

16 September 2022

Attention: Waimakariri District Council

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**SUBMISSION ON VARIATION 1: HOUSING INTENSIFICATION TO THE PROPOSED
WAIMAKARIRI DISTRICT PLAN**

1. On behalf of the Canterbury Regional Council (**Regional Council**) please find enclosed and below, the Regional Council's:
 - a. submission on Variation 1: Housing Intensification to the Proposed Waimakariri District Plan (**Variation 1**); and
 - b. application for a waiver for its failure to comply with the time limit for lodging submissions on Variation 1.
2. The period for lodging a submission on Variation 1 ended on 9 September 2022. Unfortunately, the Regional Council did not meet this timeframe due to an administrative oversight.
3. Accordingly, the Regional Council seeks a waiver of its failure to comply with the time limit for submissions, under section 37 of the Resource Management Act 1991 (**RMA**), for the late lodgement of its submission on Variation 1.
4. Section 37A of the RMA sets out the matters that the Waimakariri District Council must take into account in exercising its discretion under section 37 of the RMA. These matters include:
 - a. the interests of any person who, in its opinion, may be directly affected by the waiver; and
 - b. the interests of the community in achieving adequate assessment of the effects of a plan; and
 - c. the local authority's duty under section 21 of the RMA to avoid unreasonable delay.
5. The Regional Council does not consider that the interests of other persons would be unduly prejudiced by the late lodgement of its submission. The submission is sought to be lodged only one week later than the close of the submission period.
6. The summary of submissions on Variation 1 is yet to be notified. Other submitters will have the same length of time to review and consider the Regional Council's submission as they will have for other submissions once the summary of submissions is notified. Given this, other submitters will still have an opportunity to lodge further submissions on the Regional Council's submission.

Our ref:
Your ref:
Contact:

7. Further, the Regional Council considers that its submission will contribute to an adequate assessment of the effects of Variation 1. The Regional Council provides a regional perspective to housing intensification across the Canterbury region, specifically within the greater Christchurch area. Accordingly, the Regional Council considers it is in the interests of the community in achieving adequate assessment of the effects of Variation 1 that the application for a waiver of the failure to comply with the time period is granted.
8. Lastly, the granting of a waiver will not cause unreasonable delay as no further steps have yet been taken in respect of hearings on Variation 1 apart from the lodgement of submissions, and the submission is being lodged only one week after the close of the submission period. We note that the public notice for Variation 1 indicates that hearings are not due to commence until early-to-mid 2023.
9. In these circumstances, it is considered that there is no undue prejudice to any other party arising from the Regional Council's late lodgement of its submission. The Regional Council respectfully requests that the Waimakariri District Council grants the waiver of its failure to comply with the time period for submissions under section 37 of the RMA for which the Regional Council was required to lodge its submission on Variation 1, and accordingly accepts the **attached** submission on behalf of the Regional Council.
10. If the power to grant the waiver requested has been delegated to the hearing commissioners the Regional Council seeks that its request be provided to the hearing commissioners for their determination.

Yours faithfully



Jeff Smith
Team Leader Planning

Notice of Submission on Variation 1 to the Proposed Waimakariri District Plan

SUBMITTER DETAILS

Name of Submitter: Canterbury Regional Council (Environment Canterbury)

Physical Address: 200 Tuam Street, Christchurch, 8011

Postal Address: PO Box 345

Email Address: regional.planning@ecan.govt.nz

SUBMISSION DETAILS

This is a submission on Variation 1 to the proposed Waimakariri District Plan.

We support in part Variation 1 to the proposed Waimakariri District Plan.

Environment Canterbury could not gain an advantage in trade competition through this submission.

The reasons for our submission are outlined below.

The decision we would like the Waimakariri District Council to make is:

1. Amendments or changes to ensure that further intensification within the High Hazard Flood Overlay is avoided, including;
 - a. Retain the minimum allotment size for sites within Kaiapoi Area A (and in any other areas) that are affected by the High Hazard Flood Overlay, as was notified in the Proposed District Plan;
2. Any such other further, alternative or consequential relief necessary to give effect to the matters and reasons raised in this submission, or better serve the overall objectives of the district plan and the purpose and principles of the Resource Management Act 1991.

We wish to be heard in support of our submission

Team Leader Planning & Strategy



Jeff Smith

Introduction

Environment Canterbury (**CRC** or the **Regional Council**) thanks the Waimakariri District Council (**WDC**) for the opportunity to provide a formal submission on Variation 1 to the proposed Waimakariri District Plan (**pWDP**). We wish to acknowledge the work undertaken by the Council in preparing the variation, including early engagement with Environment Canterbury as part of the development of the Variation.

The reasons for our submission are outlined below.

Canterbury Regional Policy Statement

Chapter 11 of the Canterbury Regional Policy Statement (**CRPS**) provides a framework for managing the risks from natural hazards in Canterbury.

Objective 11.2.1 seeks to ensure that any risks from natural hazards are avoided in the first instance, and otherwise mitigated.

Policy 11.3.1 requires avoidance of new subdivision, use and development (except as provided for in *Policy 11.3.4*) of land in high hazard areas unless the subdivision use, or development (amongst other criteria) is not likely to:

- result in loss of life or serious injuries in the event of a natural hazard;
- suffer significant damage or loss in the event of a natural hazard;
- require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard;
- exacerbate the effects of the natural hazard; and
- within Greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which the effect of the natural hazard must be avoided or appropriately mitigated.

Flood Hazard Risk

CRC supports the inclusion of natural hazards as a qualifying matter under Variation 1 to the Proposed Waimakariri District Plan. However, CRC has some concerns regarding the density of development provided for within the areas subject to high hazard risk within Kaiapoi.

CRC notes that the qualifying matter for Kaiapoi Area A provides for a minimum allotment area of 200m². While *Policy 11.3.1* of the CRPS provides for development within existing residential areas that may be subject to high hazard risk (provided that the risk is appropriately mitigated), we consider that it would be more appropriate to avoid further intensification in these areas that are subject to high hazard risk (i.e. within the High Hazard Flooding Overlay).

Appropriately mitigating high hazard risk in these areas will be a difficult process to undertake and assess through the district plan. It could lead to unforeseen consequences on the surrounding areas due to the nature of mitigation that would likely be required. This could be on amenity effects (raised floor levels) and offsite flood displacement. CRC requests that WDC

quantifies the potential number of new dwellings that could be located in high hazard areas and considers the effects that this will have on increasing the risk from a high hazard flood event.

CRC seeks that WDC retains the minimum allotment size for sites within Kaiapoi Area A (and in any other areas) that are affected by the High Hazard Flood Overlay, as was notified in the Proposed District Plan.

CRC considers that these provisions require further assessment, having regard to the efficiency and effectiveness, to determine whether what is proposed is the most appropriate way of achieving the objectives under section 32 of the Resource Management Act 1991.

Airport Noise Contours

Policy 6.3.5 (4) of the CRPS seeks to avoid noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport, unless the activity is within residentially zoned urban areas or residential greenfield areas within Kaiapoi. **CRC** supports the inclusion of the operative airport noise contour (specifically 50 dBA) as a qualifying matter in the proposed Waimakariri District Plan as part of Variation 1 and considers that this gives effect to Policy 6.3.5 of the CRPS.