

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED PRIVATE PLAN CHANGE TO THE WAIMAKARIRI
DISTRICT PLAN**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the Proposed Waimakariri District Plan

AND

IN THE MATTER of Hearing Stream 5: Earthworks, Noise, Signs, Light,
Historic Heritage, Notable trees, Energy and infrastructure
and Transport

**STATEMENT OF EVIDENCE OF JOANNE MITTEN ON BEHALF OF THE
CANTERBURY REGIONAL COUNCIL**

**EARTHWORKS, NOISE, SIGNS, LIGHT, HISTORIC HERITAGE,
NOTABLE TREES, ENERGY AND INFRASTRUCTURE AND TRANSPORT**

7 AUGUST 2023

SUMMARY STATEMENT

- 1 The Canterbury Regional Council (**Regional Council**) submission was generally supportive of the notified Proposed Waimakariri District Plan (**pWDP**) provisions subject to this hearing stream. The Regional Council did, however, seek some amendments to policies in the Earthworks, Noise, Historic Heritage, Energy and Infrastructure and Transport chapters of the Proposed Waimakariri District Plan.
- 2 I have reviewed the Section 42A (**S42A**) reports prepared by Mr Wilson (Ketuketu whenua- Earthworks), Ms Manhire (Te orooro- Noise), Ms Steven (Taonga o onamata- Historic Heritage) Mr MacLennan (Pūngao me te hanganga hapori- Energy and Infrastructure), Mr MacLennan (Ranga waka- Transport).
- 3 The majority of the recommendations set out in the S42A reports address the Regional Council's concerns. Where concerns remain, I have suggested amendments beyond those provided by the S42A reports. My evidence focuses on the recommendations that are important in giving effect to the Canterbury Regional Policy Statement (**CRPS**). One key issue remains and the amendments to the provisions recommended in my evidence focuses on the following:
 - a. The addition of a new earthworks rule (in the natural hazards chapter), as also set out in Appendix 1 to my evidence on the natural hazards hearing stream of the pWDP to provide a more streamlined and simplified framework which ensures that offsite food effects are required to be addressed for all earthworks, buildings and other structures.
- 4 I have also sought a further wording amendment beyond that provided by the S42A report to ensure that the avoid framework set out in the CRPS is in place for Policy EW-P6.
- 5 My proposed amendments are attached as **Appendix 1** to my evidence.

INTRODUCTION

- 6 My full name is Joanne Maree Mitten.
- 7 My qualifications and experience are set out in my evidence prepared for Hearing Stream 1 of the pWDP, as filed on 1 May 2023.
- 8 I have prepared this planning evidence on behalf of the Regional Council.

CODE OF CONDUCT

- 9 Whilst I acknowledge that this is not an Environment Court hearing, I 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.
- 10 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 Hearing Panel.

SCOPE OF EVIDENCE

- 11 I have been asked to provide evidence in relation to the Earthworks, noise, Historic Heritage, Energy and infrastructure, and Transport chapters of the Proposed Waimakariri District Plan (pWDP). My evidence addresses:
- a. An overview of the Regional Council's interest in the pWDP and the Earthworks, Noise, Historic Heritage, Energy and Infrastructure and Transport chapters of the pWDP;
 - b. The relevant statutory framework with a particular focus on the CRPS;
 - c. Recommendations in the following Section 42A Reports (insofar as they relate to the Regional Council's submission points):

- i. Officer's Report: ketuketu whenua- Earthworks Chapter, prepared by Mr Wilson for Waimakariri District Council, dated 21 July 2023.
- ii. Officer's Report: te orooro- Noise, prepared by Ms Manhire for Waimakariri District Council dated 21 July 2023.
- iii. Officer's Report: Taonga o onamata- Historic Heritage prepared by Ms Steven for the Waimakariri District Council, dated 21 July 2023.
- iv. Officer's Report: hapori- Energy and Infrastructure by Mr MacLennan for Waimakariri District Council, dated 21 July 2023.
- v. Officer's Report: Ranga waka- Transport prepared by Mr MacLennan for Waimakariri District Council, dated 21 July 2023.

12 In preparing my evidence I have reviewed the following documents:

- a. the Section 32 report prepared and notified by Waimakariri District Council (WDC);
- b. the notified provisions of the Earthworks, Noise, Historic Heritage, Energy and Infrastructure, and Transport chapters of the pWDP;
- c. the submissions made on the notified provisions within the Earthworks, Noise, Historic Heritage, Energy and Infrastructure and Transport chapters chapters of the pWDP, to the extent they are relevant to the Regional Council's interests;
- d. the s42A reports;
- e. the CRPS;
- f. the evidence of Ms Irvine prepared for Hearing Stream 3 of the pWDP;
- g. the evidence of Mr Griffiths prepared for Hearing Stream 3 of the pWDP; and
- h. my own evidence prepared for Hearing Stream 3 of the pWDP.

REGIONAL COUNCIL'S INTEREST AND OVERVIEW OF SUBMISSIONS IN HEARING STREAM 5 OF THE PWDP

- 13 The Regional Council considers that the pWDP chapters the subject of Hearing Stream 5 generally give effect to the CRPS, but the Regional Council does have minor concerns in relation to some specific provisions in the Chapters in Hearing Stream 5. The Regional Council's interest is outlined in the relevant sections below.
- 14 A copy of my recommended amendments to the provisions the subject of Hearing Stream 5 is provided as **Appendix 1** to this statement of evidence.

Earthworks

- 15 The majority of the Regional Council's submission points relevant to Hearing Stream 5 are in relation to the earthworks provisions in the pWDP.
- 16 The Regional Council's submission in relation to earthworks seeks:
- a. Amendments to provisions relating to community scale natural hazard mitigation works;
 - b. To support provisions that seek the avoidance of impacting the ability to convey floodwaters as a result of earthworks; and
 - c. An additional rule to address offsite flood effects and consequential changes.
- 17 Whilst many of these submission points have been addressed in the section 42A recommendations, the Regional Council is still seeking some further amendments as detailed below.
- 18 These submission points for Hearing Stream 5 directly relate to the submissions and evidence provided in Hearing Stream 3. As well as my own planning evidence, two other pieces of evidence were provided for the Regional Council regarding Hearing Stream 3, specifically the natural hazards chapter:
- a. Mr Griffiths provided technical evidence in relation to natural hazards; and

- b. Ms Irvine provided evidence regarding the Regional Council's natural hazard mitigation schemes in rivers in the Waimakariri District.

19 This evidence has informed my assessment of the appropriate provisions in the earthworks chapter.

Noise

20 The Regional Council's submission in relation to the Noise chapter of the pWDP is to ensure the pWDP gives effect to the CRPS.

21 The Regional Council's submission was in relation to NOISE-P4. This particular policy is in relation to the Airport Noise Contours and I believe that this policy should also be considered in the Airport Noise Contour hearing stream which I understand is to be heard as part of Hearing Stream 10.

Historic Heritage

22 The Regional Council's submission in relation to Historic Heritage seeks clarification regarding sub-clauses 1 and 3 of Policy HH-P6- Relocation of significant and highly significant historic heritage. The submission seeks clarity regarding Category A and B heritage items.

23 I have not sought any further amendments to the Historic Heritage chapter beyond those provided for in the section 42A report.

Energy & Infrastructure

24 The Regional Council's submission in relation to energy and infrastructure is generally in support of the pWDP as notified. Where amendments are sought they are for clarification reasons and to ensure that the CRPS is given effect to. Amendments are sought as follows:

- a. Introduce a general hierarchy of effects to the Energy and Infrastructure objectives;
- b. Narrow the scope of Objective EI-O3 to better give effect to the CRPS;
- c. Exclude wilding or pest species from 'sequestration trees';

- d. Clarification that biodiversity offsets should only be considered where there is a strong likelihood they can be achieved in perpetuity;
 - e. Consider whether clause (a) of EI-P6 should apply to all infrastructure or only that which has a certain level of significance or already exists.
- 25 I have not sought any further amendments to the Energy and Infrastructure chapter beyond those provided for in the section 42A report.

Transport

- 26 The Regional Council's submission in relation to Transport is generally in support of the pWDP.
- 27 Where amendments were sought they were in relation to avoiding or mitigating first, and where this cannot be achieved, remedying effects. The Regional Council also sought that offsets are only used where they are strongly likely to be achieved in perpetuity and that carbon sequestration is not achieved via wilding tree species or pest plants.
- 28 I have not sought any further amendments to the Transport chapter of the pWDP beyond those provided for in the section 42A report.

STATUTORY FRAMEWORK

- 29 A summary of the relevant statutory framework is set out in Appendix 2 to my evidence.

RECOMMENDATIONS IN THE S42A REPORT

Earthworks

- 30 The Regional Council's submission on the earthworks provisions generally supported the pWDP in giving effect to the CRPS and the regional planning framework. The Regional Council supported EW-O1 and EW-P2 as notified.
- 31 The Regional Council did however seek amendments to EW-P6, EW-Rules-General, EW-R4, EW-R5 and EW-AN1.

Objective EW-O1 and Policy EW-P2

- 32 The Regional Council's submission supported the objective and policy outlined above.
- 33 I support the recommendations of Mr Wilson on the objective and policy listed above as they give effect to the provisions relating to managing the effects of earthworks in the CRPS.

Policy EW-P6

- 34 The Regional Council's submission supported the avoidance of water contamination and adverse effects on mahinga kai. However, the Regional Council's submission notes that the values being protected need to be made clear.
- 35 I agree with Mr Wilson's recommendations in his S42A report that the reference to mahinga kai is better addressed in EW-P1. However, I do not agree with Mr Wilson that the use of the word "manage" rather than the word "avoid" is appropriate. The CRPS does not provide for offsetting or compensation in relation to activities and their effects on water resources. For these reasons I have suggested an amendment to retain the word 'avoid' as set out in Appendix 1 to my evidence.

EW - Rules - General

- 36 The Regional Council's submission sought that the earthworks provisions provide for earthworks associated with community scale natural hazard mitigation works as a permitted activity. The submission also refers to the comments made by the Regional Council on three rules in the Natural hazards chapter, NH-R8, R9 and R10. In relation to these rules, the Regional Council sought that a provision be inserted for all works to maintain the effective operation of established river and drainage schemes that are administered by local authorities in all zones.
- 37 Ms Irvine in her evidence for Hearing Stream 3, has suggested amendments to ensure that the maintenance and effective operation of schemes is not held up by provisions that do not fully capture the full and complex requirements to manage flood hazard.

- 38 In my evidence for Hearing Stream 3, I suggested amendments to the natural hazards chapter of the pWDP. These amendments to NH-R8, R9 and R10 have included Ms Irvine's suggested amendments that state that the rules within any other chapter of the pWDP shall not apply to the activities provided for in each of those rules which is the maintenance and construction of community scale natural hazard mitigation works.
- 39 I agree with Mr Wilson's recommendation to specify that rules NH-R8, NH-R9 and NH-R10 apply in relation to community scale natural hazard mitigation works. and this is discussed further in relation to Rule EW-R4 below.

Rule EW-R4

- 40 The Regional Council's submission opposed Rule EW-R4 - Earthworks for community scale natural hazards mitigation works. The Regional Council sought that the earthworks required for community scale natural hazards mitigations works should be provided for through the natural hazards chapter, as the limits provided for under EW-S1 - EW-S7 do not enable community scale natural hazards mitigation works.
- 41 I agree with Mr Wilson's recommendation in his section 42A report to add to Rule EW-R4 (1) that Rules NH-R8, NH-R9 and NH-R10 are met. This is also consistent with the Regional Council's submission on the natural hazards chapter of the pWDP.

Rule EW-R5

- 42 The Regional Council's submission sought to change the applicability of Rule EW-R5 from within the overland flow paths to within the flood assessment overlays. The Regional Council also sought to amend the rule to capture all activities that have the potential to cause offsite effects and only permit activities where there will be no effects and only require resource consents in situations where there will be effects. The rule is currently not effects-based and permits earthworks that could still cause offsite effects and requires resource consent for earthworks that may not cause offsite flood effects.

- 43 Mr Griffiths recommended in his evidence on the Natural Hazards Chapter that a new single permitted activity rule would provide a simpler, more effective and risk-based means of addressing offsite flood effects. In both its submission on the natural hazards chapter and on this Rule EW-R5, 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. To provide this in a clearer, more simplified way the Regional Council sought a rule such as that provided in the proposed Kaikōura District Plan and that this rule sits within the natural hazards chapter.
- 44 I believe that the amendment suggested by Mr Griffiths is the most appropriate and efficient approach and will ensure all offsite flooding effects are regulated, for the reasons set out in more detail in Mr Griffiths' evidence and my evidence for Hearing Stream 3. 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 to the interlinking provisions in the natural hazards and earthworks chapters. This is the same amendment that I proposed in my evidence on Hearing Stream 3.
- 45 I would prefer the addition of a single simplified rule but if these amendments are not accepted by the Hearing Panel, I am generally comfortable with the recommendations of Mr Wilson regarding EW-R5 with a minor amendment for clarification (referring to Mr Griffiths' evidence from Hearing Stream 3 regarding reference to events of a 0.5% AEP or more, as it is not necessarily the most infrequent event that could cause the worst offsite effects).

Advice Note EW-AN1

- 46 The Regional Council's submission sought that reference is made stating that earthworks undertaken in the coastal marine area are regulated under the Regional Coastal Environment Plan.
- 47 I agree with Mr Wilson's recommendation in his S42A report to include the requested addition to EW-AN1.

Noise

- 48 The Regional Council's submission on Noise sought that Policy NOISE-P4 be retained as notified as the proposed noise contour management for the airport is consistent with CRPS Policy 6.3.5.
- 49 I agree with Ms Manhire's recommendations to accept the submission and make no amendments. However, I note that this policy may also need to be considered as part of the further hearings in relation to the Airport Noise Contour.

Historic Heritage

- 50 The Regional Council's submission on Policy HH-P6 sought clarity of the relationship of Policy HH-P6(1) and HH-P6(3) to category A and B historic heritage items. As notified in the pWDP, sub-clause 1 provides for the relocation of highly significant historic heritage in the specified circumstances. Subclause 3 then seeks to avoid the relocation of significant historic heritage to protect the Category A values. The Regional Council considered that the pWDP is therefore not clear on whether sub-clause 1 only relates to category B sites in HH-SCHED2.
- 51 I agree with Ms Steven's view in that the Regional Council has misinterpreted HH-P6. I therefore agree with Ms Steven's recommendation in her S42A report that Policy HH-P6 provides a clear distinction between 'significant' and 'highly significant' and that no change is required to Policy HH-P6.

Energy and Infrastructure

- 52 The Regional Council's submission on the Energy and Infrastructure provisions generally supported the pWDP in giving effect to the CRPS and the regional planning framework. The Regional Council supported EI-O1, EI-P2, EI-R39, EI-R40, EI-R41, EI-R42 and EI-R45 as notified.
- 53 The Council did however seek amendments to EI-O2, EI-O3, EI-P4, EI-P5 and EI-P6.

Objective EI-O1, Policy EI-P2 and Rules EI-R39, EI-R40, EI-R41, EI-R42 and EI-R45

- 54 The Regional Council's submission supported the objectives, policies and rules outlined above.
- 55 I support the recommendations of Mr Maclellan on the objectives, policies and rules listed above as they give effect to the Energy and Infrastructure provisions in the CRPS.

Objective EI-O2

- 56 The Regional Council supported this objective in part and sought in its submission that consideration be given to introduce a hierarchy to provide guidance as to when effects should be avoided in the first instance.
- 57 I agree with Mr Maclellan's recommendations in his S42A report and agree that it is more beneficial to apply a hierarchical approach to the policy context.

Objective EI-O3

- 58 The Regional Council's submission sought the narrowing of the scope of EI-O3 from all infrastructure in any location to the maintenance and upgrading of regionally significant and critical infrastructure to give better effect to the CRPS.
- 59 I agree with Mr Maclellan's recommended amendments and agree that the addition of the word 'incompatible' does narrow this scope.

Policy EI-P4

- 60 The Regional Council's submission supported the intent of Policy EI-P4, however consider that an amendment is necessary to specify that 'sequestration trees' do not include wilding or pest species. CRPS Policy 5.3.13 requires the avoidance or minimisation of wilding spread.
- 61 I agree with Mr Maclellan's recommendations in his S42A report to specifically exclude wilding or pest species.

Policy EI-P5

- 62 The Regional Council's submission supported the intent of EI-P5, however recommended an amendment to clarify that biodiversity offsets should only be considered where there is a strong likelihood they can be achieved in perpetuity. This amendment would make the policy consistent with Policy 9.3.6 of the CRPS.
- 63 I agree with Mr Maclellan's amendments to Policy EI-P5 and the addition of the words "where there is a strong likelihood they can be achieved in perpetuity" in EI-P5(5) for the reason that it better gives effect to the CRPS.

Policy EI-P6

- 64 The Regional Council's submission sought consideration of whether EI-P6(a) should apply to all infrastructure or only that which has a certain level of significance or already exists. The CRPS supports the maintenance and upgrading of regionally significant and critical infrastructure as set out in Policy 5.3.9 but does not necessarily support the establishment of all infrastructure in any location regardless of what activities are located nearby.
- 65 I agree with Mr Maclellan's recommendations in his S42A report and that his suggested amendment to clause 2 to refer to major electricity distribution lines appropriately addresses the Regional Council's concerns.

Transport

- 66 The Regional Council's submission on the Transport provisions generally supported the pWDP in giving effect to the CRPS and the regional planning framework. The Regional Council supported TRAN-O1, TRAN-O2 and TRAN-P5 as notified.
- 67 The Regional Council did however seek amendments to TRAN-O3 and TRAN-P2.

Objectives TRAN-O1, TRAN-O2 and Policy TRAN-P5

- 68 The Regional Council's submission supported the objectives and policy outlined above.
- 69 I support the recommendations of Mr MacLennan to retain the objectives and policy listed above as they give effect to the CRPS, particularly Policies 5.3.7 and 6.3.4.

Objective TRAN-O3

- 70 The Regional Council's submission sought consideration of whether to introduce a hierarchy to TRAN-O3 where effects are first avoided or mitigated in the first instance and remedied where effects cannot be avoided or mitigated. This would make the objective more consistent with CRPS Policy 5.3.8.
- 71 I agree with Mr MacLennan's recommendations in his S42A report that no change is required. I agree with his reasoning that TRAN-O3 gives effect to CRPS Policy 5.3.8 in terms of avoiding or mitigating effects.

Policy TRAN-P2

- 72 The Regional Council's submission sought an amendment to Policy TRAN-P2 to specify that offsets may be used only where they are likely to be achieved in perpetuity, as per CRPS Policy 9.3.6. The submission also sought an amendment to specify that carbon sequestration should not be via wilding tree species or pest plant species as required by CRPS Policy 5.3.13.
- 73 I agree with Mr MacLennan's recommendations in his S42A report to amend Policy TRAN-P2 as requested by the Regional Council.

CONCLUSION

- 74 In summary, I generally agree with the recommendations of the S42A report officers. I have however proposed three amendments that in my view would help with clarity of the provisions, and to ensure that the CRPS is given effect to. The amendments can also help to ensure that the appropriate earthworks can be undertaken for hazard mitigation.
- 75 The key issue that my evidence addresses is the addition of a new rule to address offsite flood effects in a more cohesive manner than was provided for in the S42A report. I consider this amendment (which is the same amendment that I recommended as part of Hearing Stream 3 in relation to the natural hazards provisions) ensures that all potential offsite flood effects are regulated as part of the pWDP. If this rule was adopted, EW-R5 as it currently stands could be deleted.
- 76 If the Panel does not agree with the adoption of this singular rule, I have suggested a minor amendment to EW-R5 in reliance on Mr Griffiths' evidence presented as part of Hearing Stream 3.
- 77 I have suggested an amendment to the S42A report officer's recommendations on Policy EW-P6 to ensure that adverse effects on ground and surface water bodies that could result in water contamination are avoided.

Dated this 7th day of August 2023



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Joanne Mitten

APPENDIX 1 – AMENDMENTS SOUGHT TO THE PWDP THROUGH THE REGIONAL COUNCIL SUBMISSION ON EARTHWORKS, NOISE, SIGNS, LIGHT, HISTORIC HERITAGE, NOTABLE TREES, ENERGY AND INFRASTRUCTURE, TRANSPORT, TEMPORARY ACTIVITIES

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Relief Sought (in red)
EW-P6	<p><u>Water</u> resources</p> <p>Avoid adverse <u>effects</u> of <u>earthworks</u> on ground and surface <u>water bodies</u> that could result in <u>water</u> contamination and adverse <u>effects</u> on <u>mahinga kai</u>.</p>	<p>Water resources</p> <p>Avoid Manage adverse effects of earthworks on ground and surface water bodies that could result in water contamination. and adverse effects on mahinga kai</p>	<p>Water resources</p> <p>Avoid Manage Avoid adverse effects of earthworks on ground and surface water bodies that could result in water contamination. and adverse effects on mahinga kai</p>
<p><u>New Rule</u> <u>Above</u> <u>ground</u> <u>earthworks</u></p> <p><u>(To be</u> <u>inserted to</u> <u>Natural</u> <u>hazards</u> <u>chapter)</u></p>			<p><u>All zones within the: Urban Flood Assessment Overlay or Non-urban flood assessment overlay</u></p> <p><u>Permitted activity:</u></p> <p><u>Above ground earthworks, buildings and new structures that:</u></p> <p><u>a. will not exacerbate flooding on another property through the diversion or displacement of floodwaters; or</u></p> <p><u>b. meet the definition of land disturbance.</u></p> <p><u>Restricted Discretionary:</u></p> <p><u>Where:</u></p> <p><u>a. Compliance with rule NH-RX(1) is not achieved.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. The likely extent of flooding on the site;</u></p>

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Relief Sought (in red)
			<p><u>2. The potential for the activity to exacerbate flooding on any other site; and</u></p> <p><u>3. The extent to which the earthworks, building or new structure impedes the free passage of floodwaters</u></p> <p><u>consequential changes to the following:</u></p> <p><u>delete:</u></p> <p><u>NH-R1(2)(b), NH-R2(2)(c), NH-R3(2)(e)(2), NH-R4, NH-R5(1), NH-R5(2)(b), NH-R6(1), NH-R6(3a), NH-R17(1), NH-R17(2), NH-R18, EW-R5</u></p>
EW-R5	<p>Earthworks within an overland flow path</p> <p>Activity status: PER</p> <p>Where:</p> <p>Where:</p> <ol style="list-style-type: none"> <u>EW-S1 to EW-S7</u> are met; and the <u>height</u> of any <u>filling</u> does not exceed 0.25m above the <u>ground level</u> at (18 September 2021); or the <u>filling</u> is for a <u>building</u> platform that is located greater than 2m from any <u>site</u> boundary within the Urban Flood Assessment Overlay, or greater than 10m from any <u>site</u> boundary within the Non-Urban Flood Assessment Overlay; or the flood depth in a 0.5% <u>AEP</u> event is less than 100mm. 	<p>Earthworks within an overland flow path</p> <p>Activity status: PER</p> <p>Where:</p> <p>Where:</p> <ol style="list-style-type: none"> <u>EW-S1 to EW-S7</u> are met; and the <u>height</u> of any <u>filling</u> does not exceed 0.25m above the <u>ground level</u> at (18 September 2021); or activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land in a 0.5% AEP event the <u>filling</u> is for a <u>building</u> platform that is located greater than 2m from any <u>site</u> boundary within the Urban Flood Assessment Overlay, or greater than 10m from any <u>site</u> boundary within the Non-Urban Flood Assessment Overlay; or 	<p>Note- changes only to be made here if the new rule above is not adopted by the Hearing Panel</p> <p>Earthworks within an overland flow path</p> <p>Activity status: PER</p> <p>Where:</p> <p>Where:</p> <ol style="list-style-type: none"> <u>EW-S1 to EW-S7</u> are met; and the <u>height</u> of any <u>filling</u> does not exceed 0.25m above the <u>ground level</u> at (18 September 2021); or activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land in <u>events with an AEP of 0.5% or more. in a 0.5% AEP event</u> the <u>filling</u> is for a <u>building</u> platform that is located greater than 2m from any <u>site</u> boundary within the Urban Flood Assessment Overlay, or greater than 10m

Provision	As notified	Council S42A Drafting	Canterbury Regional Council Relief Sought (in red)
		4. the flood depth in a 0.5% <u>AEP</u> event is less than 100mm.	from any <u>site</u> boundary within the Non-Urban Flood Assessment Overlay; or 4. the flood depth in a 0.5% <u>AEP</u> event is less than 100mm.

APPENDIX 2: STATUTORY FRAMEWORK-

1 Section 75(3) of the RMA requires that:

A district plan must give effect to –

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

2 Relevant national and regional planning documents that the provisions relevant to Hearing Stream 5 of the pWDP must give effect to include the National Policy Statement on Urban Development 2020 (**NPS-UD**), the New Zealand Coastal Policy Statement (**NZCPS**) in relation to the coastal environment, the National Policy Statement for Electricity Transmission (**NPS-ET**), the National Policy Statement for Renewable Electricity Generation (**NPS- REG**) and the CRPS.

3 Section 75(4) requires that a district plan must not be inconsistent with any applicable water conservation order or regional plan, including the Canterbury Land and Water Regional Plan (**LWRP**).

4 I have not sought to repeat all the provisions contained in these national and regional planning documents. My evidence focusses on those I consider to be most relevant to the chapters covered by Hearing Stream 5 of the pWDP and the submission made by the Regional Council.

5 I address the CRPS further below.

Canterbury Regional Policy Statement

6 The CRPS does not contain a specific chapter on either earthworks or noise. References to earthworks and noise are provided throughout the CRPS and are mostly in relation to avoiding or mitigating the possible effects of earthworks on the environment and communities.

7 Territorial Authorities are to provide specific earthworks and noise rules for their territories, and this is the case with the earthworks and noise rules in the pWDP.

CRPS Chapter 13 - Historic Heritage

Responsibilities of the Regional Councils and Territorial Authorities

- 8 The Regional Council's responsibilities for historic heritage lie in the setting of objectives, policies and methods that provide for the recognition and protection of significant historic heritage items, places or areas that meet certain criteria, and that are located in the coastal marine area. Territorial authorities are to provide for the same, except outside of the coastal marine area.

Policy framework

- 9 The policy framework in the CRPS that is relevant to historic heritage is mainly found in Chapter 13. This Chapter seeks to recognise and protect historic heritage from inappropriate subdivision, use and development.
- 10 The CRPS sets out 3 objectives and 4 policies in relation to historic heritage. Objective 13.2.1 seeks the identification and protection of significant historic heritage, and their particular values, in the Canterbury region. Objective 13.2.2 recognises that cultural and heritage values are often expressed within particular landscapes and that these landscapes need to be protected from inappropriate subdivision and development. Objective 13.2.3 recognises that that repair, reconstruction, seismic strengthening and ongoing conservation and maintenance of built historic heritage needs to be enabled.
- 11 Policy 13.3.1 is in place to recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development through assessing the criteria identified in 13.3.1(1) - (4). Territorial authorities are to set provisions in their District Plans that provide for this outside of the coastal marine area and that meet the criteria set out in Policy 13.3.1 (1) - (4).
- 12 Policy 13.3.2 recognises places of historic and cultural heritage significance to Ngāi Tahu and the need to protect their relationship, culture and traditions with these places from inappropriate subdivision, use and development. Local authorities are to work with Te Rūnanga o Ngāi Tahu in implementing this policy.

- 13 Policy 13.3.3 seeks the protection of significant historic cultural and historic heritage landscapes and sets out a list of matters to be considered when determining the significance of values. It also sets out that cross-reference should also be made to Chapter 12 of the CRPS which addresses landscape.
- 14 Policy 13.3.4 sets out provision for the appropriate management of historic buildings in terms of providing for the social, economic and cultural well-being of people and communities by enabling repair, rebuilding and upgrading of historic buildings and their surrounds (in a manner sensitive to their historic values).

CRPS Chapter 16 - Energy

Policy framework

- 15 The policy framework in the CRPS that is relevant to energy is mainly found in Chapter 16. The purpose of this chapter is to recognise resource management issues regarding energy within the region.
- 16 Chapter 16 of the CRPS contains 2 objectives. Objective 16.2.1 seeks the enabling of the efficient use of energy, through development location and design. Objective 16.2.2 is to promote a diverse and secure supply of energy to enable energy resilience for the Canterbury region (with a particular focus on renewable energy).
- 17 The CRPS sets out five policies in the Energy chapter. These policies promote the efficient use of energy, recognise and provide for the local, regional and national benefits of renewable energy generation facilities, and seek to encourage a reliable and resilient electricity transmission network within Canterbury.
- 18 CRPS Chapter 16 provides direction to territorial authorities to set objectives, policies and methods in their District Plans to achieve the policies set out above.

CRPS Chapter 5 - Land use and Infrastructure

Policy framework

- 19 The policy framework in the CRPS that is relevant to infrastructure is mainly found in Chapter 5. The focus of Chapter 5 in terms of infrastructure is on the infrastructural services that support any land

development, the strategic integration of land use and regionally significant infrastructure in the wider region and the recognition of the importance of regionally significant infrastructure to communities.

- 20 The CRPS sets out the infrastructure that is included and states that some infrastructure may be of national, regional or local importance. Consistent cross-boundary management is required in addressing adverse effects of and on infrastructure.
- 21 It is necessary to highlight that that within Chapter 5 the provisions that relate to the Canterbury Region (inclusive of Greater Christchurch) are defined as the “Entire Region” and provisions not relevant to Greater Christchurch are referred to as the “Wider Region”.
- 22 Chapter 5 contains three objectives to enable that development is located and designed in a way that, among other things avoids, remedies or mitigates adverse effects on regionally significant infrastructure; to integrate land-use and regionally significant infrastructure; and to provide a safe and efficient transport network.
- 23 Chapter 5 of the CRPS contains 13 policies that in general seek that new development is integrated with and appropriately serviced by infrastructure. It also seeks that regionally significant infrastructure provides safe, effective and efficient services to people and the community.
- 24 I also note that Chapter 8 of the CRPS contains policies in relation to regionally significant infrastructure in the coastal environment.

Transport

Policy framework

- 25 The policy framework in the CRPS that is relevant to transport is found in Chapters 5, 6 and 16. The focus of Chapter 5 - Land use and infrastructure is set out above. Infrastructure in the region includes, highways, roads and transport hubs. The CRPS requires strategic integration of land use and infrastructure, including transport.
- 26 Chapter 6 - Recovery and Rebuilding of Greater Christchurch contains a number of provisions that are relevant from a transportation perspective. Policy 6.3.4 in particular seeks to ensure that an efficient and effective transport network restored through (among other things) providing

patterns of development that optimise the use of existing transport network capacity, provides increased uptake of active and public transport and provide modal choice.

- 27 Chapter 16 of the CRPS also includes provisions relevant to transport, in that Objective 16.2.1 – “Efficient use of energy” states that development is to be located and designed to enable the efficient use of energy, including planning for efficient use of transport.