

Notice of Further Submission on Proposed Plan Change 28 to the Mackenzie District Plan

Resource Management Act – Form 6

Name of submitter: Canterbury Regional Council (Environment Canterbury)

Physical address: 200 Tuam Street, Christchurch, 8011

Address for service: Canterbury Regional Council

PO Box 345

Christchurch 8140

Contact person: Rachel Tutty

Email: regional.planning@ecan.govt.nz (cc rachel.tutty@ecan.govt.nz)

Telephone: +64 27 343 6568

Declaration: We made a submission on Proposed Plan Change 28 to the Mackenzie District Plan (our submitter ID number is **50**), and we are a local authority for the relevant area.

Hearing option: We **do** wish to be heard in support of our submission, and we would consider presenting a joint case with others who have made a similar submission.

Environment Canterbury is representing a relevant aspect of the public interest and is a person who has an interest in the proposal greater than the general public, as the Mackenzie District is part of its region covered by its regional policy statement, and it made a submission on PC28.

Environment Canterbury would like to comment on the submissions of:

Submitter and submitter ID	Address	Submission points
Tekapo Landco Ltd & Godwit Leisure Ltd: Submitter ID 9	PO Box 43 Lake Tekapo Email: jonathan@covington.co.nz , kim.banks@patersons.co.nz	09.02
Natural Hazards Commission Toka Tu Ake: Submitter ID 29	PO Box 790 Wellington 6140 Email: resilience@naturalhazards.govt.nz	29.06 29.08 29.10 29.15
Transpower New Zealand Ltd: Submitter ID 31	8 Aikmans Road, Merivale Christchurch 8014 Email: ainslie@amconsulting.co.nz , environment.policy@transpower.co.nz	31.13

Chorus, Connexa, FortySouth, One NZ & Spark: Submitter ID 35	PO Box 2058 Wellington 6140 Email: tom@incite.co.nz	35.01
Fairlie & Districts Residents & Ratepayers Society Inc: Submitter ID 36	Email: fairlieratepayers@gmail.com	36.01 36.06
Meridian Energy Limited: Submitter ID 39	PO Box 2146 Christchurch 8140 Email: andrew.feierabend@meridianenergy.co.nz	39.02 39.03 39.09
Director General of Conservation: Submitter ID 42	Private Bag 4715 Christchurch Mail Centre Christchurch 8140 Email: mbrass@doc.govt.nz	42.09
Andrew Hocken: Submitter ID 57	PO Box 17202 Greenlane Auckland 1546 Email: andrewhocken1@gmail.com	57.01
New Zealand Defence Force: Submitter ID 65	Email: mwoods@tonkintaylor.co.nz, Rebecca.davies@nzdf.mil.nz	65.07

Please find the details of our further submission included in the attached table below.

Yours faithfully



Amanda Thompson

Team Leader Planning

This further submission is in relation to the submission of:	The submission point we support or oppose is:	The reasons for our support or opposition are:	Our position on this submission point is:	Support / Oppose relief sought
Tekapo Landco Ltd & Godwit Leisure Ltd: Jonathan Speedy, Kim Banks	09.02	Environment Canterbury used the most up to date data as justification for including the identified property in the Liquefaction Overlay. This is provided in detail in the Environment Canterbury report <i>Revised liquefaction information for Mackenzie District.</i>	Reject the relief sought by Tekapo Landco & Godwit Leisure Ltd in regards to the Liquefaction Overlay	Oppose
Natural Hazards Commission Toka Tu Ake: Sarah-Jayne McCurrach	29.06	<p>Environment Canterbury considers that the rule framework in the proposed NH chapter clarifies what risks are considered unacceptable. As such Environment Canterbury considers that defining “unacceptable risk from natural hazards” and “unacceptable risk from surface fault rupture to building occupants and neighbours” is unnecessary.</p> <p>For example; a hazard sensitive building in a high flood hazard area is an unacceptable risk, whereas outside a high flood hazard area it is an acceptable risk.</p>	Reject the relief sought by the Natural Hazards Commission Toka Tu Ake	Oppose
	29.08	Environment Canterbury agrees that the wording in the Introduction to the Natural Hazards chapter should be amended but does not agree with the wording proposed by the Natural Hazards commission Toku Tu Ake.	<p>Amend the relief sought by the Natural Hazards Commission Toku Tu Ake to:</p> <p>“There are a number of active faults in the district. All mapped faults, whether definite, likely or possible, are identified in the Fault Hazard (Critical Infrastructure) Overlay. Definite or likely faults that are well or moderately expressed in the ground surface and have an estimated recurrence interval of less than 5000 years are identified in the</p>	Support in part

			Fault Hazard (Subdivision) Overlay."	
	29.10	<p>Environment Canterbury considers that the rule framework in the proposed NH chapter clarifies what risks are considered unacceptable. As such Environment Canterbury considers that defining “unacceptable risk from natural hazards” and “unacceptable risk from surface fault rupture to building occupants and neighbours” is unnecessary.</p> <p>For example; a hazard sensitive building in a high flood hazard area is an unacceptable risk, whereas outside a high flood hazard area it is an acceptable risk.</p>	Reject the relief sought by the Natural Hazards Commission Toka Tu Ake	Oppose
	29.15	<p>Environment Canterbury considers that the Fault Hazard (Subdivision) Overlay is not a fault avoidance zone (mapped at 1:10,000), but a fault awareness area (mapped at 1:250,000). The rules in the NH chapter require applicants to map the fault within the overlay in more detail (1:10,000) and then avoid building within the area subject to fault deformation. It is therefore inappropriate to include the word “avoid” in the policy itself as there may well be areas within the overlay that when assessed are not subject to fault deformation and which can be built on.</p> <p>Environment Canterbury considers that it would be preferable to avoid building in the Ostler Fault Hazard Area. However, some of the Ostler Fault Hazard Area was subdivided into rural residential lots up to 20 years ago leading people to have an expectation of building in that area. Environment Canterbury also considers that particularly for reverse faults, such as the Ostler fault, where deformation varies from distinct several metre high scarps to more gentle tilting, in some areas the fault rupture hazard can be</p>	Reject the relief sought by the Natural Hazards Commission Toka Tu Ake	Oppose

		<p>effectively mitigated by design that can withstand some degree of tilting. Past deformation associated with the Ostler fault has been mapped in detail and future deformation can be predicted with some confidence.</p> <p>Environment Canterbury further considers that inserting part 3 (“encouraged in areas away from known fault rupture hazards”) could be problematic in that the policy is not about “encouragement” of subdivision, which it could be construed as if reading part 3 in isolation.</p>		
Transpower New Zealand Ltd: Ainsley McLeod	31.13	Environment Canterbury agrees that replacing HAZS-O2 with HAZS-O1 in the table in the infrastructure chapter as this is more consistent with the other provisions.	Accept the relief sought by Transpower New Zealand Ltd	Support
Chorus, Connexa, FortySouth, One NZ & Spark: Tom Anderson	35.01	Environment Canterbury considers that there are some Telecommunication facilities that are not covered by the NES-TF and still need to be covered by the definition of Critical Infrastructure.	Amend the relief sought by Chorus et al: “b. Telecommunication facilities (not covered by the NES-TF) and radio communication facilities”	Support in part
Fairlie & Districts Residents & Ratepayers Society Inc: Elizabeth Mckenzie	36.01	Environment Canterbury does not support the removal of the Flood Hazard Assessment Overlay or the Liquefaction Assessment Overlay. The overlays trigger a site-specific hazard assessment.	Reject the relief sought by the Fairlie & Districts Residents & Ratepayers Society Inc	Oppose
	36.06	Environment Canterbury considers that the inclusion of the proposed provisions in the Mackenzie District Plan is likely to achieve better outcomes than public education alone.	Reject the relief sought by Fairlie & Districts Residents & Ratepayers Society Inc	Oppose

Meridian Energy Limited: Andrew Feierabend	39.02	<p>Environment Canterbury support the amendments suggested by Meridian Energy Limited to the definition as the amended version would match the CRPS definition.</p> <p>Environment Canterbury note that “critical infrastructure” is not used outside the Natural Hazards Chapter in the Mackenzie District Plan, so removing “(in relation to the Natural Hazards Chapter only)” will not make any practical difference to the implementation of the definition.</p>	Accept the relief sought by Meridian Energy Ltd	Support
	39.03	<p>Environment Canterbury considers that the proposed amendment is consistent with CRPS Objective 18.2.1 and Policy 18.3.2, and is consistent with Policy HAZS-P1 introduced to the Mackenzie District Plan under PC28.</p> <p>Environment Canterbury notes that CRPS Policy 18.3.1 requires the avoidance of effects in sensitive areas.</p>	Accept the relief sought by Meridian Energy Ltd	Support
	39.09	Environment Canterbury considers that the relief sought by Meridian Energy Ltd would be inconsistent with CRPS Policy 11.3.4 which requires territorial authorities to ensure that new critical infrastructure is located outside known high hazard areas unless there is no reasonable alternative.	Reject the relief sought by Meridian Energy Ltd	Oppose
Director General of Conservation: Murray Brass	42.09	Environment Canterbury considers that the proposed change is consistent with other wilding conifer provisions in the Mackenzie District Plan and with CRPS Policy 5.3.13.	Accept the relief sought by the Director General of Conservation	Support

Andrew Hocken: Andrew Hocken	57.01	<p>Environment Canterbury considers that the Mackenzie District Council has a duty under s31 of the RMA to control the effects of land use and development to mitigate natural hazards. Under s74 of the RMA, district plans must be prepared in accordance with s31.</p> <p>Relying on the building consent process would not give effect to the CRPS.</p>	Reject the relief sought by Andrew Hocken	Oppose
New Zealand Defence Force: Mikayla Woods, Rebecca Davies	65.07	<p>Environment Canterbury considers that flood assessments could be carried out on a site wide basis, but because flood levels generally vary across a site, the intended location of buildings on the site would need to be provided, and the assessor should have discretion over whether a site wide assessment is appropriate.</p>	<p>Amend the relief sought by the New Zealand Defence Force to:</p> <p>A Flood Hazard assessment can either be sought on an individual project basis or on a site-wide basis (with the agreement of the assessor).</p>	Support in part