

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council Officer's Preliminary Response to written questions on
District Council Designations on behalf of
Waimakariri District Council as Territorial Authority**

Date: 4/4/2024

INTRODUCTION:

- 1 My full name is Garry John Blay. I am employed as a contract Planning Consultant on behalf of Waimakariri District Council as territorial authority.
- 2 The purpose of this document is to respond to the question published from the Hearings Panel in response to my s42 report.
- 3 In preparing this response, I note that I have not had the benefit of hearing evidence presented to the panel at the hearing. For this reason, my response to the question may alter through the course of the hearing and after consideration of any additional matters raised.
- 4 I also note that given the timing of the question, my preliminary response has not been informed by consideration of evidence or legal submissions lodged with the Council following the issuing of my s42A report. Where I have considered such evidence, I have recorded this within the preliminary answer below.
- 5 Following the conclusion of this hearing, a final right of reply document will be prepared outlining any changes to my recommendations as a result of evidence presented at the hearing, and a complete set of any additions or amendments relevant to the matters covered in my s42A report.
- 6 The format of the response in the table below follows the format of the question from the Panel.
- 7 I am authorised to provide this evidence on behalf of the District Council.

Date: 4/4/2024



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Garry Blay

| Paragraph or Plan reference | Question |
|---|---|
| WDC-47 | <p>Please explain how the recommended ecology conditions fall within the scope of a designation? It is the Panel’s understanding that a designation does not preclude a requiring authority’s responsibility to comply with the Land and Water Regional Plan and obtain any necessary consents.</p> |
| <p>The function of Territorial Authorities, as set out in Section 31 of the Resource Management Act 1991, includes the control of any actual or potential effects of the use and development of land (s31(1)(b)) and the maintenance of indigenous biological diversity (s31(1)(b)(iii)). The ecological assessment in Appendix F of the Notice of Requirement makes several recommendations which are not reflected in the conditions proposed by the Requiring Authority for this designation but in my view would be relevant matters to consider in any Outline Plan for the works in the context of “any other matters to avoid, remedy, or mitigate any adverse effects on the environment” (s176A(3)(f) RMA). In my opinion conditions 15 to 25 are wholly relevant to these functions as they relate to activities on land and the potential adverse effects resulting from those land-based activities. However, on reflection I consider conditions 11 to 13 relate to functions of the Regional Council as they seek to manage potential adverse effects on ecosystems within streams (s30(1)(c)(iia)) and are more appropriately addressed as part of any required Regional Council resource consent process under the relevant Regional Plans. I consider these conditions should therefore be removed from the recommended conditions for the designation. With regard to condition 14 I consider the matters referred to in the condition relate to both Regional and Territorial functions. In my opinion the condition should therefore be amended to remove the reference to ‘waterways and in stream fauna’, so that the condition reads:</p> <p><u>14. Specialist ecological surveys, including of the waterways and in stream fauna, lizard and bird species, shall be provided prior to construction beginning. These surveys shall confirm ecological values present, identify the magnitude and level of effects of proposed construction and operational activity on these ecological values and provide recommendations on the effects management hierarchy including measures to avoid, remedy and mitigate adverse effects.</u></p> | |