

PROPOSED WAIMAKARIRI DISTRICT PLAN: HEARING STREAM 5
(EI, EW, TREE, HH TOPICS)
Chris Horne Speaking Notes

1. The Telecommunications Companies have only limited outstanding matters they wish to address on the EI Topic relating to integration with other provisions and customer connections to heritage buildings. They also still request changes to some earthworks standards to ensure they are practical and workable for telecommunications infrastructure. Submissions relating to rules in the TREE and HH chapters are resolved on the basis of recommendations to the EI chapter that provide suitable exemptions from rules in these chapters.

2. The s42A report for the EI Chapter sets out a redrafting of the introduction to the rules (*How to interpret and apply the rules*) to clearly set out what rules in other sections apply. I support this approach. The proposed amendments recommend that all earthworks rules in the EW chapter apply. The only matter I have raised in my evidence is that in my opinion rule EW-S4 should not apply to network utilities in regard to works in and around the protected root area of notable trees, as the EI chapter already has rules for this which would be in direct conflict with EW-S4¹.

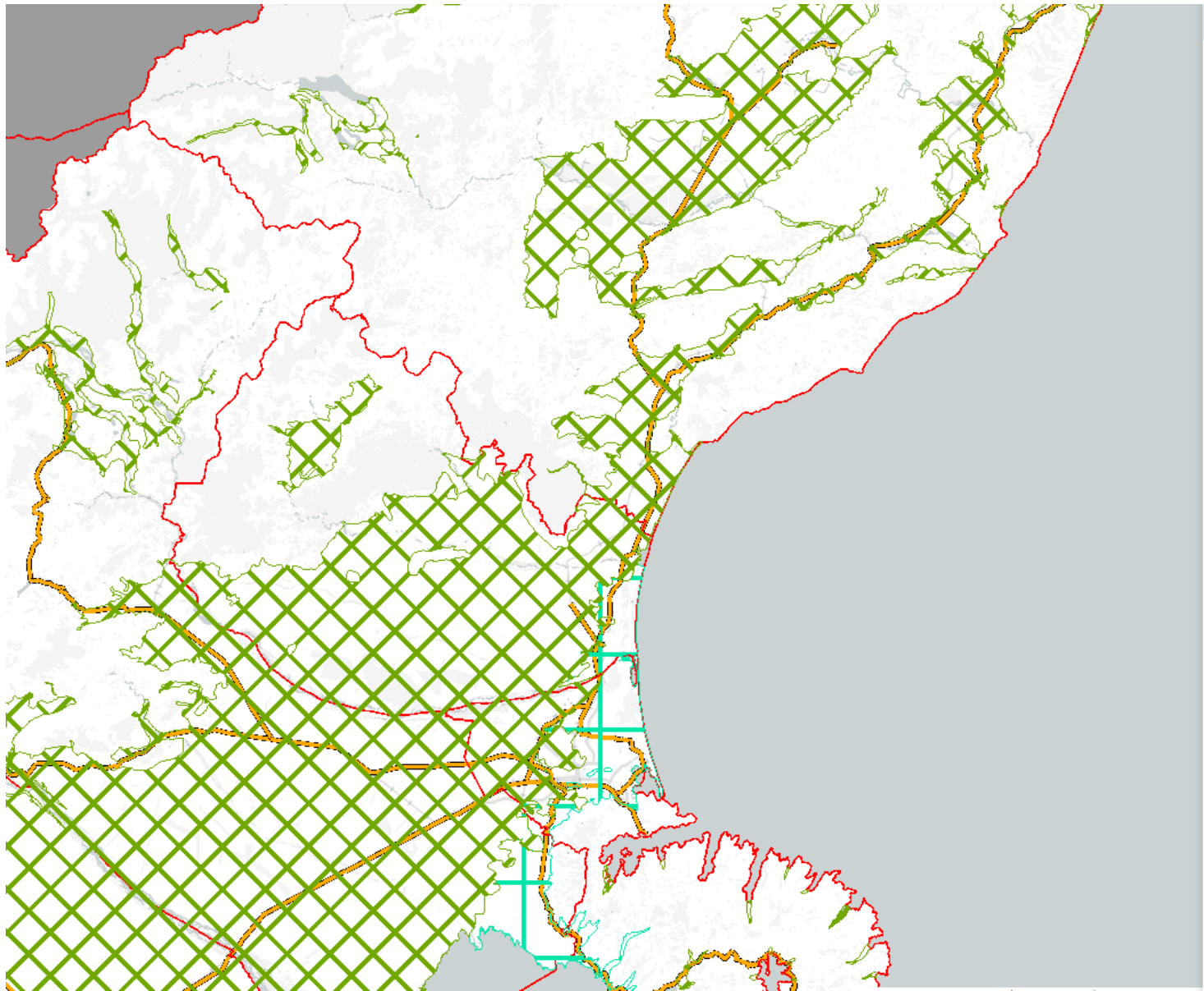
3. Mr Maclennan's report on the EI chapter confirms that the objectives and policies of other sections such as Natural Features and landscapes (NFL) will need to be read together with the EI provisions, and that in his opinion the intended alternative pathway for managing the effects of regionally significant infrastructure in EI-P5 as well as the protective provisions in the NFL chapter both give effect to higher-level policy directives for infrastructure and natural features and landscapes. I have set out in my evidence on the NFL chapter how I consider that a specific reference to EI-P5 in NFL-P1, P3 and P4 would provide more certainty that the protective provisions of the NFL provisions do not override the intended management framework in EI-P5, thus removing the debate as to which are the more specific provisions. This will allow the specific circumstances to be assessed in each case without any priority intended or otherwise being given to the provisions seeking an avoidance of effects².

¹ Paragraphs 15-23 EIC

² Paragraphs 10-14 EIC

4. Lastly on the EI Chapter, I consider that a change from restricted discretionary activity to controlled activity for connecting to heritage buildings is justified as this supports the adaptive reuse of buildings, enables mitigation such as detailed positioning and colour matching to be considered, and reflects a previously agreed approach with Heritage New Zealand Pouhere Taonga³.
5. On the basis that the EW rules apply to network utilities covered in the EI Chapter, I support the amendments sought by the Companies in regard to amendments to a number of the EW rules to ensure works such as service trenches and foundations for poles and cabinets are not unnecessarily regulated. Mr Wilson the reporting planner does not support the various exemptions sought, although he acknowledges in his response to questions from the Commissioners that activities in the EI section will need to meet the earthworks rules in the EW chapter.
6. I also note in his response to a question relating to the recommended permitted depth of earthworks that a 1m depth limit is aligned with Rule 5.175 in the CLWRP (the Telecommunications Companies sought exemptions below the notified 2m excavation depth limit). However, as per the image attached from Canterbury Maps, the majority of Waimakariri District is in an unconfined or semi-confined aquifer area where a 1m earthworks buffer over the maximum water table depth only applies where earthworks exceed 100m³, or areas not mapped as having aquifers subject to Rule 5.175. Therefore in my view the exemptions sought as addressed in my EIC are still appropriate in the District Plan.

³ Paragraphs 24-30 EIC



Layer List

- Areas to be maintained in a natural state
- Rivers Where Damming is Prohibited
- High Naturalness Water Bodies
- Aquifer Systems and Sediments
- Coastal Confined Gravel Aquifer System
- Semi-confined or unconfined aquifers
- Groundwater Allocation Zones
- Orari Zones
- Irrigation Scheme Area
- Sub Regional Chapter Boundaries
- Phosphorus Sediment Risk Area
- Nutrient Allocation Zones
- Refer to Hurunui Waiiau River Regional Pla
- Surface Water Catchments
- Surface Water Allocation Zones
- Area of Soils
- High Soil Erosion Risk
- Te Waihora Cultural Landscape/Values Management Area - Lake Area
- Wairewa Valley Floor Area
- Flow Protection Zones
- Combined Surface & Groundwater Alloce Zones