Public and community stormwater infrastructure h. Public and community potable water and fire fighting supply systems i. Public and community-scale irrigation and stockwater infrastructure 	<p>Critical infrastructure (in relation to the Natural Hazards Chapter only)</p> <p>Those necessary facilities, services, <u>and</u> installations <u>and infrastructure</u> which <u>are critical or of significance to either New Zealand, Canterbury, or Mackenzie, which if interrupted, would have a significant effect on communities within the District, Canterbury region or wider populations and which would require immediate reinstatement.</u> Critical infrastructure includes:</p> <ul style="list-style-type: none"> a. Strategic transport network b. <u>Telecommunication and r</u>Radio communications networks c. National, regional and local electricity generation activities d. The National Grid and electricity distribution networks including emergency electricity supply facilities e. Public and community wastewater collection, treatment and disposal networks f. Public and community land drainage infrastructure g. Public and community stormwater infrastructure h. Public and community potable water and fire fighting supply systems 	<p>Critical infrastructure (in relation to the Natural Hazards Chapter only)</p> <p>Those necessary facilities, services, <u>and</u> installations <u>and infrastructure</u> which <u>are critical or of significance to either New Zealand, Canterbury, or Mackenzie, which if interrupted, would have a significant effect on communities within the District, Canterbury region or wider populations and which would require immediate reinstatement.</u> Critical infrastructure includes:</p> <ul style="list-style-type: none"> a. Strategic transport network b. <u>Telecommunication and r</u>Radio communications networks <u>and telecommunication installations and networks (excluding those which are regulated by the NESTF, as well as poles and antennas)</u> c. National, regional and local electricity generation activities d. The National Grid and electricity distribution networks including emergency electricity supply facilities e. Public and community wastewater collection, treatment and disposal networks f. Public and community land drainage infrastructure g. Public and community stormwater infrastructure

	<p>j. Gas storage and distribution infrastructure</p> <p>k. Bulk fuel supply infrastructure including terminals, and pipelines</p> <p>l. New Zealand Defence Force facilities</p> <p>m. Emergency Services facilities</p> <p>n. Healthcare facilities</p> <p>o. Airports</p>	<p>i. Public and community-scale irrigation and stockwater infrastructure</p> <p>j. Gas storage and distribution infrastructure</p> <p>k. Bulk fuel supply infrastructure including terminals, and pipelines</p> <p>l. New Zealand Defence Force facilities<ins>buildings and structures (excluding temporary buildings and structures used for temporary military training activities)</ins></p> <p>m. Emergency Services facilities</p> <p>n. Healthcare facilities</p> <p>o. Airports</p>	<p>h. Public and community potable water and fire fighting supply systems</p> <p>i. Public and community-scale irrigation and stockwater infrastructure</p> <p>j. Gas storage and distribution infrastructure</p> <p>k. Bulk fuel supply infrastructure including terminals, and pipelines</p> <p>l. New Zealand Defence Force facilities<ins>buildings and structures (excluding temporary buildings and structures used for temporary military training activities)</ins></p> <p>m. Emergency Services facilities</p> <p>n. Healthcare facilities</p> <p>o. Airports</p>
Natural hazard sensitive building definition	<p>means a building which:</p> <p>a. Contains one or more habitable room; and/or</p> <p>b. Contains one or more employee (at least one full time equivalent); and /or</p> <p>c. Is a place of assembly; and/or</p> <p>d. Is serviced with a sewerage system or connected to a potable water supply.</p> <p>Excludes:</p> <p>Any attached garage or detached garage that is not a habitable room</p> <p>That part of an aircraft hangar that is not a habitable room</p> <p>A below ground swimming pool</p> <p>A deck</p>	<p>means a building which:</p> <p>a. Contains one or more habitable room; and/or</p> <p>b. Contains one or more employee (at least one full time equivalent); and /or</p> <p>c. Is a place of assembly; and/or</p> <p>d. Is serviced with a sewerage system or connected to a potable water supply.</p> <p>Excludes:</p> <p>Any attached garage or detached garage that is not a habitable room</p> <p>That part of an aircraft hangar that is not a habitable room</p> <p>A below ground swimming pool</p> <p>A deck</p>	<p>means a building which:</p> <p>a. Contains one or more habitable room; and/or</p> <p>b. Contains one or more employee (at least one full time equivalent); and /or</p> <p>c. Is a place of assembly; and/or</p> <p>d. Is serviced with a sewerage system or connected to a potable water supply.</p> <p>Excludes:</p> <p>Any attached garage or detached garage that is not a habitable room</p> <p>That part of an aircraft hangar that is not a habitable room</p> <p>A below ground swimming pool</p> <p>A deck</p>

	<p>An unenclosed building without a floor Any building with a dirt /gravel or similarly unconstructed floor Farm sheds used solely for storage Animal shelters with a dirt /gravel or similarly unconstructed floor Infrastructure Note for plan users: Where an aircraft hangar includes a habitable room, the habitable room is included in the definition of "natural hazard sensitive building", and NH-R1 and NH-R2 applies.</p>	<p>An unenclosed building without a floor Any building with a dirt /gravel or similarly unconstructed floor Farm sheds used solely for storage Animal shelters with a dirt /gravel or similarly unconstructed floor Infrastructure Note for plan users: Where an aircraft hangar includes a habitable room, the habitable room is included in the definition of "natural hazard sensitive building", and NH-R1 and NH-R2 applies.</p>	<p>An unenclosed building without a floor Any building with a dirt /gravel or similarly unconstructed floor Farm sheds used solely for storage Animal shelters with a dirt /gravel or similarly unconstructed floor Infrastructure Note for plan users: Where an aircraft hangar includes a habitable room, the habitable room is included in the definition of "natural hazard sensitive building", and NH-R1 and NH-R2 applies.</p>
Introduction to the Natural Hazards Chapter	<p>Final paragraph: The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan.</p>	<p>Final paragraph: The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan. <u>Earthworks, buildings and structures that will divert water including floodwaters may require resource consent under the Canterbury Land and Water Plan.</u></p>	<p>Final paragraph: The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan. <u>Earthworks, buildings and structures Activities that will divert water including floodwaters to a river, lake or artificial watercourse to alleviate surface flooding</u> may require resource consent under the Canterbury Land and Water Plan.</p>
NH-P4	<p>Flood Hazards Within the Flood Hazard Assessment Overlay Area (except High Flood Hazard areas), enable: 1. new non critical infrastructure, or the operation, maintenance, repair, replacement, upgrading of non critical infrastructure where</p>	<p>Flood Hazards Within the Flood Hazard Assessment Overlay Area (except High Flood Hazard areas), enable: 1. new non critical infrastructure, or the operation, maintenance, repair, replacement, upgrading of non critical infrastructure where the infrastructure does</p>	<p>Flood Hazards Within the Flood Hazard Assessment Overlay Area (except High Flood Hazard areas), enable: 1. new non critical infrastructure, or the operation, maintenance, repair, replacement, upgrading of non critical infrastructure where</p>

	<p>the infrastructure does not increase flood risk on another site; and</p> <p>2. the operation, maintenance, repair, replacement, upgrading of critical infrastructure where the infrastructure does not increase flood risk on another site; and</p> <p>3. any other new subdivision, use and development only where every new natural hazard sensitive building has an appropriate floor level above the 500 year ARI design floor level.</p>	<p>not increase flood risk on another site <u>or property</u>; and</p> <p>2. the <u>development</u>, operation, maintenance, repair, replacement, upgrading of critical infrastructure where the infrastructure does not increase flood risk on another site <u>or property</u>; and</p> <p>3. any other new subdivision, use and development only where every new natural hazard sensitive building has an appropriate floor level above the 500 year ARI design floor level.</p>	<p>critical infrastructure where the infrastructure does not increase flood risk on another site; and</p> <p>2. the <u>development</u>, operation, maintenance, repair, replacement, upgrading of critical infrastructure where the infrastructure does not increase flood risk on another site <u>or property</u>; and</p> <p>3. any other new subdivision, use and development only where <u>it does not increase flood risk on another site, and where</u> every new natural hazard sensitive building has an appropriate floor level above the 500 year ARI design floor level.</p>
NH-P5	<p>High Flood Hazard Area</p> <p>Within any High Flood Hazard Area avoid any:</p> <p>1. extensions to existing natural hazard sensitive buildings unless:</p> <p>a. minimum floor levels, as determined by a Flood Hazard Assessment are incorporated into the design of the development to ensure buildings are located above the flood level so that the risk to life and potential for property damage from flooding is mitigated;</p> <p>b. the risk to surrounding properties is not significantly increased; and</p> <p>c. the development is not likely to require new or upgraded public natural hazard mitigation works to be undertaken by a local authority.</p>	<p>High Flood Hazard Area</p> <p>Within any High Flood Hazard Area avoid any:</p> <p>1. extensions to existing natural hazard sensitive buildings unless:</p> <p>a. minimum floor levels, as determined by a Flood Hazard Assessment are incorporated into the design of the development to ensure buildings are located above the flood level so that the risk to life and potential for property damage from flooding is mitigated;</p> <p>b. the risk to surrounding properties is not significantly increased; and</p> <p>c. the development is not likely to require new or upgraded public natural hazard mitigation works to be undertaken by a local authority.</p>	<p>High Flood Hazard Area</p> <p>Within any High Flood Hazard Area avoid any:</p> <p>1. extensions to existing natural hazard sensitive buildings unless:</p> <p>a. minimum floor levels, as determined by a Flood Hazard Assessment are incorporated into the design of the development to ensure buildings are located above the flood level so that the risk to life and potential for property damage from flooding is mitigated;</p> <p>b. the risk to surrounding properties is not significantly increased; and</p> <p>c. the development is not likely to require new or upgraded public natural hazard mitigation works to be undertaken by a local authority.</p>

	<p>2. subdivision and new natural hazard sensitive buildings unless it is:</p> <ul style="list-style-type: none"> a. not likely to result in loss of life or serious injuries; and b. not likely to suffer significant damage or loss; and c. not likely to require new or upgraded public natural hazard mitigation works to be undertaken by a local authority to mitigate or avoid the natural hazard; and d. not likely to exacerbate the effects of the natural hazard. <p>3. subdivision unless it is:</p> <ul style="list-style-type: none"> a. managed to ensure land use enabled by subdivision does not result in an unacceptable risk to people and property that cannot be mitigated to an acceptable level. <p>4. new critical infrastructure unless:</p> <ul style="list-style-type: none"> a. there is a functional need or operational need to locate in that environment; and b. the infrastructure is designed to be resilient to flood hazard as far as is practicable; and c. the infrastructure is designed so as not to increase flood risk to people and property. 	<p>2. subdivision and new natural hazard sensitive buildings unless it is:</p> <ul style="list-style-type: none"> a. not likely to result in loss of life or serious injuries; and b. not likely to suffer significant damage or loss; and c. not likely to require new or upgraded public natural hazard mitigation works to be undertaken by a local authority to mitigate or avoid the natural hazard; and d. not likely to exacerbate the effects of the natural hazard. <p>3. subdivision unless it is:</p> <ul style="list-style-type: none"> a. managed to ensure land use enabled by subdivision does not result in an unacceptable risk to people and property that cannot be mitigated to an acceptable level. <p>4. new critical infrastructure unless:</p> <ul style="list-style-type: none"> a. there is a functional need or operational need to locate in that environment; and b. the infrastructure is designed to be resilient to flood hazard as far as is practicable; and c. the infrastructure is designed so as not to increase flood risk to people and property. 	<p>2. subdivision and new natural hazard sensitive buildings unless it is:</p> <ul style="list-style-type: none"> a. not likely to result in loss of life or serious injuries; and b. not likely to suffer significant damage or loss; and c. not likely to require new or upgraded public natural hazard mitigation works to be undertaken by a local authority to mitigate or avoid the natural hazard; and d. not likely to exacerbate the effects of the natural hazard, <u>including by increasing flood risk to another site</u>. <p>3. subdivision unless it is:</p> <ul style="list-style-type: none"> a. managed to ensure land use enabled by subdivision does not result in an unacceptable risk to people and property that cannot be mitigated to an acceptable level. <p>4. new critical infrastructure unless:</p> <ul style="list-style-type: none"> a. there is a functional need or operational need to locate in that environment; and b. the infrastructure is designed to be resilient to flood hazard as far as is practicable; and c. the infrastructure is designed so as not to increase flood risk to people and property.
NH- new rule - exacerbation of flooding on			<p><u>NH-RX Above ground earthworks, new buildings and structures in the Flood Hazard Assessment Overlay</u> <u>Activity Status: PER</u> <u>Where:</u></p>

other properties		<p>1. <u>Flooding will not be worsened on another property through the diversion or displacement of floodwaters</u></p> <p><u>Activity status when compliance is not achieved with RX.1: RDIS</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>The likely extent of flooding on the site</u> 2. <u>The potential for the activity to exacerbate flooding on any other site</u> 3. <u>The extent to which the earthworks or new building or structure impedes the free passage of floodwater</u>
NH-R5	<p>NH-R5 Natural Hazard Mitigation Works</p> <p>Activity Status: PER</p> <p>Where:</p> <p>The works are:</p> <ol style="list-style-type: none"> 1. The maintenance or operation of any existing natural hazard mitigation works, or 2. The upgrading of any natural hazard mitigation works administered by a Regional Council or Territorial Authority. <p>Note: The earthworks provisions in the Earthworks Chapter shall not apply to any activity permitted under NH-R5.1.</p> <p>Activity status when compliance is not achieved with R5.1 – R5.2: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>b. NH-MD2</p> <p>Activity Status: RDIS</p>	<p>NH-R5 Natural Hazard Mitigation Works</p> <p>Activity Status: PER</p> <p>Where:</p> <p>The works are:</p> <ol style="list-style-type: none"> 1. The maintenance or operation of any existing natural hazard mitigation works, or 2. The upgrading of any natural hazard mitigation works administered by a Regional Council or Territorial Authority. 3. <u>New natural hazard mitigation works administered by a Regional Council or Territorial Authority provided:</u> <ol style="list-style-type: none"> a. <u>the works are outside of an area identified as SASM, ONL, ONF; and</u> b. <u>the works are soft engineering natural hazard mitigation.</u> <p>Note: The earthworks provisions in the Earthworks Chapter shall not apply to any activity permitted under NH-R5.1, <u>5.2 and 5.3</u>.</p>

	<p>Where: The works are:</p> <p>3. The establishment of any new natural hazard mitigation works administered by a Regional Council or Territorial Authority.</p> <p>Matters of discretion are restricted to: a. NH-MD2</p> <p>Activity status when compliance is not achieved with R5.3: DIS</p>	<p>Activity Status: RDIS</p> <p>Where: The works are:</p> <p>34. The <u>upgrading or</u> establishment of any new natural hazard mitigation works <u>not</u> administered by a Regional Council or Territorial Authority.</p> <p>Matters of discretion are restricted to: a. NH-MD2</p> <p>Activity status when compliance is not achieved with R5.3: DIS</p>	<p>Activity Status: RDIS</p> <p>Where: The works are:</p> <p>34. The <u>upgrading or</u> establishment of any new natural hazard mitigation works <u>not</u> administered by a Regional Council or Territorial Authority.</p> <p>Matters of discretion are restricted to: a. NH-MD2</p> <p>Activity status when compliance is not achieved with R5.3: DIS</p> <p>Alternatively, should the above relief not be accepted, add a note the rule as follows:</p> <p><u>Note 2: Maintenance includes any NHMW within the footprint of established river and erosion control schemes.</u></p>
Liquefaction Overlay	Liquefaction Overlay	Liquefaction Overlay	Liquefaction <u>Assessment</u> Overlay
Fault Hazard (Critical)	Fault Hazard (Critical Infrastructure) Overlay	Fault Hazard (Critical Infrastructure) Overlay	Fault Hazard (Critical Infrastructure) <u>Assessment</u> Overlay

Infrastructure) Overlay			
Fault Hazard (Subdivision) Overlay	Fault Hazard (Subdivision) Overlay	Fault Hazard (Subdivision) Overlay	Fault Hazard (Subdivision) <u>Assessment</u> Overlay.

PC29

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Relief Sought (in red)
TEMP-R3	<p>TEMP-R3 Temporary Residential Accommodation</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The temporary residential accommodation does not exceed 28 consecutive days in any 6 month period. <p>And the activity complies with the following standards:</p> <p>TEMP-S1 Location of buildings</p> <p>TEMP-S2 Site Rehabilitation</p> <p>Activity status when compliance is not achieved with R3.1: RDIS</p> <p>Matters of discretion are restricted to:</p>	<p>TEMP-R3 Temporary Residential Accommodation</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The temporary residential accommodation does not exceed 28 consecutive days in any 6 month period.; or 2. <u>The temporary residential accommodation is:</u> <ol style="list-style-type: none"> <u>a. associated with the establishment, repair or rebuilding of a residential unit on the same site; and</u> <u>b. located on the site for a maximum duration of 12 months or the duration of the building project, whichever is the lesser.</u> 	<p>TEMP-R3 Temporary Residential Accommodation</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <u>The temporary residential accommodation is either self-contained in terms of wastewater or connected to a wastewater treatment system that meets regional council requirements.</u> 2. The temporary residential accommodation does not exceed 28 consecutive days in any 6 month period.; or 3. The <u>temporary residential accommodation is:</u>

<p>TEMP-MD1</p> <p>Activity status when compliance with standards is not achieved:</p> <p>Refer to relevant standard(s)</p>	<p>And the activity complies with the following standards:</p> <p>TEMP-S1 Location of buildings</p> <p>TEMP-S2 Site Rehabilitation</p> <p>Activity status when compliance is not achieved with R3.1: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>TEMP-MD1</p> <p>Activity status when compliance with standards is not achieved:</p> <p>Refer to relevant standard(s)</p>	<p><u>a. associated with the establishment, repair or rebuilding of a residential unit on the same site; and</u></p> <p><u>b. located on the site for a maximum duration of 12 months or the duration of the building project, whichever is the lesser.</u></p> <p>And the activity complies with the following standards:</p> <p>TEMP-S1 Location of buildings</p> <p>TEMP-S2 Site Rehabilitation</p> <p>Activity status when compliance is not achieved with R3.1: NC</p> <p>Activity status when compliance is not achieved with R3.2 or R3.3: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>TEMP-MD1</p> <p>Activity status when compliance with standards is not achieved:</p> <p>Refer to relevant standard(s)</p>
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