

SUMMARY OF EVIDENCE STATEMENT ON STAGE 4 OF THE MACKENZIE DISTRICT PLAN REVIEW

Spoken evidence - Natural Hazards, Mackenzie District Plan (Proposed plan change 28)

Jolene Irvine, Canterbury Regional Council

1. Kia ora koutou, Ko Jolene Irvine tōku ingoa, and I am a Team Leader for Rivers Planning at the Canterbury Regional Council.
2. I provided advice that informed the Regional Council's submission and my evidence before you, on the Mackenzie District Plan Review, as it relates to the delivery of the Regional Council's flood, erosion and drainage responsibilities that deliver protection to the Mackenzie District's people, property, and infrastructure.
3. The Regional Council has commitments to three established River Rating Districts/Schemes that are entirely, or partly within the Mackenzie District. These being the Ōpihi Catchment Control Scheme, Upper Waitaki Rivers and Twizel River Rating District. I provided a summary of those scheme areas, their objectives, work types, and some financial information in my evidence.
4. The location of physical works required to deliver flood and erosion protection can occur within active rivers, within the margins and berms of those rivers, and on flood plains. These areas straddle both Regional and District Plan jurisdictions. Works are most commonly within the footprint of established schemes, but may also occur outside of these areas, typically in response to natural hazard events, community needs or additional funding opportunities.
5. The type of physical works may include earthworks, structures, vegetation clearance and plantings.
6. My evidence described the established controls in place at the Regional Council to ensure potential environmental risks are avoided or mitigated. Central to this is each job being in accordance with the Canterbury Regional Code of Practice for Defences Against Water and Drainage Schemes. That Code of Practice is linked to a Permitted Activity rule for works in riverbeds within the Canterbury Land and Water Regional Plan. That process requires engagement with Papatipu Rūnanga, the Department of Conservation, and Fish and Game through sharing annual works plans, quarterly updates and some task-specific targeted engagement. Quarterly reports are shared wider, including with District Councils and are available on the Regional Council website.
7. The proposed Mackenzie District Plan addresses flood and erosion protection works through Natural Hazards Mitigation Works provisions. I have identified where I consider the proposed drafting will impact the ability of the Regional Council to deliver its flood and erosion protection works and where I consider the proposed wording causes uncertainty for implementation.
8. I support the s42A adoption of a 'one-stop-rule' for Natural Hazard Mitigation Work but there remains some uncertainty and shortcomings in enabling the Regional Councils work.

9. I provided recommended redrafting of Rule NH-R5 in my written evidence, which effectively opens up the Permitted Activity provisions from maintenance of existing schemes to include new works as well.
10. The PER-3 for new works recommended by the s42A report, cannot be met in SASM, ONL and ONF overlays and only provides for soft-engineering natural hazard mitigation. Those overlays cover most rivers where flood and erosion protection are likely to be needed, and the restriction on soft-engineering may prevent the Council from being able to act quickly in response to flood damage or where infrastructure is at risk. While the Councils work naturally favours soft-engineering, some situations may require more intensive interventions, particularly where breakout flooding is actively occurring and if erosion is putting significant infrastructure at risk. Delays in being able to act, may also require greater interventions to achieve the same outcome. So, while the s42A recommendations appear to provide a Permitted Activity pathway for new works, its limitations will make it almost unusable.
11. The s42A recommendation includes an exemption within Rule NH-R5 that if that rule is in play, other earthwork rules in the District Plan do not apply. For this rule to be successful as a one-stop-rule, I recommend that this is extended to all rules, not just earthworks (such as vegetation management).
12. I have recommended another note for this rule to explain that maintenance includes any works required within the footprint of established scheme areas.
13. I support the s42A adoption of a note in Natural Hazard chapter that the rules within that chapter do not apply within the beds of rivers, as that is managed in the Regional Plans.
14. To alleviate concerns with a wider Permitted Activity, I described the Regional Councils environmental and job planning systems, to provide confidence that jobs are well planned, with appropriate mitigation and engagement occurring.
15. I maintain the view that, the drafting requested by the Regional Council in its submission is required to fully enable the Natural Hazard Mitigation Work undertaken by the Regional Council.
16. In conclusion, the provisions recommended in the s42A report, with some points of clarification, will enable the continuation of the Regional Councils flood and erosion protection within existing schemes. However, changes are needed to enable works outside of schemes areas. Without these changes, the Regional Council may face increased costs and delays or be prevented from acting quickly in response to damage or funding opportunities outside of schemes. Enabling the Regional Council to deliver flood and erosion protection works will improve the Mackenzie District's resilience against flood hazards.



Jolene Irvine

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