

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS
IN CHRISTCHURCH**

TE MAHERE Ā-ROHE I TŪTOHUA MŌ TE TĀONE O ŌTAUTAHI

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Plan Change 14 (Housing and Business Choice) to the Christchurch District Plan

**JOINT STATEMENT OF PLANNING EXPERTS ON PORT HILLS STORMWATER
QUALIFYING MATTER**

11 December 2023

INTRODUCTION

1. This joint witness statement relates to expert conferencing on the topic of the Port Hills Stormwater Qualifying Matter (**QM**) proposed by Canterbury Regional Council (**CRC**) and accepted by Christchurch City Council (**CCC**) through PC14.
2. The expert conferencing was held on 22 November 2023 at CCC civic offices at 53 Hereford Street and via video conferencing.
3. Attendees at the conference were:
 - (a) **Ike Kleynbos** is the author of a s42A Report dated 11 August 2023 and rebuttal evidence dated 16 October 2023 and submitter evidence addressing the **Residential** provisions and related QM's;
 - (b) **Meg Buddle** is the author of evidence for CRC (#689) in relation to residential proposals and related QMs, including the proposed Port Hills Stormwater QM, dated 20 September 2023;
 - (c) **Pia Jackson** is the author of a submission (#257) and evidence for Cashmere Land Developments Ltd in relation to the Cashmere Estate and Cashmere Worsley ODP dated 19 September 2023;
 - (d) **Tim Joll** is the author of evidence for Kāinga Ora – Homes and Communities (**KO** #834) in relation to residential QM's dated 20 September 2023;
 - (e) **Fiona Aston** is the author of a submission (#881) and evidence for Red Spur Limited in relation to Redmund Spur dated 20 September 2023;
 - (f) **Marcus Langman** is the author of evidence for CCC (#751) in relation to Council's submission on PC14 dated 20 September 2023; and
 - (g) **Don Turley** is the independent facilitator appointed by the IHP.
4. Submitters who were approach for conferencing but did not have an interest in attending were:
 - (a) Lyttelton Port Company (#853);
 - (b) Transpower New Zealand Limited (#878);
 - (c) Ara Poutama Aotearoa (Department of Corrections) (#259);

- (d) Summerset Group Holdings Limited (#443); and
 - (e) Andrew McCarthy (#681).
5. Submitters who were approached for conferencing but did not respond were:
- (a) Orion New Zealand Limited (#854); and
 - (b) Fire and Emergency (#842).

CODE OF CONDUCT

6. This joint statement is prepared in accordance with sections 9.4 to 9.6 of the Environment Court Practice Note 2023.
7. We confirm that we have read the Environment Court Practice Note 2023 and agree to abide by it.
8. Mr Langman and Fiona Aston note that they are both residents and property owners in the Residential Hills Zone. They do not consider this a conflict, and accept that the Panel may choose to weigh any views or opinions expressed by them accordingly.

PURPOSE AND SCOPE OF CONFERENCING

9. The purpose of conferencing was to seek input from other planning experts for submitters that had submitted on the residential hills zone as to the merits of the proposed Port Hills Stormwater QM and any other alternatives to address the issue. An agenda was pre-circulated to attendees and agree upon, which was as follows:
- (a) Understanding of the issue:
 - i. This has only come to light via evidence and wish to ensure that experts understand what the recommended proposal is.
 - (b) Responding to the extent necessary, spatially, options could include:
 - i. Zone response – applying over notified Residential Hill zoned areas;
 - ii. Soil overlay response – where loess soils exist;
 - iii. Precinct response – maintaining MRZ and applying a Precinct (like LPTAA response);
 - iv. Other?
 - (c) Possible suitable mechanisms to manage QM (agreement on options):

- i. Building Act;
- ii. Regional discharge consent (CSNDC – requires improvement of SW quality) – Stormwater Bylaw (LGA);
- iii. District Plan, giving effect to NPS-FM (Rebuttal position);
- iv. District Plan, extending LPTAA matters of discretion (CRC position);
- v. District Plan, as per s42A recommendation with removing Earthworks exemption on hills.

(d) Applicability of NPS-FM and IMP within the IPI:

(e) Feedback on Rebuttal Position – Residential Hills zone, plus:

- i. Removal of site coverage and density pathway (extra 10%);
- ii. Removal of earthworks exemption on hills;
- iii. Subject to the above, removal of LPTAA response .

(f) Any further work necessary to apply QM.

- 10. Attendees reviewed relevant s32 reports, evidence, s42A reports, other reports in advance of the conferencing.
- 11. **Annexure A** records the agreed issues, areas of disagreement and the reasons, along with any reservations.

Date: 11 December 2023

Ike Kleynbos



Meg Buddle



Pia Jackson



Tim Joll



Fiona Aston

A handwritten signature in blue ink, appearing to read 'Fiona Aston' with a stylized, cursive script.

Marcus Langman

A handwritten signature in blue ink, appearing to read 'Marcus Langman' with a stylized, cursive script.

ANNEXURE A – EXPERT CONFERENCING ON CASHMERE WORSLEY ODP AND CASHMERE ESTATE 22 NOV 2023

Participants: Ike Kleynbos (IK) and Marcus Langman (ML) for CCC #751; Meg Buddle (MB) for CRC #689; Pia Jackson (PJ) for Cashmere Land Development Limited #257; Tim Joll (TJ) for Kāinga Ora #834; Fiona Aston (FA) for Red Spur Limited.

Issue	Agreed Position	Disagreements or reservations with reasons
Whether there potentially is a sedimentation issue to respond to on the Port Hills	All agreed that there is an issue regarding loess soils and associated sedimentation/erosion. The participants advise the panel that the earthworks thresholds in the Residential Hills Zone in operative plan is 20m ³ per site as a permitted activity (Rule 8.9.2.1 P1 and Table 9), and a maximum site coverage of 35%, or 40% for social housing complexes and groups of older persons housing units where all buildings are single storey or for Redmund Spur, 45% for sites under 450m ² and 25% for sites over 1000m ² , or 250m ² of ground floor area to a maximum of 350m ² in total floor area whichever is the lesser, and otherwise 35% (operative Rule 14.7.2.3). There is no impervious surface control.	<p>An outstanding question was the appropriate means to respond to the issue.</p> <p>However, FA noted the need to distinguish between greenfield development and intensification. For greenfield development, the issue is generally well managed by existing processes at subdivision stage but concerns can arise at building consent stage. PJ also noted that greenfield development, and particularly where the subdivision includes benched sites, already have subdivision/earthwork consent conditions for management of earthworks and stormwater discharge.</p>
Whether there potentially is a water quantity/flooding/erosion issue to respond to on the Port Hills		<p>MB referred to the CRC evidence of Ms Newlands, noting that flooding effects and erosions and scour, from an increased operational phase discharge of medium density development, were a concern.</p> <p>IK reiterated that evidence presented to date had not further investigated water quantify effects or associated qualifying matters due to the lack of up to date modelling available and in most cases the Bylaw controls would suffice as an interim measure.</p>
Whether the NPS-FM 2020 relevant and able to be considered as part of the IPI	<p>FA noted that the consideration of other NPS' were part of the prescribed QMs under s77I.</p> <p>ML stated that the relevant parts of the NPS-FM were Clause 3.5, sub-clauses 3 and 4.</p>	<p>MB considered that it was unknown whether the NPS-FM could be considered as the catchment limits were not yet known.</p> <p>IK further noted that Council must be consistent with the NPS through s74 of the Act. ML agrees.</p>

Issue	Agreed Position	Disagreements or reservations with reasons
	<p>MB noted that while the District Plan was seeking to give effect to the NPS-FM, it was difficult to know how well changes would align with the future RPS or Regional Plan; CRC could introduce further controls.</p> <p>TJ noted that, given the timing of the IPI, there could be an alignment issue between the District Plan and the Regional Plan. All agreed with this statement.</p> <p>Those who agreed that the NPS-FM can be considered as part of the IPI were: TJ; FA; PA; IK.</p>	<p>Despite agreeing that the NPS-FM could be considered, FA questioned whether there was sufficient scope for this to be considered. IK noted the broader scope considerations the Panel was subject to under clause 99 of the First Schedule.</p>
<p>What responding to the extent necessary (s771) is for this QM</p>	<p>FA said that aligning to where loess soils are located would be more accurate and better responds 'to the extent necessary' under the Act.</p> <p>TJ said that addressing the QM could potentially be better addressed through activity standards that link to the loess soil overlay, setting a permitted pathway, potentially requiring certification.</p> <ul style="list-style-type: none"> • IK asked whether this would supersede (remove) the earthworks exemption where building consent had been granted. TJ was unsure and would need to consider this further. • PJ and FA both noted that this framework could prevent the need for a lot of consents on residential hill areas (which would be the result of the rebuttal position) and could improve the ease of hill development. 	<p>Regarding the proposed approach put forward by TJ:</p> <ul style="list-style-type: none"> • MB responded saying that these areas were still highly erodible, meaning that permitted standards would need to be carefully considered. She further stated that this could potentially result in the same enforcement/compliance issues current seen on the hills.
	<p>MB put forward an alternative framework whereby both impervious surface controls and building coverage were</p>	<p>TJ questioned whether the number of units should be the trigger for consent as a QM, as earthworks and associated sedimentation</p>

Issue	Agreed Position	Disagreements or reservations with reasons
	<p>limited to 50%. This aligned with both MDRS and how stormwater was modelled and managed for on residential hill areas.</p> <p>MB acknowledged that greenfield developments of Red Spur and Cashmere Estate could have different effects to redevelopments in the hill suburbs further east. This was because Red Spur and Cashmere Estate are upstream of new stormwater basins/retention areas, and because sedimentation from bulk earthworks can be more effectively managed at scale during the subdivision stage. However, some degree of sedimentation risk will remain because of the presence of loess soils. Further, it was unknown whether the new stormwater basins were sized to accommodate medium density developments on Red Spur and Cashmere Estate.</p>	<p>were the issue. There was broad agreement that number of units need not be the trigger. He questioned whether the approach addressed the issue – was this more quantity over quality?</p> <p>FA also noted that parts of Redmund Spur are enabled to 45% site coverage, so limiting this to 35% was not supported. FA noted that much of the issues were at an individual site level where builders themselves were unaware of the issues at hand.</p> <p>IK reiterated that Council did not see an issue with quantity and the QM was responding to quality concerns.</p> <p>PJ stated that given the site is greenfield with new stormwater basins, that stormwater quantity can be addressed during stormwater approvals for stages of the subdivision, or that onsite attenuation is an option.</p> <p>ML suggested that such a control could apply to multi-unit development only. He considered that this would target the area of concern identified by MB aligning with intensification provided for by the MDRS, without introducing rules that are more stringent than the operative plan for remaining single unit development.</p>
<p>Support or otherwise for the Rebuttal position</p>	<p>All submitters supported the position that any QM response should not be more restrictive than operative controls.</p> <p>FA noted that the proposal had a <i>Waikanae</i> issue.</p>	<p>All submitters did not support the rebuttal position on the QM.</p> <p>PJ said that if the ‘as notified’ position were to hold, then Worsleys Spur would be FUZ, which wasn’t supported. She questioned whether soil overlay method would restrict development controls (like number of units) outright, or would be limited to earthwork controls. IK responded and noted that it would depend on the nature of the controls that were considered to be appropriate through this conceptual framework insofar as their ability to manage the issue of sedimentation. PJ further responded that restricting development rights to 35% was an issue and would not support being more restrictive than the status quo (i.e. removal of RD1 and RD12 pathways).</p>

Issue	Agreed Position	Disagreements or reservations with reasons
		<p>MB stated that the following should be the principles for any QM solution:</p> <ul style="list-style-type: none"> • Cumulative effects • Enforcement • Managing expectations, transparency • Legality under s80E
<p>Additional work needed for any QM response</p>	<p>TJ said that it would be good to talk to CRC regarding the certification process and offered to prepare draft activity specific standards for consideration by the middle of December. He also questioned whether such a change would be better suited in a separate Schedule 1 process.</p> <ul style="list-style-type: none"> • IK asked whether the proposed approach would remove the earthworks exemption. TJ said that he needed to contemplate this further. • MB responded that she and others in CRC would be happy to engage further to assist in affirming the potential performance standards and certification that may be appropriate for this approach. <p>MB stated that she would discuss the 50% impervious approach further with CRC experts and the legality under s80E (i.e. whether it was possible to progress this without the need of a QM).</p>	<p>IK noted that it seemed that it would need to supersede it, otherwise would be ineffective to respond to the QM.</p> <p>FA was concerned that the ECan alternative framework of impervious surface controls and building coverage limited to 50% may not be workable in practice and would like the opportunity to 'test it' against existing approved development examples at Redmund Spur.</p>
<p>Other matters</p>	<p>TJ asked about where the RPS update was at and timeframe for CRC to give wider effect to the NPS-FM.</p> <ul style="list-style-type: none"> • MB responded that the CRC intends to give effect to the NPS-FM by notifying changes to the RPS December 2024, with the regional plan being updated and notified in 2028 thereafter. 	